

Maine CDC Childhood Lead Poisoning Prevention Program



## Lead Dust Testing Information For Property Owners

Revised 5/2/2014

The Maine Childhood Lead Poisoning Prevention Program supports property owners who would like to take proactive steps to protect children who live in their units from being poisoned by lead.

In Maine, most childhood lead poisonings are caused by dust from lead paint found in older buildings. Normal wear and tear breaks down lead paint, turning it into dust. This is why it is so important to make sure the paint in your rental properties is in good condition and does not produce lead dust. You can also test your units to find out if they have lead dust and fix any problems.

### Free Lead Dust Testing for Property Owners

At no cost to you, the State of Maine offers two ways to work with one of our local partners to find out if you have a lead dust problem.

- **Certified Lead Dust Testing:** have a certified professional evaluate your unit(s) and perform lead dust testing.
- **Do-it-Yourself Lead Dust Testing:** do lead dust testing in your unit(s) yourself with assistance from one of our trained local partners.

Both types of free testing will help you figure out if you have lead dust and what you can do to address lead dust problems to prevent a child from becoming poisoned in your unit(s).

### What happens if I do a lead dust test and find out I have a problem?

A lead inspection of your units will be **mandatory** if you have a certified lead dust test in your unit and the results are greater than or equal to 40 micrograms of lead dust per square meter on a floor **or** more than 250 micrograms of lead dust per square meter on a window sill.

If you do a free lead dust test yourself the results are not certified. However, if these uncertified results suggest an immediate health risk to occupants, a follow-up inspection may be required.

### Will I have to do a lead abatement if I test for lead dust?

Lead dust testing alone will not result in a required abatement. You will only be required to abate your unit(s) if lead hazards are found during an official lead inspection. (See above for more information about required lead inspections.)

### Are there other ways to find out about lead in my unit?

On your own, you can hire and pay a certified lead dust tester to evaluate your rental units. In this case, the results are kept private and the State of Maine will take no follow-up action.



## Mainely Landlords

**Home Energy Assistance Program**

**THIS WINTER, FEEL WARM INSIDE.**

Tenants struggling to pay for heat?  
Tell them about the Home Energy Assistance Program.  
Call your area community action agency to learn more.

MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, physical or mental disability, age, familial status or receipt of public assistance in the admission or access to or treatment in its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Louise Patenaude, Maine State Housing Authority, 353 Water Street, Augusta, Maine 04330-4633, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice) or Maine Relay 711.

# Mainely Landlords

For landlords with tenants who have Housing Choice Vouchers from MaineHousing

FALL 2017

[www.mainehousing.org](http://www.mainehousing.org)



### DIRECTOR'S MESSAGE

## Revisions to HCV administrative plan affect inspections, unit approvals

Over the last few months, the Housing Choice Voucher (HCV) Program has been working to make major revisions to the



Lauren Bustard  
HCV Program Director

HCV Administrative Plan, the document that outlines the program's policies and procedures. All changes will be operational starting December 1.

The revisions are based primarily on changes in U.S. Department of Housing and Urban Development (HUD) regulations delineated in the Housing Opportunity through Modernization Act (HOTMA) of 2016.

As a partner landlord, I want to make you aware of some of the more significant changes that will affect the way we manage the inspection process. The most substantial change affects the way we will carry out initial inspections and approve units for tenancy.

Beginning December 1, we will approve units for tenancy and begin making Housing Assistance Payments (HAP) following an initial inspection as long as any failed items are considered non-life-threatening conditions. Any failed items would need to be remediated within 30 days for payment to continue. This is a major policy change to get voucher holders housed more quickly – especially those experiencing homelessness.

### CHANGES TO HCV ADMINISTRATIVE PLAN

Please read the following sections of our Administration Plan to be clear on how the changes (in bold) may affect you as a landlord. HUD has required us to add several items to the conditions considered life-threatening in order to move forward with the new tenancy approval process. You can find the complete Administrative Plan at [www.mainehousing.org](http://www.mainehousing.org).

#### 8-I.B. ADDITIONAL LOCAL REQUIREMENTS

**Thermal Environment** [HCV GB p.10-7]

[MaineHousing Policy](#)

The heating system must be capable of maintaining an interior temperature of **65 degrees Fahrenheit between October 1 and May 1.**

**Clarifications of HUD Requirements**

*Modified and added to policy describing required inspection and performance standards beyond what HQS requires. Changes and additions in bold.*

1. Hard-wired with battery backup smoke detectors must be installed on all floors including the basement and enclosed interior common hallways in units in apartment buildings with 3 or more units. **As a substitute, in the common hallways a 10-year sealed tamper-resistant battery powered smoke detector may be installed.**
6. **At least one window in any room used for sleeping shall be an egress window.** Any building constructed after 1976 shall be required to comply with the requirement to provide 5.7 square feet of net clear opening with a minimum width of 20" and a minimum height of 24". The window shall also meet all other requirement for egress windows contained in NFPA 101 Life Safety Code. Any replacement windows installed in a building constructed after 1976 shall be required to meet the net clear opening of 5.7 square feet. This shall be measured with the window in its natural open position.
7. At least one window in any room used for sleeping shall be an egress window. Any building constructed before 1976 will be allowed to meet the following specifications: the net clear opening would be allowed to meet the minimum 20" in width and 24" in height with a total net clear opening of 3.3 square feet; if the window is constructed of wood or vinyl and the overall window sash size meets a minimum of 5.0 square feet. The window shall meet all other requirements for an egress window as specified in NFPA 101 Life Safety Code as adopted by the Office of State Fire Marshal. Any replacement window installed in a building constructed before 1976 shall meet the same requirements as the existing windows and shall not reduce the existing net clear opening below the minimum requirements.

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8. If an egress window fails MaineHousing's inspection but is inspected by the local fire chief or local code enforcement officer, and they provide a letter in writing stating they approve the window, MaineHousing will accept the letter and pass the window.
9. Carbon monoxide detectors must be installed within 15 feet of all bedrooms and be powered by both electrical service and battery backup **or a non-replaceable 10-year battery.**

### 8-I.C. LIFE-THREATENING CONDITIONS

[24 CFR 982.404(a); FR Notice 1/18/17]

*Modified and added to policy listing what MaineHousing considers life-threatening conditions to match new HUD guidelines. Changes and additions in bold.*

#### MaineHousing Policy

The following are considered life-threatening conditions:

- Any condition that seriously jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor, ceiling, wall or roof in imminent danger of falling
- Natural or LP gas or fuel oil leaks

**A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking or a strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled**

- Any electrical problem or condition that could result in shock or fire (PIH Notice 2010-10)

A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed

A light fixture is hanging by its wires

A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit

A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed

An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses

A cover is missing from any electrical device box, panel

### QUESTIONS?

If you have questions regarding these changes, please contact Barbara Brann at 624-5725 or Rob Seavey at 512-0955.

box, switch gear box, control panel, etc., and there are exposed electrical connections

Any nicks, abrasions, or fraying of the insulation that exposes conducting wire

Exposed bare wires or electrical connections

Any condition that results in openings in electrical panels or electrical control device enclosures

Water leaking or ponding near any electrical device

Any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition

- Inoperable heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including no running water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit

**Any components that affect the function of the fire escape are missing or damaged**

**Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency**

**The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency**

- Absence of a functioning toilet in the unit
- Inoperable or missing smoke detectors
- Missing or inoperable carbon monoxide detector
- Missing, damaged, discharged, overcharged, or expired fire extinguisher (where required)
- **Gas/oil-fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney venting**

**The chimney or venting system on a fuel-fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting or gases**

**A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside**

**A fuel-fired space heater is not properly vented or lacks available combustion air**

**A non-vented space heater is present**

**Safety devices on a fuel-fired space heater are missing or damaged**

**The chimney or venting system on a fuel-fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gas**

- **Deteriorating paint as defined at 24 CFR 35.110 in a unit built before 1978 that is to be occupied by a family with a child under six years of age if it would prevent the family from moving into the unit**

### 8-II.B. INITIAL HQS INSPECTION

[24 CFR 982.401(a)]

**Initial Inspections** [FR Notice 1/18/17]

*Modified policy based on new HUD rule allowing more flexibility in when Housing Assistance Payments may start for a new tenancy.*

#### MaineHousing Policy

**MaineHousing will approve assisted tenancy and start HAP for any unit that fails HQS inspection if the deficiencies identified during the inspection are non-life-threatening.**

**Non-life threatening conditions are defined as any conditions that would fail to meet the housing quality standards under 24 CFR 982.401 and do not meet the definition of life-threatening as defined in Section 8-I.C., Life-Threatening Conditions. Prior to approving assisted tenancy and executing the HAP contract, MaineHousing will ensure that the unit does not have any life-threatening deficiencies.**

**MaineHousing will send written notice to the owner listing any non-life-threatening deficiencies and providing the owner with 30 calendar days, or a MaineHousing-approved extension, to comply with HQS. If the non-life-threatening conditions are not corrected within notice period, MaineHousing will abate HAP until the unit is in compliance with HQS. MaineHousing will follow abatement policies listed in Section 8-II.G., Enforcing Owner Compliance.**

**The owner may be in abatement for a maximum of 30 days before MaineHousing terminates the HAP contract in accordance with Section 8-II.G., Enforcing Owner Compliance.**

**If the initial inspection identifies more than one non-life-threatening deficiency, MaineHousing will notify the family in writing within 10 business days of the inspection of the deficiencies and offer the family the opportunity to decline to enter into an assisted lease without losing their voucher. The notice to the family will also state that, if the owner fails to correct the non-life-threatening deficiencies, MaineHousing will terminate the HAP contract, and the family must move to another unit in order to continue receiving assistance.**

**MaineHousing will not rely on alternative inspections and will conduct an HQS inspection for each unit prior to executing a HAP contract with the owner.**

### 8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS

[24 CFR 982.405 and 982.406; Notice PIH 2016-05]

*Clarified policy on biennial inspections and scheduling of annual inspections.*

#### MaineHousing Policy

Each unit under HAP contract must be inspected within 12 months of the last full HQS inspection.

**MaineHousing will not rely on alternative inspection standards.**

**For landlords who are participants in the Owner Excellence Program, if the results of the annual inspection indicate no serious inspection concerns, the following annual inspections may be changed to biennial scheduling.**

#### Scheduling the Inspection

##### MaineHousing Policy

MaineHousing will schedule annual inspections no more than 12 months after the most recent inspection. **If an adult family member cannot be present on the scheduled date, the family should request that MaineHousing reschedule the inspection. MaineHousing and family will agree on a new inspection date that generally should take place within 5 business days of the originally-scheduled date. MaineHousing may schedule an inspection more than 5 business days after the original date for good cause.**

If the family misses the first scheduled appointment without requesting a new inspection date, MaineHousing will automatically schedule a second inspection. If the family misses two scheduled inspections without MaineHousing approval, MaineHousing will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

## Program helps landlords abate lead in units

Exposure to lead-based paint may be harmful and lead-based paint is found in a significant number of homes and apartments in Maine built before 1978.

Elevated blood lead levels in young children have been linked to learning and behavioral disabilities, hyperactivity, and hearing problems. Lead is toxic to adults, too. Exposure to lead can result in difficult pregnancies (with developmental damage to the fetus), nerve and digestive disorders, joint and muscle pain, and can be fatal if ingested in large enough quantities.

Being aware of lead-based paint and related hazards and how to safely address them is critical in ensuring the safety of residents. Remodeling and repair projects may create serious lead poisoning risks. A large number of all lead poisoned children in Maine live in homes or apartments that have been renovated, or are currently being renovated. It is very important that repairs and renovation work in areas with lead-based paint be done safely and correctly. To remove lead hazards permanently, you should hire a certified lead abatement contractor.

*For detailed information on how to safely repair or repaint surfaces painted with lead-based paint, call the Maine Department of Environmental Protection at (800) 452-1942.*

MaineHousing receives funding from the U.S. Department of Housing and Urban Development (HUD) to administer a Lead Hazard Reduction Demonstration Grant Program (LHRD). The objective is to abate lead-based paint hazards in single-family and multi-family buildings. MaineHousing works with participating Community Action Agencies (CAAs) to provide funding to multi-family and single-family households that meet certain requirements, which include income eligibility and the presence of a child younger than six years of age living in or spending a significant amount of time in the home.

MaineHousing provides up to \$16,000 to eligible owner occupied single-family



homeowners, and up to \$10,000 per unit with a 10 unit maximum per landlord for lead safety improvements. For landlords, the entire amount of the deferred forgivable loan is forgiven after 5 years, provided the property isn't refinanced or sold during that time and rental units are reserved for low-income tenants. Priority is given to families whose children under age six years old test positive for elevated lead levels in their blood.

Another important component of MaineHousing's LHRD work is supporting an increase in the number of licensed lead abatement contractors in Maine to help ensure an adequate pool of contractors is available to do the work needed. MaineHousing has funds available to support landlords and contractors in getting initial lead supervisor training and providing information and resources to support becoming a licensed lead abatement contractor.

*If you are interested in becoming a licensed lead abatement contractor, contact MaineHousing Lead and Housing Rehab Specialist, Kin Dydasco, at kdydasco@mainehousing.org or at 207-624-5779.*

### LEAD HAZARD CONTROL CONTACTS

**Aroostook County Action Program** (serving Aroostook County)  
(207) 768-3023 or (800) 432-7881

**City of Portland** (serving Cumberland County)  
(207) 874-8983

**Community Concepts, Inc.** (serving Androscoggin, Franklin, Oxford, and York Counties)  
(207) 743-7716 or (800) 866-5588  
*Lewiston and Auburn residents call (207) 739-6575*

**Penquis Community Action Program** (serving Hancock, Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, and Washington Counties)  
(207) 973-3500 or (800) 215-4942