

COMPLIANCE PLAN
FEDERAL LEAD DISCLOSURE RULE PROCEDURE

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Table of Contents

Section	Page No.
I. INTRODUCTION	3
II. FEDERAL LEAD DISCLOSURE RULE REQUIREMENTS	4
III. CERTIFICATION AND ACKNOWLEDGEMENT OF DISCLOSURE	4
IV. LEASE RENEWALS.....	5
V. COMPLIANCE VERIFICATION.....	5
VI. RETENTION OF CERTIFICATION AND ACKNOWLEDGEMENT INFORMATION.....	5
VII. SIGNATURE.....	6

APPENDICES

APPENDIX 1 LEAD HAZARD INFORMATION PAMPHLET (English and Spanish)
APPENDIX 2 DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS (English and Spanish)
APPENDIX 3: LESSOR DISCLOSURE RULE COMPLIANCE CHECKLIST

I. INTRODUCTION

Purpose

The Newark Housing Authority (NHA) is submitting this document and all attachments hereto in order to facilitate compliance with Title 40 of the Code of Federal Regulations (C.F.R.), Part 745, Subpart F (EPA), and Title 24 C.F.R. Part 35, Subpart A (HUD), hereafter referred to as the Federal Lead Disclosure Rule and all applicable state and local laws and regulations.

Applicability

This Plan applies to the lease and lease renewals for NHA-owned and managed pre-1978 housing portfolio. Currently, the NHA housing portfolio of residential structures that were constructed prior to 1978 consists of the following locations:

Development Name	YEAR BUILT
Pennington Court, 2-2	1939
Hyatt Court, 2-7	1941
Bradley Court, 2-14	1940
Stephen Crane Elderly, 2-16	1967
Kretchmer Elderly, 2-17	1961
Stephen Crane Elderly, 2-22C	1967
Stephen Crane Elderly, 2-22D	1967
Kretchmer Elderly, 2-21A	1968
Seth Boyden Elderly, 2-21E	1969
Seth Boyden Elderly, 2-21F	1969
Baxter Elderly, 2-22B	1966

Note that in addition to the pre-1978 residential structures and child-occupied facilities, the conversion of any class of property (i.e., commercial, industrial, etc..) constructed prior to 1978 to residential use makes such property subject to the requirements of 40 C.F.R. Part 745, 24 C.F.R. Part 35, Subpart A and this Plan.

The Compliance Plan for the Lead Disclosure Rule is not a replacement for compliance with all applicable requirements and there may be additional and different federal, state, and local regulations with which NHA must comply.

II. FEDERAL LEAD DISCLOSURE REQUIREMENTS

Before a lessee is obligated under any contract to lease Target Housing the following shall be required:

- 1) NHA shall provide the lessee with an EPA-approved Lead-Hazard Information pamphlet. A copy of the pamphlet is provided in Appendix 1. English and/or Spanish versions will be provided.
- 2) NHA shall disclose to the lessee the presence of any known LBP or LBP hazards in the Target Housing being leased. NHA shall also disclose any additional information available concerning the known LBP and/or LBP hazards, such as the basis for the determination that LBP and/or LBP hazards exist, that LBP and/or LBP hazards exist, the location of the LBP and/or LBP hazards, and the condition of the painted surfaces.
- 3) NHA shall disclose to the lessee the existence of any available records or reports in their possession pertaining to LBP or LBP hazards in the Target Housing being sold or leased. Such records may include the basis for the determination that LBP and/or LBP hazards exist, the location of the LBP and/or LBP hazards, and the condition of the painted surfaces.
- 4) NHA shall provide the lessee with any records or reports available pertaining to LBP or lead hazards in the Target Housing being sold or leased. This requirement includes records or reports regarding common areas and also includes reports regarding other residential dwellings in multi-family Target Housing when such information is part of an evaluation or reduction of LBP or LBP hazards activity in Target Housing as a whole.
- 5) NHA shall provide the lessee with the form titled Disclosure of Information on Lead-Based Paint and/or Lead Hazards provided in Appendix 2 and have each section filled out in its entirety. English and/or Spanish language versions will be provided.

When disclosure activities occur after the lessee has been presented with an offer to lease the Target Housing, NHA shall complete the required disclosure prior to finalizing the contract. NHA shall allow the lessee the opportunity to review the information and reject the offer.

III. CERTIFICATION AND ACKNOWLEDGEMENT OF DISCLOSURE

For each contract to lease Target Housing, NHA shall include, as an attachment or within the contract, the following elements:

1. A Lead Warning Statement with the following language: Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose

the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

2. A statement by the lessor disclosing the presence of known lead-based paint and/or lead-based paint hazards in the target housing being leased or indicating no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The lessor shall also disclose any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
3. A list of any records or reports available to the lessor pertaining to lead-based paint and/or lead-based paint hazards in the housing that have been provided to the lessee. If no such records or reports are available, the lessor shall so indicate.
4. A statement by the lessee affirming receipt of the information set out in paragraphs (b)(2) and (b)(3) of this section and the lead hazard information pamphlet required under 15 U.S.C. 2696.
5. The signatures of NHA and the lessee certifying the accuracy of their statements, to the best of their knowledge, along with the dates of signature.

IV. LEASE RENEWALS

NHA must comply with the Lead Disclosure Rule during the lease renewal process where new information has come into the possession of the NHA and where NHA has not previously disclosed all required information to the lessee. This includes all requirements outlined in Sections I through III above. An exception is the renewal of a lease where the NHA has previously disclosed all required information and where no new information has come into the possession of the lessor. New information is any additional information available concerning the known lead-based paint and/or lead-based paint hazards in the target housing up for lease renewal.

V. COMPLIANCE VERIFICATION

The Manager of NHA who executes each new or renewal lease contract shall complete the form titled Leasing Compliance Checklist presented in Appendix 3 for each new lease or renewal subject to the Lead Disclosure Rule. A copy of the completed checklist shall be retained in the NHA Property Management office for at least three (3) years following the effective date of the lease contract.

VI. RETENTION OF CERTIFICATION AND ACKNOWLEDGEMENT INFORMATION

NHA shall include the form titled Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards (see Appendix 2) as an attachment to any lease contract. A copy of the completed attachment or lease contract containing the attachment shall be retained in the Property

Management Office for at least three (3) years following the start date of the leasing period.

VII. SIGNATURE

Approved by:

Leonard J. Spencer
Executive Director

Date

Appendix 1

The Protect Your Family From Lead in Your Home Pamphlets

- English
 - [Lead Poisoning and Your Children \(pdf\)](#) (1.92 MB)
- Español - Spanish
 - [El envenenamiento por plomo y sus niños \(pdf\)](#)

Appendix 2 Example Disclosure Forms

- Sample Lessor's Disclosure of Information in [English \(PDF\)](#) and in [Spanish \(PDF\)](#).

Appendix 3
Leasing Compliance Checklist