

# **Rehabilitation, New Construction, Lead-based Paint, And Accessibility Standards**

## Rehabilitation Standards

Housing that is rehabilitated with HOME funds must meet:

- ⇒ Applicable local codes
- ⇒ Applicable local ordinances
- ⇒ Zoning ordinances
- ⇒ National Building Code (BOCA)
- ⇒ HUD Lead-based Paint Regulations for Federally Owned Housing and Housing Receiving Federal Assistance

## New Construction Standards

New construction projects must meet:

- ⇒ National Building Code (BOCA)
- ⇒ Model Energy Code published by the Council of American Building Officials (equivalent to 4 star energy rating)

## Lead-based Paint Requirements

### ***VHCB Policy***

All rental units receiving HOME funds need to comply with Vermont Housing and Conservation Board's Policy Position on Lead-Based Paint and Hazardous Materials. The policy requires distribution of educational materials to residents, testing of pipeline units that will house families and lead hazard reduction or control. A copy of the policy is included in this section.

### ***Vermont Act 165***

This law places new responsibilities on rental property owners of pre-1978 property, including tenant disclosure, training for maintenance staff, and performing Essential Maintenance Practices (EMPs) in units. A fact sheet about this Act is included in this section.

### ***HUD Requirements***

Tenants in HOME units are to be provided with the pamphlet, "***Protect Your Family From Lead in Your Home***," a copy of which is included in this section. HUD's lead-based paint regulation, 24 CFR Part 35 also applies. Please note, this rule has been dramatically rewritten and will be published shortly. It currently requires HOME grantees to inspect and treat any peeling, chipping or flaking paint in the interior or exterior of any units which will be rehabilitated using HOME funds where the building was constructed prior to 1978, and the building is or will be occupied by a family with children under 7 years of age. In cases where a child has been tested and found to have an elevated blood level all chewable surfaces are required to be tested and abated.

### ***EPA/HUD Disclosure Rule***

This rule requires owners of rental property to provide tenants with literature about lead, disclose the presence of lead paint and attach to the lease agreement a dated lead disclosure form executed by the owner, tenant and any agent. More information on the Disclosure Rule and a sample lease attachment are included in this section.

### Accessibility Requirements

There are various Federal and State requirements that apply to HOME projects.

#### Federal statutes:

##### **Section 504**

##### ⇒ Rehabilitation

- Projects with fewer than 15 units, HOME units must, to the maximum extent feasible, be made accessible to persons with mobility disabilities
- Projects with 15 or more units and the cost of the rehab is 75% or greater of the replacement cost of the completed property, then at least 5% of the HOME units (at least 1 unit) must be made accessible to persons with mobility disabilities, and 2% of the HOME units (at least 1 unit) must be accessible to persons with hearing or vision impairments

##### ⇒ New Construction

- At least 5% of the HOME units (at least 1 unit) must be accessible to persons with mobility disabilities
- 2% of HOME units (at least 1 unit) must be accessible to persons with hearing or vision impairments

##### ***Americans with Disabilities Act (ADA)***

- 504 requirements are more stringent than ADA

##### ***Fair Housing Act***

- Protects tenants from discrimination on basis of disability, race, color, religion, sex, national origin and familial status
- Property owners must allow tenants to make reasonable accommodations
- Requires design and construction of new rental or for sale multi-family housing meet a minimum level of accessibility for persons with disabilities

#### Vermont Law:

The State of Vermont law may be more restrictive than the Federal requirements. Grantees should consult with Labor & Industry to determine accessibility requirements.