

CLEARANCE EXAMINATION AND REPORT REQUIREMENTS

CHANGE IN OCCUPANCY OF RENTAL UNITS 20 DCMR § 3314

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: <ul style="list-style-type: none"><input type="checkbox"/> (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<input type="checkbox"/> (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 DOEE violation enforcement orders.
3314.6	To qualify as a “lead-free unit” in a multifamily property: <ul style="list-style-type: none"><input type="checkbox"/> (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;<input type="checkbox"/> (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<input type="checkbox"/> (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: <ul style="list-style-type: none"><input type="checkbox"/> 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<input type="checkbox"/> (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: <ul style="list-style-type: none"><input type="checkbox"/> (a) Disclose the presence of the enclosed lead-based paint whenever appropriate under the Acts and this chapter; and<input type="checkbox"/> (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
 - (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) windowsill 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 DOEE-issued certification card.

MAKE SURE YOUR CLEARANCE REPORT INCLUDES THE FOLLOWING:

- | | |
|--|---|
| <ol style="list-style-type: none"> 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 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) by location of samples | <ol style="list-style-type: none"> 7. Indicate if the unit passed or failed 8. Any recommended monitoring requirement |
|--|---|