

U.S. CODE OF FEDERAL REGULATIONS

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§ 35.1215 - Activities at initial and periodic inspection.

(a) (1) During the initial and periodic inspections, an inspector acting on behalf of the designated party and trained in visual assessment for deteriorated paint surfaces in accordance with procedures established by HUD shall conduct a visual assessment of all painted surfaces in order to identify any deteriorated paint.

(2) For tenant-based rental assistance provided under the HOME program, visual assessment shall be conducted as part of the initial and periodic inspections required under [§ 92.209](#)(I) of this title.

(b) The owner shall stabilize each deteriorated paint surface in accordance with §§ [35.1330](#)(a) and (b) before commencement of assisted occupancy. If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within [30](#) days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with [§ 35.1340](#). If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency. For the unit subsequently to come under a HAP contract with the housing agency for occupancy by a family with a child under age [6](#), paint stabilization must be completed, including clearance being achieved in accordance with [§ 35.1340](#).

(c) The owner shall provide a notice to occupants in accordance with [§ 35.125](#)(b)(1) and (c) describing the results of the clearance examination.

(d) The designated party may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment.

[64 FR 50216, Sept. 15, 1999, as amended at 69 FR 34273, June 21, 2004; 82 FR 4170, Jan. 13, 2017]