

Statement of Inadequate Capacity to Comply with the Lead Safe Housing Regulation [24 CFR Part 35]

Organization: _____

Address: _____

Date: _____

David E. Jacobs, Deputy Director
Office of Healthy Homes and Lead Hazard Control
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W., Room P-3206
Washington, DC 20410

Dear Mr. Jacobs:

Subject: New HUD Lead-Based Paint Regulations

The U.S. Department of Housing and Urban Development (HUD) promulgated a new regulation on September 15, 1999 (64 FR 50140) establishing requirements for notification, evaluation and reduction of lead-based paint hazards in federally owned residential property and housing receiving Federal assistance (Lead Safe Housing Regulation). The Lead Safe Housing Regulation, which is at 24 CFR Part 35, takes effect on September 15, 2000 at which time all affected parties must comply. A transition assistance process has been established to accommodate situations where trained contractors and licensed personnel, qualified to carry out required lead-based paint activities, are unavailable or not available at a reasonable cost in the jurisdiction. If the chief elected or appointed official of the local government, State or Indian Tribe, or a senior official designated to act on his or her behalf, such as the official who signs the Annual Consolidated Action Plan submitted to HUD for the jurisdiction, makes a statement of inadequate capacity to HUD by November 15, 2000, HUD will conclude that the jurisdiction is not required to comply with the Lead Safe Housing Regulation during a transition assistance period which begins on September 15, 2000 and ends on March 15, 2001. If the claim is based on unreasonable cost, such request must be documented by an analysis of actual bids.

The _____ hereby
(jurisdiction of general local government, State or Indian Tribe)
states the following:

1. As of the date of this letter, the types of trained, licensed (certified) or accredited personnel or firms checked below are either

not available in sufficient numbers or are not available at a reasonable cost in this jurisdiction to make it practicable to comply with the lead-based paint hazard evaluation and reduction requirements of the Lead Safe Housing Regulation.

(Check **services** that apply. If different designations are used in your State, please check those that most closely correspond.)

- Interim controls workers trained in accordance with the new HUD requirements at 24 CFR §35.1330(a)(4).
- Trained or certified lead paint sampling technicians or clearance technicians
- Certified lead-based paint inspectors or risk assessors.
- Certified lead-based paint abatement supervisors.
- Trained or certified lead-based paint abatement workers
- Other personnel or firms (specify) _____

It is recognized that there are a number of HUD assisted programs covered by 24 CFR Part 35 and the availability of trained or certified staff may affect one requirement in one program or type of assistance and not the requirements in another program or type of assistance. Capacity does not exist to comply with the following requirements in the following programs or types of assistance:

2. The Local or State government or Indian Tribe acknowledges:

(a) that the cost of training staff and contractors in skills necessary to comply with the rule or to obtain certification to satisfy the requirements of Federal or State lead-based paint requirements is an eligible expense under the Community Development Block Grant (CDBG) program and the Home Investment Partnerships (HOME) program;

(b) that the Lead Listing, which is a State-by-State listing of firms providing certified lead-based paint personnel, including inspectors, risk assessors, abatement supervisors, and abatement workers, can be accessed via a toll-free telephone number (1-888-LEADLIST) or an Internet web site (www.leadlisting.org);

(c) that assistance in determining what lead-based paint personnel are required and in identifying trained and/or certified firms or personnel can be obtained from HUD lead-based paint hazard control grantees, the State agency responsible for certifying lead-based paint personnel, or (for States that do not have an EPA-authorized program) the U.S. Environmental Protection Agency (see attached listing of Lead-Based Paint Grantees and State and EPA offices).

(d) that a wide variety of training courses are available through the HUD website (www.hud.gov/lea), including: courses on lead-safe work practices for renovators, remodelers, and maintenance personnel developed in collaboration with the National Apartment Association, the National Association of the Remodeling Industry, the National Environmental Training Association and others; a course on clearance testing procedures, developed with the Environmental Protection Agency; a web-based training course on visual assessment of paint condition; and training programs on the Lead Safe Housing Regulation for HUD assisted housing, such as

Section 8 housing and housing receiving funds from the Community Development Block Grant program and others.

(e) that the transition period ends on March 15, 2001. And that if at the end of the Transition Period, there remains a lack of capacity by trained or licensed professionals to conduct activities required by the Lead Safe Housing Regulation, the jurisdiction will provide documentation, for HUD's consideration, to justify an extension of the transition period consistent with their Annual Consolidated Action Plan schedule.

3. The _____ [Local or State government or Indian Tribe] will take the necessary steps to ensure that an adequate supply of personnel or contractors will be available no later than March 15, 2001 so that the jurisdiction can comply with the requirements of the Lead Safe Housing Regulation at that time. These steps will be explained in the Transition Implementation Plan which will be submitted to HUD by December 15, 2000 at the latest. The plan must include the following: (1) an assessment of actual existing capacity and the additional number and type of personnel that need to be trained and/or certified; (2) how training will be obtained; (3) how assisted housing with the greatest risks and greatest opportunity to control lead-based paint hazards will be prioritized using existing personnel or contractors; (4) how coordination with the State agency responsible for certification of lead hazard control personnel will be achieved; and (5) a schedule of activities that will enable the jurisdiction to obtain compliance as rapidly as possible, but no later than March 15, 2001. The jurisdiction agrees to make the plan publicly available.

4. A copy of this statement and the Transition Implementation Plan will be sent to the State agency responsible for the lead-based paint certification program or to the regional EPA office if EPA is operating the lead-based paint certification program directly at the same time it is sent to HUD.

5. The _____ [Local or State government or Indian Tribe] will take the necessary steps to ensure that this statement and the Transition Implementation Plan will be circulated to and reviewed by local officials with responsibility for housing and public or environmental health in the State or locality.

6. Between September 15, 2000, and March 15, 2001, the local or State government or Indian Tribe will comply with the relevant requirements of the HUD lead-based paint regulations that were effective before September 15, 2000. It will also comply with the parts of the new Lead Safe Housing Regulation covering prohibited methods of paint removal (at 24 CFR 35.140) and occupant protection (at 24 CFR 35.1350).

I hereby state that trained, licensed (certified) or accredited personnel or firms are either not available in sufficient numbers or are not available at a reasonable cost in _____ [Local or State government or Indian Tribe] to make it practicable to comply with the lead-based paint hazard evaluation and reduction requirements of the Lead Safe Housing Regulation. between September 15, 2000 and March 15, 2001.

Sincerely,

(signature of chief elected or appointed official of the jurisdiction of general local government, State or Indian Tribe, or a senior official designated to act on his or her behalf)

typed name of official of the jurisdiction of general local government, State or Indian Tribe, or a senior official designated to act on his or her behalf)

(title)

(if the jurisdiction is a State or Indian Tribe, signature of individual responsible for the EPA-authorized lead-based paint certification program (if the State or Indian Tribe has such a program)

(typed name of individual)
