



District of Columbia

Department of the Environment's Lead and Healthy  
Housing Division Compliance and Enforcement Branch

Clearance Examination and Report Requirements

November 2013

**20 DCMR § 3314 – Change in Occupancy of Rental Units**

3314.3 The clearance report required by this section may be issued by a dust sampling technician, lead-based paint inspector, or risk assessor.

- 3314.4 An owner may satisfy the clearance report requirements of this section by submitting to the tenant:
- (a) A report from a risk assessor or lead-based paint inspector certifying that the unit is a lead-free unit, in accordance with §§ 3314.5, 3314.6 or 3314.7, as applicable; or
- (b) Three (3) passing clearance reports issued at least twelve (12) months apart from each other by a dust sampling technician, lead-based paint inspector, or risk assessor, provided that the three (3) passing clearance reports were all issued within the previous seven (7) years and the property owner or property manager is not currently, or was not during the previous five (5) years, subject to any housing code or any DDOE violation enforcement orders.

3314.5 A single-family home shall qualify as a “lead-free unit” provided the owner documents that all representative interior and exterior painted surfaces have been tested by a lead-based paint inspector or risk assessor and do not contain lead-based paint.

- 3314.6 To qualify as a “lead-free unit” in a multifamily property:
- (a) The owner shall document that all representative interior unit painted surfaces and all representative exterior painted surfaces that can reasonably be considered as the unit's exterior surfaces have been tested by a lead-based paint inspector or risk assessor and do not contain lead-based paint. For purposes of this paragraph, painted surfaces that can reasonably be considered as the unit's exterior surfaces include balcony and terrace components, exterior window and door components, and any accessible exterior wall surfaces that are part of the structure of the unit;
- (b) The owner shall document that any interior floor surface located outside the unit within twenty feet (20 ft.) of the front or rear door has been found to be free of lead-contaminated dust, as confirmed by a dust sampling technician, lead-based paint inspector, or risk assessor, after taking at least one (1) dust sample immediately outside the door and another dust sample for every ten feet (10 ft.) of floor surface from the door; and
- (c) The multifamily property shall have an Operations and Maintenance Plan that includes specific reference to a specialized cleaning process that ensures approaches to lead-free units remain lead safe over time.

3314.7 In the alternative, a unit may qualify as a “lead-free unit” in a multifamily property if an owner provides documentation that:

- (a) A lead-based paint inspection of the property, performed in accordance with the 1997 amendments to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, or any more recent version thereof, has resulted in a determination by a certified risk assessor or lead-based paint inspector that the property is a lead-free property; or
- (b) Lead-based paint that is present inside the unit has been enclosed so that a lead-based paint inspection of a unit, performed by a certified lead-based paint inspector or risk assessor, does not detect any lead-based paint.
- 3314.8 An owner whose unit is deemed to be a “lead-free unit” pursuant to § 3314.7(b) shall be exempt from the clearance requirements under § 3314, but shall remain subject to the disclosure requirements of the Acts and this chapter, and shall:
- (a) Disclose the presence of the enclosed lead-based paint whenever appropriate under the Acts and this chapter; and
- (b) As part of each such required disclosure, make available for review, upon written request of a tenant, a current copy of the property's Operations and Maintenance Plan, which shall contain a section that describes the process by which the owner intends to ensure that the lead-based paint remains enclosed over time.
- 3314.9 For purposes of this section, a clearance report shall include:
- (a) The date that the clearance examination was conducted;
- (b) A statement by the individual who conducted the clearance examination that the individual:
- (1) Was granted unobstructed access to all painted areas in the unit;
- (2) Did not see paint deterioration on any component or fixture on the interior of the unit;
- (3) Did not see paint deterioration on any component or fixture on the exterior portion of a property that can reasonably be considered the unit's exterior surfaces in the case of multifamily property, in conformance with § 3314.6(a); and
- (4) Did not see paint deterioration on any component or fixture on the exterior of any single-family property to which this section applies;
- (c) Dust sampling results that pass the clearance requirements of this chapter in accordance with the following dust sampling protocol:
- (1) One (1) floor sample in each room, taken close to a door or another potential likely source of lead dust; and
- (2) One (1) window sill or well sample in each room containing a window;
- (d) The analytical result for each environmental sample submitted for lab analysis, including any blank or spike sample submitted;
- (e) A floor plan of the unit that displays where each environmental sample was taken;
- (f) A chain of custody sheet with all fields completed, that lists each environmental sample submitted to a lab for analysis, along with the time of day that the samples were collected; and
- (g) The signature of the individual who conducted the clearance examination and a copy of that individual's current DDOE-issued certification card.
- 3314.10 Each environmental sample taken pursuant to this section shall be submitted for analysis to an appropriately accredited lab.



**Make sure that your clearance report includes the following:**

1. **Property address and specific units or areas identified**
2. **Name, address, signature and District of Columbia certification number of each person involved in the clearance examination**
3. **Name and identification number of each laboratory conducting the analysis**
4. **Date of Clearance examination**
5. **Results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips**
6. **Result of the analysis of dust samples in the micrograms square feet ( $\mu\text{g}/\text{ft}^2$ ) by location of samples**
7. **Name and address of each firm and supervisor involved in lead-hazard reduction activity**
8. **Start and completion date of the lead hazard reduction activity**
9. **Detailed written description of the lead hazard reduction activity including the methods used**
10. **Location of exterior surfaces, interior rooms, common areas and/or component where the hazard reduction occurred**
11. **Indicate if the unit passed or failed**
12. **Any recommended monitoring requirement**