



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

OFFICE OF LEAD HAZARD CONTROL
AND HEALTHY HOMES

Policy Guidance Number: 2024-08.1

Date: May 12, 2025

Subject: Eligibility of Units for Assistance with Lead Hazard Control Funds

Status: Updated

Applicability: All OLHCHH Lead-based Paint Hazard Control and Lead Hazard Reduction Demonstration grantees

The Office of Lead Hazard Control and Healthy Homes (OLHCHH) is issuing this policy guidance to clarify eligibility requirements for recipients of federal funds issued under OLHCHH lead hazard control grant programs (i.e., the Lead-based Paint Hazard Control and Lead Hazard Reduction Demonstration grant programs), and authorized by the Residential Lead-Based Paint Hazard Reduction Act (Title X), as amended, which establishes the criteria for which assistance can be provided for housing containing lead-based paint hazards. **NOTE: These are statutory requirements and cannot be waived or changed by HUD.**

Section 1011(a) of Title X reads:

- (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 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*
- (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*

Summary Table of Section 1011 Income Requirements

Occupant Type	Income Level¹	Child Occupant <6 years old
Renter	1. At least 50% units must be less than 50% area median income (AMI), and 2. Remaining units (<50%) must be less than 80% AMI	1. Not required at time of assistance 2. Property owner must give priority to families with child under 6 years old for at least 3 years.
Multifamily Renter (≥ 5 units in same property)	1. 20% of total number of units in same building may exceed 80% AMI 2. Remaining units must meet renter income requirements above	1. Not required at time of assistance 2. Property owner must give priority to families with child under 6 years old for at least 3 years.
Owner (primary residence)	All owner-occupied units must be occupied by families with less than 80% AMI	1. At least 90% of total number of owner-occupied units assisted must have: <ul style="list-style-type: none"> • A child under 6 years old in residence, or • A child under 6 years old spends a “significant amount of time”² or • A pregnant woman 2. Less than 10% of total number of units assisted may be occupied by families without a child

Prioritization of Units

The goal of the lead hazard control grant program is to prevent childhood lead poisoning. Each grantee must develop work plans and policies and procedures that are consistent with this goal. In addition, your efforts must comply with the Notice of Funding Opportunity under which the award was made, and other grant requirements when committing to address lead hazards in housing. Your work plan must contain a clear prioritization strategy and outreach plan (i.e., how you will reach children with lead poisoning, children under 6 at risk, units without children, etc.). Collaboration with local health agencies to obtain EBL lists is essential. There are limited funds for this effort, so grantees must be judicious and responsible when selecting units for participation in their programs.

Use of Funds in Multifamily (≥ 5 Units) Housing

Landlords and/or property owners should be encouraged to contribute towards the cost to remediate hazards in their properties, especially those owning large housing complexes, thus

¹ See Policy Guidance 2017-05, Revised Income Verification Guidance, for instructions on determining income.

² A “significant amount of time visiting” is defined as three hours a day on two separate days a week and a total of 60 hours per year.

ensuring that they demonstrate their responsibility to provide safe and healthy housing for their tenants. The level of contribution should be determined on a case-by-case basis at the discretion of the grantee.

A child is not required to be present for a multifamily property in order to receive lead hazard control assistance, but the owner/landlord must agree to give priority to families with children under six for not less than three years following the completion of work. You may require more stringent terms in your agreements with landlords, but not less.

Vacant Rental Units

The OLHCHH permits lead hazard control work in vacant units provided the landlord owner/landlord agrees to give priority to families with children under six for not less than three years following the completion of work. While remediating lead-based paint hazards in vacant units is permissible, grantees must ensure that they are not forgoing units where children are currently residing in preference of vacant units.

Renter-Occupied Units without Children

The OLHCHH recognizes that the intention of Title X is to implement primary prevention strategies that address homes where at-risk children are likely to reside, with a focus on homes where children under six years of age currently reside. Therefore, per Section 1011(a)(1), the OLHCHH permits grantees to assist income-eligible rental units where children under six are not currently in residence, provided that the landlord gives priority in renting units assisted, for not less than three years from the date of the completion (i.e., clearance of lead hazards) of lead hazard abatement activities, to families with a child under the age of six years. The OLHCHH considers a pregnant woman as having a qualifying “child occupant,” although the presence of a qualifying child at the time of assistance is not required in rental housing.

Giving Priority to Families with Children Under Six

Title X does not make it clear how “giving priority” is achieved. Furthermore, the Fair Housing Act does not permit property owners to discriminate based on race, color, national origin, religion, sex, familial status or handicap. Nevertheless, under Title X funding provided to recipients requires that the property owner “give priority in renting units assisted... for not less than 3 years following the completion of lead abatement activities.” This requirement applies to all rental housing, whether occupied or not at the time of assistance, and for not less than three years following the date of assistance; it does not apply to owner-occupied housing. The OLHCHH, therefore, advises grantees to establish policies that ensure assisted units are prioritized for families with children under six years of age, such as, but not limited to:

- Requiring compliance in the terms of your assistance agreement with owners;
- Registering assisted units in a publicly accessible lead-safe housing registry; and/or
- Following up with the owner(s) at least annually and document in the unit file that the owner has attempted to comply.

Owner-Occupied Units

Section 1011(a)(2) of Title X requires that 90% of all owner-occupied housing assisted with lead grant funds must have a child under the age of six years or spend a significant amount of time at the time of assistance. The OLHCHH considers a pregnant woman as having a qualifying “child occupant.” All owner-occupied units must have income at or below 80% AMI. **There is no period of availability requirement (i.e., “giving priority to families with children under six”) for owner-occupied units, as there is in rental housing.**

Eligibility of HUD-associated Housing Units Eligible/Not Eligible for OLHCHH LHC Funds

Program	Eligible?	Program	Eligible?
Housing Components of Community Planning & Development Programs		Housing in Military Impacted Areas (Section 238)	Yes
Community Development Block Grants (Entitlement)	Yes	Single Family Home Mortgage Coinsurance (Section 244)	Yes
Community Development Block Grants (Non-Entitlement) for States and Small Cities	Yes	Graduated Payment Mortgages (Section 245)	Yes
Community Development Block Grants (Section 108 Loan Guarantee)	Yes	Adjustable-Rate Mortgages (ARMs) (Section 251)	Yes
Special Purpose Grants	Yes	Manufactured Homes (Title I)	Yes
The HOME Program: HOME Investment Partnerships	Yes	Housing - Multifamily Programs	
HOPE for Homeownership of Single-Family Homes	Yes	Rent Supplements (Section 101)	No
Shelter Plus Care - Sponsor-based Rental Assistance	No	Multifamily Rental Housing (Section 207)	Yes
Shelter Plus Care - Tenant-based Rental Assistance	Yes	Cooperative Housing (Section 213)	Yes
Shelter Plus Care - Project-based Rental Assistance	No	Mortgage and Major Home Improvement Loan Insurance for Urban Renewal Areas (Section 220)	Yes
Shelter Plus Care - SRO Rental Assistance	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(3)	No
Single Family Property Disposition Homeless Initiative	No	Multifamily Rental Housing for Moderate-Income Families - Section 221(d)(4)	Yes
Emergency Shelter Grants	Yes	Existing Multifamily Rental Housing (Section 223(f))	Yes
Housing Opportunities for Persons with AIDS (HOPWA)	Yes	Supplemental Loans for Multifamily Projects (Section 241)	Yes
Surplus Properties (Title V)	No	Supportive Housing for Persons with Disabilities (Section 811)	No
Supportive Housing Demonstration Program Transitional Housing Component	Yes	HOPE 2: Homeownership of Multifamily Units (Title IV)	No
Supportive Housing Demonstration Program Permanent Housing Component	Yes	Low-Income Housing Preservation and Resident Homeownership (Title VI)	No
Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)	Yes	Emergency Low-Income Housing Preservation (Title II)	No
Supportive Housing Program	Yes	Flexible Subsidy (Section 201)	No
Section 8 SRO Mod Rehab for Homeless Individuals	No	Public and Indian Housing	
Innovative Demonstration Program	Yes	Section 8 Project-Based Certificate Program	No
Housing - Single Family Programs		Section 8 Tenant Based Certificate and Voucher Program	Yes
One- to Four-Family Home Mortgage Insurance (Section 203(b) and (i))	Yes	Section 8 Moderate Rehabilitation Program	No
Rehabilitation Mortgage Insurance (Section 203(k))	Yes	Public Housing Development	No
Homeownership Assistance for Low- and Moderate-Income Families (Section 221(d)(2))	No	Public Housing Operating Subsidy	No
Homes for Service Member (Section 222)	Yes	Public Housing Modernization (Comprehensive Grant Program)	No
Housing in Declining Neighborhoods (Section 223(e))	Yes	Public Housing Modernization (Comprehensive Improvement Assistance Program)	No
Condominium Housing (Section 234)	Yes		

Unit Costs

The OLHCHH does NOT have a per unit cost cap on lead hazard control work. However, for assisting units where the estimated cost of lead hazard control using lead grant funds is greater than **\$75,000**, you must submit a request through the Healthy Homes Grant Management System (HHGMS) for approval **before** you commit funding for, or perform any hazard reduction work on, these projects. The request must include a detailed description of the work and an estimate of costs, including the type and age of the property, and ownership for multifamily projects. The request will be reviewed by your GTR and, if necessary, additional documentation may be requested for review prior to approval. Please do not commit funding for these projects until you receive approval from your GTR.

Please note that this updated policy guidance is **not** intended to allow you to spend more on units than you had been spending; it **is** intended to focus efforts to review project scopes and costs that are conducted in addition to reviews of quarterly progress reports, on the largest projects.

You must follow the OLHCHH's building component replacement criteria:

- Your lead hazard reduction projects must be based on a lead-based paint inspection and lead risk assessment of the home, and is not for replacing components with intact lead-based paint surfaces or with non-lead-based paint surfaces.
- The Healthy Homes Supplemental (HHSupp) funds in your grant may not be used for automatic replacement of building components (such as windows or doors). Replacement may be conducted based only a Healthy Homes Assessment (as described in Policy Guidance 2024-09.1) that identifies that each component to be replaced presents a health or safety hazard, and that a less intrusive and costly method of mitigating the hazard is inappropriate or inefficient.

Please consult with your assigned Government Technical Representative if you have any questions concerning this Policy Guidance.