

## Frequently Asked Questions For Homebuyer Programs

The questions below are questions that are frequently asked about homebuyer programs. The answers reference such sources as:

- The Lead Safe Housing Rule (LSHR) found at 24 CFR Part 35
- The Interpretive Guidance dated April 16, 2001 (This document can be found on HUD's web page for the Office of Healthy Homes and Lead Hazard Control at <http://www.hud.gov/offices/lead>.)
- Sample forms, included in this web module. See the topic entitled "Useful Forms" for a full listing of forms.

**1. What do we do if a program participant chooses to exercise her option to evaluate a property? Our program has no funds available to address any hazards found during an evaluation.**

All homebuyers, regardless of Federal assistance, have the option to evaluate. Homebuyer programs should, therefore, be designed to account for this possibility, including contract language that allows for evaluation and policies to address any identified hazards. See Form 33 "Guidance on the Homeowner's Option to Test" for a discussion of the requirement and program design options.

**2. The Jones family has just purchased a home through our HOME funded downpayment assistance program. The home needs significant work to bring it to code. Do the requirements of Subpart J (rehabilitation) apply to this project?**

Yes. Because the HOME program requires that homes purchased with HOME funds be brought up to code, the use of Federal funds has triggered rehabilitation activities. These activities must be done in accordance with the LSHR, regardless of who is paying for them.

**3. The Jones family just purchased a home through the HOME funded downpayment assistance program from the ABC Housing Corporation. The ABC Housing Corporation did extensive rehabilitation on the unit prior to the purchase. Is the purchase subject to Subpart J or K?**

Subpart K. The Jones family's purchase did not trigger the rehabilitation. Any work done by ABC Housing Corporation was subject to the rules of its funding.

**4. Who is responsible for fixing deteriorated paint identified during the visual inspection?**

The LSHR does not specify who is responsible. The grantee may design its program to allow the seller, the purchaser, or a third party to make the repairs. However, the grantee must ensure that repairs are done using lead safe work practices. No special training is required in this case; however, the person who performs the work should certify that it was done in accordance with lead safe work practices.