

**Local or State Government Statement of Inadequate Capacity to Comply With
Lead-Based Paint Rule [24 CFR Part 35]**

Organization: _____

Address: _____

Date: _____

David E. Jacobs, Director
Office of 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: Enforcement of 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 (the Regulation). The Regulation, which is at 24 CFR Part 35, takes effect on September 15, 2000 at which time all affected parties must comply. A transition period has been established to accommodate situations where personnel or firms, qualified under Federal and State law to carry out required lead-based paint activities, are unavailable or not available at a reasonable cost in the jurisdiction or area of the covered housing. If the chief executive officer of the local government or State agency of jurisdiction or his designee makes a statement of inadequate capacity to HUD by November 15, 2000, HUD will determine that the jurisdiction is not required to comply with the regulation during a Transition 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 analysis of actual bids.

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

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 or area to make it practicable to comply with the lead-based paint hazard evaluation and reduction requirements of the regulation.

(Check services that apply. If different designations are used in your State, please check the 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 program and not another. The following programs are adversely affected:

2. The Local or State government acknowledges:

(a) that the cost of training staff and contractors in skills necessary to comply with the rule or to obtain certification or 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 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 regulations, the local or state government will provide documentation, for HUD's consideration, to justify an extension of the transition period consistent with the Consolidated Plan.

3. The _____ [Local or State government] 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 at that time. These steps will be explained in the plan which will be submitted to HUD by December 15, 2000 at the latest. The plan will include the number and type of personnel to be trained and/or certified, how training will be obtained, how assisted housing with the greatest risks and greatest opportunity to control lead-based paint hazards

will be prioritized using existing personnel or contractors, how coordination with the State agency responsible for certification of personnel will be achieved, and a schedule of activities that will enable the jurisdiction to obtain compliance as rapidly as possible.

4. A copy of the letter and the plan will be sent to the State Environmental agency having jurisdiction for lead hazard compliance or the Regional EPA office at the same time it is sent to HUD.
5. Between September 15, 2000, and March 15, 2001, the local or state government will comply with the HUD lead-based paint regulations that were effective before September 15, 2000. It will also comply with the parts of the new 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 _____ (Local or State government) to make it practicable to comply with the lead-based paint hazard evaluation and reduction requirements of the regulation. between September 15, 2000 and March 15, 2001.

Sincerely,

(signature of chief executive officer of the jurisdiction of general local government or State agency or his designee)

(typed name of officer of the jurisdiction of general local government or State agency or his designee)

(title)