

MDE Guidance for Issuing Lead-Free or Limited Lead-Free Inspection Certificates (MDE Form 330) Housing Complexes that Contain Multiple units, Buildings and/or Parcels

Inspectors often encounter some confusion when issuing lead free certificates for multi-family housing that they inspected using random sampling methods as outlined in Chapter 7 of the [HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing](#). The HUD Guidelines allow for buildings/units with similar construction and painting history to be grouped together for inspections. Depending on the size of the property, the property may contain multiple unique parcels. In these cases, MDE is instructing inspectors to issue a separate certificate for each unique parcel identification number. For example, if a property contains six unique parcels, then the inspector must issue six separate certificates, with each certificate referencing the parcel identification number as listed in SDAT Real Property Database. Please see below for further guidance. Please note: This guidance is not inclusive of every scenario an inspector may encounter when issuing lead free certificates. When in doubt, please call the Lead Accreditation and Oversight Division at 410-537-3825 for guidance.

For the purpose of these instructions both lead-free and limited lead-free certificates will be referred to as “LFC(s)”.

Definitions

MDE Property Number: The [account identifier](#) (also referred to as a parcel identification number) from the SDAT Real Property Database preceded by the two digit county code from the list on SDAT webpage.

MDE Tracking Number: The tracking number is also known as the MDE Owner Number.

- The property owner, NOT the inspector, should call MDE at 800-776-2706 or 410-537-4199 to receive a tracking number or verify an existing number.

Site Address: This is the address listed on the SDAT Real Property datasheet as the [premises address](#). Do not use the mailing address or the rental office address.

Inspectors need to consider a number of factors when issuing LFCs for housing complexes and using the HUD Guidelines for random sampling.

- Follow the COMAR regulations and HUD guidelines for performing lead paint inspections.
- LFCs can be issued for an individual rental unit, an entire building, or an entire complex; only if all of the units within the building or complex are determined to be lead free. However, if the entire complex has more than one parcel, a separate LFC must be issued for each parcel that contains rental units.
- Occasionally, large complexes may have multiple parcels and the individual parcels may be owned by different entities. Parcels owned by different entities cannot be

grouped together to determine random sampling or issuing LFCs; even though they may be part of the same multi-unit complex.

Scenario: ABC Apartment Complex has 200 rental units, built in 1955, with the same construction and painting history. HUD Guidelines, Table 7.3, calls for 51 units to be tested. The apartment complex is situated on 6 separate land parcels. When testing has been completed and evaluated, a total of 8000 interior XRF readings and 10 paint chip samples had been taken. Now it is time to complete the MDE Form 330 and Form E.

MDE Property ID# / Parcel / Account Identifier from SDAT	Number of Units per Parcel	Owner Name	MDE Tracking #	MDE Certificate Number (Form330)
03-00000111	30	ABC Apartments, LLC	0555555	100001
03-00000112	40	ABC Apartments, LLC	0555555	100002
03-00000113	20	ABC Apartments, LLC	0555555	100003
03-00000114	20	ABC Apartments, LLC	0555555	100004
03-00000115	40	ABC Apartments, LLC	0555555	100005
03-00000116	50	ABC Apartments, LLC	0555555	100006

The MDE Form E contains the following 3 distinct parts: The Lead-Free Inspection Summary Report, the Appendix (Inventory of Lead-Free Units), and the Lead-Free Inspection Fee Payment Form. All sections of the form must be completed accurately, clearly and legibly.

Complete a separate LFC (Form 330) for each parcel. Each LFC must have its own Form E for each certificate. Example 2 below uses the data for MDE Property Number 03-00000111 in the table and scenario above. The total number of units certificate number 100001 applies to is 30 because there are only 30 units in that parcel. The total number of units randomly surveyed is 51, per the HUD Guidelines Table 7.3. **NEW:** The total number of parcels is 6, because ABC Apartment Complex is spread out over 6 unique parcels. Enter the number of XRF readings taken in the *entire* complex; which was 8000 in this scenario. Example 2 only shows the XRF readings for interior surfaces. When completing the actual Form E, the XRF readings for exterior surfaces should be completed using the same method as interior surfaces.

Example 2: Excerpt from Form E – Inspection Summary Report

<p><u>SECTION 1, Interior Surfaces:</u></p> <p>If <u>multiunit building</u> or <u>multibuilding complex</u> is being certified as Lead-Free under this certificate # then, the “Form E-Appendix” must be submitted.</p> <p>Total # of Units this Certificate Applies to: <u>30</u> Total # Units Surveyed: <u>51</u> Total # Parcels: <u>6</u></p> <p>Total # of XRF Readings: <u>8,000</u> Total # of Inconclusive XRF Readings: <u>0</u> Total # of Paint Chip Samples Collected <u>10</u></p>
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Complete the Form E – Appendix (unit inventory) as shown in Example 3, using the same scenario from above. The number of units being certified lead free is 30 because that is how many units are in parcel (MDE Property Number) 03-00000111. **NEW:** Write in the parcel field that this Parcel 1 of 6. List each of the 30 units being certified lead free within the parcel.

Example 3: Excerpt from Form E – Appendix (Inventory of Lead Free Units)

MDE Tracking #: <u>0555555</u> Certificate #: <u>100001</u> Parcel <u>1</u> of <u>6</u>			
Date Certified Lead-Free: <u>01/01/15</u> Number of Units Certified Lead-Free: <u>30</u>			
Property Name: <u>ABC Apartment Complex</u>			
Street Number	Street Name	Unit Number	City, State, Zip Code
<u>100</u>	<u>Union St</u>	<u>A-1</u>	<u>Baltimore, MD 20000</u>
<u>102</u>	<u>Main St</u>	<u>B-4</u>	<u>Baltimore, MD 20000</u>

Complete the Form E – Fee Payment Form. **Important Note:** This form is to be mailed in by the owner to the P.O. Box shown on the Form (Do not mail the form or payment in with the certificate). Complete a separate Form E – Fee for each certificate that is being issued. The property owner can write separate checks for each Fee Payment Form; or one check for the total as long as all 6 Fee Payment Forms are mailed in together with the payment. The Form E-Appendix must be mailed in with both the LFC (Form 330) and the Form E – Fee Payment Form.

Example 3: Excerpt from Form E – Fee Payment Form

FEE PAYMENT (Inspector must complete this section)		
	TOTAL # of units certified Lead-Free	<u>30</u>
Please list MDE Tracking # on the check, canceled check will serve as the receipt.	(Processing Fee per unit)	X \$10.00
	TOTAL PAYMENT DUE to be Submitted	<u>300.00</u>

Repeat the process above for each unique parcel.

Please call 410-537-3825 if you have any questions about this process. We would much rather help you avoid a mistake than have to correct it. Ask to speak to someone about issuing a lead free certificate on a multi-unit property.

{Insert link to actual forms}