

August 22, 2024

Lewiston Lead Hazard Control Grant Information:

This information has been gathered from multiple resources over the years and is not readily tracked in one location. Old reports, Maine DEP, and assessing informed this description.

General Background:

The City of Lewiston received five grants from the U.S. Department of Housing and Urban Development in 2002, 2009, 2014, 2017, and 2019, specifically for lead-based paint hazard control work. Since 2014, HUD has included a smaller amount of grant money under the category of Healthy Homes, which is separate from the Lead Grant and intended to address home hazards that do not include Lead Based Paint to create better, safer housing outcomes.

The city must abide by federal and state regulations and the grant terms funding the program. Lewiston provides HUD with a budget and program work plan before funding is released. Lewiston cannot use the funding for activities not approved by HUD in our start-up without consulting for special approvals. The current application is being submitted for the following NOFO.

[Lead Hazard Reduction Grant Program \(hud.gov\)](https://www.hud.gov/nfo/lead-reduction)

At least 65% of the grant money must go to direct Lead Hazard Control costs. Lewiston is also responsible for documenting at least a 10% match of the total Lead Grant from local and non-federal sources. The Lewiston subgrantees are providing a portion of that funding and private owners who enroll in the program will pay a portion of the cost to fix their housing. Lewiston CDBG is identified as another source of match funding to ensure we can meet the grant obligation. Less than 5% of the last grant was designated for administrative activities such as meetings, trainings, and reporting time. This includes attendance at a four-day in-person training with HUD for at least two key staff just to start up the grant, typically in Washington DC. Every year the grant operates two key staff must attend another four-day in person training with HUD, typically out of state, to continue grant compliance training and meet the terms of the grant award.

The application requires that Lewiston propose funding for different activities in limited categories, including community outreach efforts for education and marketing. If Lewiston chooses not to spend funds in a category that HUD scores, the lower score creates a serious risk Lewiston will not be awarded. Congress has already appropriated this grant money. HUD will provide it to a community somewhere. We prefer that Lewiston receives an award over other communities. ***When the Lewiston program chooses to fund a category, it is because HUD considers it necessary to secure the grant approval and safely complete the housing work.***

HUD grants are "reimbursement" grants. ***Unused grant money is never received by the city.*** Lewiston must front the money for program work from the general fund and then submit receipts to HUD for eligible costs and collect reimbursement funds. This requirement is why program work takes dedicated staff for reliable program administration. This complex program requires specialty training and professional certifications by many parties to implement it in compliance with all regulatory requirements. Some of the program guidance resources are linked in this document.

Compliance:

Lewiston is subject to regular third-party financial audits that cover the Lead Grant programs and HUD-specific audits for all aspects of the program during each grant cycle. All grant projects follow

the city procurement policy, and the Finance Committee reviews our process for regularity and bid awards. A grants accountant reviews all financial billing before payments are issued, and they prepare draw requests for HUD.

The nature of work in pre-1978 housing mandates using Lead-safe Work Practices in compliance with the EPA rules for RRP. This work requirement can only be enforced by the EPA Region One staff located in Boston, though our grant program requires it for bid eligibility.

[Lead Renovation, Repair and Painting Program | US EPA](#)

Lewiston cannot require RRP Certification on building permits or enforce it in the field. Maine DEP will investigate complaints and provide educational visits that they then relay to the EPA Region One office. Any citizen can call the EPA with a work practice concern, and they will often ask the Maine DEP to make a first contact and assess the situation.

[Report Lead-Based Paint Complaints, Tips and Violations | US EPA](#)

HUD mandates all housing units assisted comply with Title X requirements for serving Low-Moderate income households. This limits the use of funds and mandates income screening calculations which can be challenging with our target population since they often do not own the buildings and have less incentive to comply with the program.

[Residential Lead-Based Paint Hazard Reduction Act of 1992--Title X | US EPA](#)

The HUD grant requires Lead Hazard Control Work, which means professional Lead Risk Assessors must inspect the program units and complete surface, dust, and soil testing analysis to create a Lead Risk Assessment Report.

All Lead Paint Hazards require licensed Lead Abatement Professionals to complete the work and a Licensed Lead Inspector to conduct a Clearance Examination, including a visual inspection and lab testing analysis for soil and dust samples. All abatement work requires work area containment, worker protection, and lab analysis, increasing costs. Hazard work often requires the occupants to relocate temporarily until the work is complete and the testing has confirmed it is safe to remove the containment barriers.

HUD has federal guidelines based on the EPA to regulate this work.

[The HUD Guidelines for the Evaluation and Control of Lead-based Paint in Housing | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

Maine DEP has the local jurisdiction, regulates all training certifications, and conducts job site inspections on all Lead Abatement projects following state regulations under Chapter 424.

[Lead Hazard Prevention, Waste Management, Maine Department of Environmental Protection](#)

Disclosures:

EPA has regulations mandating Lead Disclosure for all pre-1978 housing that is leased or sold to new occupants.

[Lead-Based Paint Disclosure Rule \(Section 1018 of Title X\) | US EPA](#)

EPA requires all paint testing data to be made available to the new owner or occupant and suggests this booklet if no paint data is available.

[Protect Your Family from Lead in Your Home \(English\) | US EPA](#)

No entity maintains a database that provides Lead Paint disclosures or records for public verification. The only way to verify this information is to request it from the property owner on a case-by-case basis. Maine DEP has record retention rules for seven years that all Lead Professionals follow. Still, the owner is the only one who might know which company did the work.

Poisoning Prevention:

Maine CDC, a division of Maine Health and Human Services, administers the Childhood Lead Poisoning Prevention Program. They are responsible for the regulations that mandate Lead Poisoning testing for children and track that data statewide. They have reduced the action level for Lead in Blood from 15 micrograms per deciliter three times to 10, then 5, and now is going to 3.5 micrograms per deciliter. This change means children who were not poisoned previously at a 4 will now be considered poisoned, which conflates easy data comparisons.

[Home | MaineTracking Network \(mainepublichealth.gov\)](http://mainepublichealth.gov)

Maine CDC uses testing data and risk reports to hire Licensed Lead Risk Assessors to complete Environmental Lead Investigations where at-risk children may live or spend time. For properties with Lead hazards identified during a visual inspection with the surface testing or through soil, water, or dust lab analysis, they will notify the owner and provide the Lead Reports. For rental housing, the CDC requires the inspector to placard the building entrance area with a posting that declares Lead Hazards have been identified at the building. CDC will issue an order to Abate Lead Hazards to the owner. To be thorough, they will also hire risk assessments for all housing units in the building. Because rental housing implies the housing is safe to occupy, owners may not rent vacant units or units that go vacant in these buildings. Failure to follow the CDC regulations can result in administrative fines. (A sample Order to Abate is attached for reference)

[Childhood Lead Poisoning - EOHP - Maine CDC - DHHS](#)

Finer Points of Lead Hazard Control Grants:

1. **Lead Paint in stable condition is safe and does not qualify as a hazard.**
2. HUD programs require professional testing to identify hazards.
 - a. **The surface must be positive for Lead and**
 - b. **The surface must be deteriorated, or show signs of chew marks, friction, or paint impacts** through normal use or operation
3. If both criteria are not met, the surface is NOT A LEAD HAZARD and the surface does not qualify for grant funding. ***Stable Lead Paint will later become hazardous if damaged.***
4. Lead Abatement has several prescribed methods.
 - a. Paint stabilization and Encapsulation Paint application
 - b. Surface Enclosure with a rigid material that is mechanically fastened in place to prevent exposure
 - c. Complete Paint Removal by Scrape to Bare substrate and repainting
 - d. Component Replacement
 - e. Component Removal and Disposal
 - f. Cleaning and dust contamination removal
 - g. Soil capping
 - h. Soil removal

Due to some Lead Paint surfaces being in stable condition at the time of inspection and the fact that two Lead Abatement methods do not remove the paint, almost no property where Lead-based

Paint is identified becomes Lead-Free after hazard control work. There is not enough money or HUD authorization to completely remove all Lead Paint from buildings under the grant program.

Sustainability Efforts:

Recognizing the Lead Clearance determination documents a point-in-time assessment; owners can pay for follow-up Lead Paint inspections every six months, which allows them to ask for a Lead-Safe certificate. If they fail an inspection, they must hire a Lead Abatement contractor again.

The Lead Grant recognizes this burden and provides owners who receive project work with all paint data and a Lead-Safe Maintenance Plan so they can conduct regular property inspections and maintain the property without a need for Lead Abatement. This increases maintenance costs. Smart owners use this data for capital improvement planning that will remove any remaining lead painted components before they become hazards.

Program Results (Over 22 years and 5 grant cycles):

The extent of at-risk housing and Lead abatement activities from all available records is.

7,138 housing parcels built pre-1978 are still in use according to assessing records and their average age is 1937 for construction. **13,198 housing units** exist in these buildings.

310 of those parcels have been impacted by Lead Abatement Activities and their average age is 1903 construction. **1,452 housing units** in these buildings have been impacted by Lead Abatement work. (Limited grant files and old DEP reports have provided some of this data)

37 buildings have been through Lead Abatement more than once, impacting **221 units at least twice**.

11 Lead Abatement impacted buildings have been demolished and **47 housing units lost**.

HUD grants through Lewiston Community Development **have funded work at 169 projects** and are slated to clear a total of **799 program housing units** by the end of September.

The 2009, 2014, and 2017 HUD Lead grants were Lewiston-Auburn partnership grants, so part of that funding covered Auburn housing units. The size or split of the 2002 Lead grant is unknown.

For the six years with a consistent grant manager, **our grant program averaged 80.3 housing units cleared each year**. Fortunately, private owners and the Maine Housing grants also pay for some locations in Lewiston to receive Lead Abatement work we cannot count.

Our last three grants have paid for **403 individual Lead Worker trainings** to maintain and develop a good contractor base and local property maintenance staff.

Lewiston has been stable at 3 reliable contractors capable of any size project and 2-3 smaller ones that cycle in or fade out over the last nine years. Lewiston has the best contractor turnout out of all HUD grants in Maine due to our location, volume of work, ability to work well with all parties, and we secure efficient payment processing. Other grants complain only 1 or 2 contractors show up to their bids.

Janet T. Mills
Governor



Sara Gagné-Holmes
Acting Commissioner

Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street 9th Floor
Augusta, Maine 04333-0011
Tel; (207) 287-4311; Fax (207) 287-3981
TTY: Dial 711 (Maine Relay)

August 19, 2024

Owner
Owner Address
City State Zip

**NOTICE OF ENVIRONMENTAL LEAD HAZARDS
ORDER TO ABATE**

CERTIFIED MAIL RETURN RECEIPT REQUESTED #: XXXX XXXX 0000 XXXX XXXX

CASE ID: 2XXXX

PHYSICAL LOCATION: XXX Main St Apt X Lewiston, ME 04240

Dear OWNER:

On 05/16/2024, an Environmental Lead Investigation was performed at the rental property listed above. An Environmental Lead Investigation is a detailed inspection to identify lead hazards. That inspection found lead hazards that must be abated, according to the Maine Lead Poisoning Control Act. Please review the enclosed report, which includes the results of the inspection. You may call me at: 207-215-9763 to discuss how to proceed.

Maine's Lead Poisoning Control Act requires the property owner to abate the lead hazards within thirty (30) days of receipt of this notice, by choosing one of the following options:

- **Hire a Licensed Lead Abatement Contractor.** The contractor must be licensed by the Maine Department of Environmental Protection (22 M.R.S. §1321.3). Enclosed is a list of all licensed lead abatement contractors in the State of Maine. No other contractors are qualified, or allowed, to do this work under Maine law. Use of a non-licensed contractor may result in fines as much as \$500 per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.
- **Become Licensed As A Lead Abatement Contractor.** To find out how to become licensed, call Sandy Moody at the Maine Department of Environmental Protection at 242-0877. Addressing lead hazards without being licensed as an abatement contractor may result in fines as much as \$500 per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.

- **Sell the Property to a new owner, who must complete the required abatement.** If you choose to sell the property, you must notify the new owner in writing that there is an abatement order on the property and that the new owner must address the lead hazards (22 M.R.S. §1321.4). You must send a copy of that letter to the Maine CDC Childhood Lead Poisoning Prevention Program. Failure to notify the new owner of the abatement order and the requirement to abate, or failure to notify the Maine CDC Childhood Lead Poisoning Prevention Program, may result in fines as much as \$500 per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.

If the work cannot be finished within thirty (30) days, you may ask for more time by mailing us your written request. When requesting more time to finish the abatement, be sure to include and describe the following areas:

- What work on the abatement is completed so far;
- The reason why the work cannot be completed in thirty (30) days;
- An outline of the plan to complete the abatement; and,
- The proposed completion date.

The request must be made in writing to me at the address below.

We may deny your request if you fail to demonstrate either sufficient progress or an effort to meet the requirements. Failure to abate the property within thirty (30) days without a valid request for extension granted may result in fines for as much as \$500 per unit, per day, and/or referral to the State of Maine Attorney General's Office as a criminal violation (22 M.R.S. §1321.3).

Please be aware that if the property is not abated or an extension is not granted within 30 days of receipt of this order, you may be subject to fines.

No unit that is, or becomes empty within this building, is allowed for rental after the date of this abatement order (22 M.R.S. §1322). This prohibition is in accordance with the Lead Poisoning Control Act, and it remains in place until the following actions occur:

- Completion of all abatement of the interior and exterior of the building;
- You receive passing results of clearance lead dust testing; and,
- You receive a compliance letter from the Maine CDC Childhood Lead Poisoning Prevention Program that states the unit is cleared.

Re-renting units before being cleared may result in fines of \$500 per violation, per unit, per day.

You may not evict tenants with children due to the existence of lead hazards (22 M.R.S. §1322). Eviction of tenants due to lead hazards may result in fines of \$500 per violation, per unit, per day and/or referral to the State of Maine Attorney General's Office as a criminal violation.

OWNER

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Because of the lead hazards found in this unit, it is necessary for the other units in the building to be investigated for lead hazards (22 M.R.S. §1320-A). A contracted lead inspector from Community Concepts will contact you to gain access to these units to conduct the investigations. Please cooperate with them to complete the investigations by 09/18/024. Preventing our inspector from entering and investigating your building within this thirty (30)-day time period may result in fines of up to \$500 per violation, per unit, per day.

If the property was inspected during the winter months when the ground was frozen or snow covered bare soil, we may need to re-inspect the exterior of the dwelling to sample bare soil. The results of the soil analysis will be sent to you separately if this is the case.

Again, please call me to discuss these requirements.

Sincerely,

xxxxx xxxxx, Environmental Specialist
Maine CDC Childhood Lead Poisoning Prevention Program
286 Water St., SHS # 11
Augusta, ME 04333-0011
207-215-9763
xxxxxxxxx@maine.gov

cc:
xxxx

Enc: Environmental Lead Investigation Report

Lead Abatement Contractor Listing