

## 24 CFR Part 35 Applicability Worksheet

DIRECTIONS: This worksheet should be placed in the project file for any residential property that is assisted Federal funds. Part 1 should be completed for all projects. Part 2 and 3 should be completed for non-exempt rehabilitation projects.

Street Address: \_\_\_\_\_ Unit \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### **Part 1: Full Exemptions from All Requirements of 24 CFR Part 35 (The Lead Regulation)**

*If the answer to any of the following questions is "yes", the property is exempt from the requirements of 24 CFR Part 35 per the regulatory citation.*

- Was the property constructed after January 1, 1978? [35.115(a)(1)]  YES  NO
- Is this a zero-bedroom unit? (e.g. SRO, efficiency) [35.115(a)(2)]  YES  NO
- Is this dedicated elderly <sup>1</sup> housing? (i.e. over age 62) [35.115(a)(3)]  YES  NO
- Is this housing dedicated for persons with disabilities <sup>2</sup>? [35.115(a)(3)]  YES  NO
- Has a paint inspection conducted in accordance with 35.1320(a) established that the property is free of lead-based paint? [35.115(a)(4)]  YES  NO
  - The date of the original paint inspection was \_\_\_\_\_.
  - (Optional) Confirmatory paint inspection conducted on \_\_\_\_\_.
- Has **ALL** lead-based paint in the property been identified and removed, and clearance achieved? [35.115(a)(5)]  YES  NO
- Is the vacant unit to remain vacant until it is demolished? [35.115(a)(6)]  YES  NO
- Is the property used for non-residential purposes (commercial, agricultural, industrial, public)<sup>3</sup>? [35.115(a)(7)]  YES  NO
- Will **ALL** rehab **exclude** disturbing painted surfaces? [35.115(a)(8)]  YES  NO
- Are emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or, to protect the property from further structural damage? (e.g. after natural disaster or fire) [35.115(a)(9)]  YES  NO
- Will the unit be occupied for less than 100 days under emergency leasing assistance to an eligible household? <sup>4</sup> [35.115(a)(11)]  YES  NO

**Part 2: Hazard Reduction Requirements – Partial Waivers**

---

*If the answer to any of the following questions is yes, the grantee and/or occupant may waive certain requirements as described below.*

De minimis [35.1350(d)(1) & (2)]

- Is the amount of painted surface that is being disturbed during construction below “de minimis” levels? If so, safe work practices and clearance are not required in that work area.

- Less than 9 SF of bare soil?  YES  NO

- Less than 20 square feet on an exterior surface  YES  NO

- Less than 2 square feet in the following rooms:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Elderly Relocation Waiver [Interpretive Guidance Question J-24]

- Is the unit occupied by an elderly person(s)? If so, relocation of the elderly occupant(s) is not required if complete disclosure of the nature of the work is provided and informed consent is obtained prior to rehabilitation.  YES  NO

Historic Abatement Waiver [35.115(13)]

- Is a unit that is subject to abatement requirements listed or eligible for listing on the National Register of Historic Places, or does it contribute to a National Register Historic District? If so, the State Historic Preservation Office may request that interim controls be implemented rather than abatement.  YES  NO

No Exterior Work [35.930(d)(3)]

- Is no exterior paint to be disturbed during renovation?  YES  NO  
(Only exterior stabilization required even in abatement jobs.)

No Children [35.1330(d)(1)]

- Are all of the residents over the age of 6?  YES  NO  
(No chewable or play area treatments required under interim controls.)

No Bite Marks [35.1330(d)(1)]

- Are all chewable surfaces free of bite marks made by children under 6?  YES  NO  
(No chewable surface treatment required under interim controls)

No Dust Hazards [35.1330(c)(1)(i)]

- Is the closest horizontal surface dust wipe below the clearance threshold?  YES  NO  
(No friction and impact surface interim control treatments required in the following work areas:  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_)

**Part 3: Rehabilitation Projects**

---

*Per Unit Level of Rehabilitation Assistance [35.915]*

---

- A. Average Federal Funding Per Unit \$ \_\_\_\_\_
- B. Average Per Unit Rehabilitation Hard Costs \$ \_\_\_\_\_  
(not including any acquisition soft cost or costs of  
lead hazard evaluation, reduction, clearance and training)
- C. Level of Assistance (lower of A or B) \$ \_\_\_\_\_

*Approach Required (Based on answer to C, above)*

---

- \$0 \_\_\_\_\_ Exempt
- \$1 – \$5,000 \_\_\_\_\_ Test & Repair Disturbed Paint
- \$5,001 - \$25,000 \_\_\_\_\_ Risk Assessment and Interim Control of  
Lead Hazards
- \$25,001 and above \_\_\_\_\_ Risk Assessment and Abate Lead Hazards

Calculated by \_\_\_\_\_ Date \_\_\_\_\_

I have evaluated the site, the specifications, estimated the rehab hard costs, interviewed the occupants and reviewed the hazard evaluation reports. In my professional opinion, this project meets the above requirement for federal lead hazard reduction under 24 CFR Part 35.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

- 
- <sup>1</sup> Defined as retirement communities or dedicated types of housing reserved for households composed of one or more persons over age 62, or other age if recognized by a specific Federal housing assistance program. However, if a child under age 6 resides or is expected to reside in such a unit, the unit is not exempt.
- <sup>2</sup> The housing must be designated exclusively for persons with disabilities, defined as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded by others as having such an impairment. However, if a child under age 6 resides or is expected to reside in such a unit, the unit is not exempt.
- <sup>3</sup> In a mixed-use property, spaces such as entryways, hallways, stairways, etc. serving both residential and non-residential uses are not exempt.
- <sup>4</sup> When a household is provided short-term emergency leasing assistance and will occupy a unit for less than 100 days, the unit is exempt from lead paint regulations. This emergency leasing exemption is attached to the unit, not the family, and is a one-time exemption. After being assisted for a total of 100 consecutive days, the unit becomes subject to regular Subpart K requirements. Multiple families cannot be cycled through the same unit at intervals of less than 100 days under this exemption.