



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-3000

OFFICE OF HEALTHY HOMES  
AND LEAD HAZARD CONTROL

<b>Policy Guidance Number:</b> 2012-04	<b>Date:</b> October 26, 2012
<b>Subject:</b>	Eligibility of Units for Assistance
<b>Status:</b>	Current
<b>Applicability:</b>	All OHHLHC Lead-based Paint Hazard Control and Lead Hazard Reduction Demonstration grantees
<b>Related Guidance:</b>	<ul style="list-style-type: none"><li>• Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X); Section 1011(a)<sup>1</sup></li><li>• Policy Guidance 2009-01</li></ul>

The Office of Healthy Homes and Lead Hazard Control (OHHLHC) is issuing this policy guidance to clarify eligibility requirements of the Residential Lead-Based Paint Hazard Reduction Act (Title X), as amended, which establishes the criteria for which assistance can be provided for housing under OHHLHC lead hazard control grant programs (i.e., the Lead-based Paint Hazard Control and Lead Hazard Reduction Demonstration grant programs).

For the purposes of determining occupancy eligibility, the term “family” includes:

- at least one adult over the age of 18 and a child under the age of 6, with either permanent legal residence with the adult in the dwelling being assisted or spends a significant amount of time visiting<sup>2</sup> the adult’s residence, or
- a pregnant woman.

### **Vacant Rental Units**

Title X (Sec. 1011) permits grant funds to be used to assist vacant rental units, provided that, when renting vacant units that have been assisted, property owners give priority to eligible families with a child under the age of six years for not less than 3 years following the completion of lead abatement activities. Grantees must establish adequate policies to ensure that this requirement is complied with for three years following the time of assistance, and must document this policy in the approved grant program policy and procedures.

Section 1011(a) of Title X reads:

*Grants shall only be made under this section to provide assistance for housing which meets the following criteria--*

- (1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3*

<sup>1</sup> As amended by Section 217 of Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104-134

<sup>2</sup> “significant amount of time” is defined as at least three hours per day on two separate days in a week (six hours per week total), and at least 60 hours total per calendar year.

*years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level*

### **Occupied Rental Units (4 units or less)**

Based on Section 1011(a)(1) of Title X, occupied rental units must have eligible families with:

- *at least 50 percent of the units at or below 50 percent of the area median income, and*
- *the remaining units must be at or below 80 percent of the area median income.*

The income requirements above are considered on a program-wide basis (cumulatively), not a project by project basis.

### **Occupied Rental Units (5 units or more)**

For multi-family properties (i.e., buildings with five or more units), Section 1011 permits up to 20 percent of the units to exceed 80% of AMI, while the remaining units must meet program income eligibility requirements. For example, in a building with 10 units, two units may exceed 80% AMI (occupancy requirements still apply) and the remaining eight units must meet your program's cumulative 50% - 80% AMI requirements.

### **Occupied Owner Units**

Title X requires that 90 percent of all owner-occupied housing assisted be occupied by an eligible family at the time of assistance; all units must be at or below 80 percent area median income. The unit must be the principal residence of the owner.

Section 1011(a) of Title X reads:

*Grants shall only be made under this section to provide assistance for housing which meets the following criteria--*

- (2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting*

### **Unit Cost**

- For assisting properties where the estimated cost of lead hazard control is \$20,000 or more, you must contact your Government Technical Representative for approval.
- For assisting multi-family properties where there are more than 10 units being assisted, you must contact your Government Technical Representative for approval.

Please consult with your assigned OHHLHC Government Technical Representative if you have any further questions.