

§ 35.80

Subpart H—Project-Based Rental Assistance

- 35.700 Purpose and applicability.
- 35.705 Definitions and other general requirements.
- 35.710 Notices and pamphlet.
- 35.715 Multifamily properties receiving more than \$5,000 per unit.
- 35.720 Multifamily properties receiving up to \$5,000 per unit, and single-family properties.
- 35.725 Section 8 rent adjustments.
- 35.730 Child with an environmental intervention blood lead level.

Subpart I—HUD-Owned and Mortgagee-in-Possession Multifamily Property.

- 35.800 Purpose and applicability.
- 35.805 Definitions and other general requirements.
- 35.810 Notices and pamphlet.
- 35.815 Evaluation.
- 35.820 Interim controls.
- 35.825 Ongoing lead-based paint maintenance and reevaluation.
- 35.830 Child with an environmental intervention blood lead level.

Subpart J—Rehabilitation

- 35.900 Purpose and applicability.
- 35.905 Definitions and other general requirements.
- 35.910 Notices and pamphlet.
- 35.915 Calculating rehabilitation costs, except for the CILP program.
- 35.920 Calculating rehabilitation costs for the Flexible-Subsidy—CILP Program.
- 35.925 Examples of determining applicable requirements.
- 35.930 Evaluation and hazard reduction requirements.
- 35.935 Ongoing lead-based paint maintenance activities.
- 35.940 Special requirements for insular areas.

Subpart K—Acquisition, Leasing, Support Services, or Operation.

- 35.1000 Purpose and applicability.
- 35.1005 Definitions and other general requirements.
- 35.1010 Notices and pamphlet.
- 35.1015 Visual assessment, paint stabilization, and maintenance.
- 35.1020 Funding for evaluation and hazard reduction.

Subpart L—Public Housing Programs

- 35.1100 Purpose and applicability.
- 35.1105 Definitions and other general requirements.
- 35.1110 Notices and pamphlet.
- 35.1115 Evaluation.

24 CFR Subtitle A (4–1–03 Edition)

- 35.1120 Hazard reduction.
- 35.1125 Evaluation and hazard reduction before acquisition and development.
- 35.1130 Child with an environmental intervention blood lead level.
- 35.1135 Eligible costs.
- 35.1140 Insurance coverage.

Subpart M—Tenant-Based Rental Assistance

- 35.1200 Purpose and applicability.
- 35.1205 Definitions and other general requirements.
- 35.1210 Notices and pamphlet.
- 35.1215 Activities at initial and periodic inspections.
- 35.1220 Ongoing lead-based paint maintenance activities.
- 35.1225 Child with an environmental intervention blood lead level.

Subparts N–Q [Reserved]

Subpart R—Methods and Standards for Lead-Based Paint Hazard Evaluation and Hazard Reduction Activities.

- 35.1300 Purpose and applicability.
- 35.1305 Definitions and other general requirements.
- 35.1310 References.
- 35.1315 Collection and laboratory analysis of samples.
- 35.1320 Lead-based paint inspections and risk assessments.
- 35.1325 Abatement.
- 35.1330 Interim controls.
- 35.1335 Standard treatments.
- 35.1340 Clearance.
- 35.1345 Occupant protection and worksite preparation.
- 35.1350 Safe work practices.
- 35.1355 Ongoing lead-based paint maintenance and reevaluation activities.

AUTHORITY: 42 U.S.C. 3535(d), 4821, and 4851.

Subpart A—Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property

SOURCE: 61 FR 9082, Mar. 6, 1996, unless otherwise noted. Redesignated at 64 FR 50201, Sept. 15, 1999.

§ 35.80 Purpose.

This subpart implements the provisions of 42 U.S.C. 4852d, which impose certain requirements on the sale or

lease of target housing. Under this subpart, a seller or lessor of target housing shall disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards; provide available records and reports; provide the purchaser or lessee with a lead hazard information pamphlet; give purchasers a 10-day opportunity to conduct a risk assessment or inspection; and attach specific disclosure and warning language to the sales or leasing contract before the purchaser or lessee is obligated under a contract to purchase or lease target housing.

§ 35.82 Scope and applicability.

This subpart applies to all transactions to sell or lease target housing, including subleases, with the exception of the following:

(a) Sales of target housing at foreclosure.

(b) Leases of target housing that have been found to be lead-based paint free by an inspector certified under the Federal certification program or under a federally accredited State or tribal certification program. Until a Federal certification program or federally accredited State certification program is in place within the State, inspectors shall be considered qualified to conduct an inspection for this purpose if they have received certification under any existing State or tribal inspector certification program. The lessor has the option of using the results of additional test(s) by a certified inspector to confirm or refute a prior finding.

(c) Short-term leases of 100 days or less, where no lease renewal or extension can occur.

(d) Renewals of existing leases in target housing in which the lessor has previously disclosed all information required under § 35.88 and where no new information described in § 35.88 has come into the possession of the lessor. For the purposes of this paragraph, renewal shall include both renegotiation of existing lease terms and/or ratification of a new lease.

§ 35.84 Effective dates.

The requirements in this subpart take effect in the following manner:

(a) For owners of more than four residential dwellings, the requirements shall take effect on September 6, 1996.

(b) For owners of one to four residential dwellings, the requirements shall take effect on December 6, 1996.

§ 35.86 Definitions.

The following definitions apply to this subpart.

The Act means the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d.

Agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.

Available means in the possession of or reasonably obtainable by the seller or lessor at the time of the disclosure.

Common area means a portion of a building generally accessible to all residents/users including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, and boundary fences.

Contract for the purchase and sale of residential real property means any contract or agreement in which one party agrees to purchase an interest in real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

EPA means the Environmental Protection Agency.

Evaluation means a risk assessment and/or inspection.

Foreclosure means any of the various methods, statutory or otherwise, known in different jurisdictions, of enforcing payment of a debt, by the taking and selling of real property.

Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.

Inspection means: