

Video Series on the Amended Lead Safe Housing Rule (LSHR)

EBLL Response in HCV Units: Index Unit

Slide 1: EBLL Response in HCV: Index Unit

Welcome back. I'm Tara Radosevich of HUD's Office of Public and Indian Housing. In this segment, we'll walk through the steps of EBLL response for the index unit.

Slide 2: EBLL case reported for a child under six in HCV units... What now?

EBLL response requirements start when an EBLL case is reported for a child under the age of six living in an HCV unit.

Slide 3: Immediately verify the EBLL

The first step upon receiving a report of an EBLL in an HCV unit is for the PHA to immediately verify the EBLL. A report from a health care provider or health department is already verified. But if the EBLL report came from a different source, the PHA must verify the report with a health care provider or with the health department. The verification can be verbal if it comes from a health care provider or local health department.

Slide 4: What if the child has moved?

The Lead Safe Housing Rule accounts for situations where a child may have moved from the index unit by the time the EBLL report is verified. If the child is no longer living in the unit when the PHA receives the verified report, but another household receiving tenant-based rental assistance is living there or is planning to live there, the requirements of this section apply, just as they would if the child with the EBLL still lived there.

Slide 5: What if no medical verification is received?

Sometimes there are reasons why a health department does not or cannot verify the EBLL report. And you may also encounter situations where a health care provider or other partner agency is unresponsive to attempts at verification. In these and all other cases, the PHA should document its attempts to verify the EBLL and notify the HUD Field Office of the unsuccessful verification attempts.

Slide 6: HCV data matching and sharing

One of the things that should make the verification process go more smoothly is that there is already a requirement in place under the Lead Safe Housing Rule for PHAs and public health departments to share and match data on a quarterly basis. The Lead Safe Housing Rule requires PHAs to have a system for identifying EBLL cases in the HCV program through data sharing and data matching with the public health department.

Data sharing can occur in one of two ways. One way is for the PHA to share an updated list of HCV-assisted addresses with the public health department every quarter. The health department then uses this information to match against their records to identify possible EBLL cases. The second way is for the health department to share with the PHA the addresses of children they have identified with an EBLL. The PHA then matches this information against the names and addresses of families receiving HCV assistance. If a match occurs, the PHA begins EBLL response steps.

Whatever the data sharing method, PHAs must ensure that the information is protected, maintained as confidential, and used only for the public health protection of children and families from lead exposure. If the public health department is unable or unwilling to participate in quarterly data sharing, the PHA should document this for HUD's compliance reviews.

Slide 7: Information shared by the PHA should not include child's name or blood result

In many of the EBLL response steps to follow, owners and PHAs may share quite a bit of information, whether with residents, health care providers, local health departments, or the HUD Field Office. However, any communication containing the child's name or blood result must be transmitted in a secure manner (for example, an encrypted email). This is considered personally identifiable information (or PII) and is also confidential medical information that must be maintained in accordance with the PHA's policy for private medical information.

Slide 8: EBLL case verified... What now?

No script.

Slide 9: Notify the HUD field office, HUD OLHCHH, and health department

After receiving a verified EBLL report, the owner is required to notify three entities: the local HUD Field Office, the Office of Lead Hazard Control and Healthy Homes, and the local health department. These notifications must be completed within five business days of receiving the verified EBLL report. The notifications can be sent via regular email but must not include the child's name or blood test results, as these constitute PII. Although the designated party for this step is the owner, it is likely that PHAs and owners will collaborate on the notifications.

Slide 10: What to include in notification...

The notification emails to the HUD Field Office and to the HUD Office of Lead Hazard Control and Healthy Homes must include the following information: the owner's name and address (if the owner is doing the notifying) or the PHA's code and name (if the PHA is doing the notifying); the date of the EBLL test result; the housing program (in this case, HCV); the address of the EBLL unit; and whether the PHA or owner has notified the local health department of the EBLL, or been notified by the local health department, and the date of notification.

Slide 11: Ensure that a certified lead-based paint risk assessor performs an environmental investigation

At the same time as notifying HUD and the health department, the PHA must arrange for a certified Lead-Based Paint Risk Assessor to perform an Environmental Investigation (or EI) in the EBLL unit and any common areas servicing that unit. An EI is a risk assessment with additional questions and testing for other potential sources of lead exposure. The environmental investigation is explained in Chapter 16 of HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, available on HUD's web site. The EI must take place within 15 calendar days of the verified EBLL report. You can find certified assessors by contacting your state's lead licensing agency or through the EPA's web site.

Slide 12: Risk assessors and inspectors

Under the Lead Safe Housing Rule, different levels of certification are required for different types of lead-based paint evaluations. Lead-based paint risk assessors are certified professionals who can identify lead-based paint hazards and provide recommendations to owners on acceptable options for controlling them. Risk assessors may perform environmental investigations, inspections, post-abatement clearance, lead hazard screens, and risk assessments. In contrast, lead-based paint inspectors have a more basic training that allows them to identify lead-based paint on a surface-by-surface basis. Inspectors cannot perform environmental investigations or risk assessments, but can perform paint testing, paint inspections, and post-abatement clearance. The environmental investigation must be conducted by a certified Lead-Based Paint Risk Assessor.

Slide 13: Can the health department do the EI?

Some states or local health departments, or childhood lead poisoning prevention programs, perform lead assessments themselves. For example, in some cities and counties, the local health department will evaluate a child's home for lead-based paint hazards and other sources of lead exposure if the child is identified to have an EBLL. When the health department does the assessment, the PHA is not required to perform an additional environmental investigation. The PHA can rely on the results of the health department's evaluation.

Slide 14: Results of the environmental investigation received... What now?

No script.

Slide 15: Notify the HUD field office, HUD OLHCHH, and health department

Upon receiving the results of the environmental investigation, the PHA has 10 business days to notify the HUD Field Office and 15 calendar days to notify the family of the results. If the environmental investigation identifies lead-based paint hazards, the PHA must also inform other building residents that an environmental investigation was completed and must do so within 15 calendar days of receiving the report. When notifying other building residents, keep in mind that the Lead Safe Housing Rule prohibits posting the notice to a centrally located common area. This is to protect the privacy of the child and the child's family. Instead, the owner must deliver individual letters or notices to each occupied unit.

Slide 16: Notices of evaluation must include...

Because environmental investigations are only considered valid for one year, the notices sent to HUD, the family, and other building residents must include the date the investigation was completed.

Slide 17: Did the EI identify lead-based paint hazards?

Upon receiving the results of an environmental investigation, a key question is whether the EI identified lead-based paint hazards in the index unit. If the environmental investigation did, in fact, identify lead-based paint hazards in the unit, then the owner is responsible for controlling and clearing all identified hazards in the unit and the common areas servicing it. If the environmental investigation did not identify lead-based paint hazards in the unit, then the owner and PHA have completed the EBLR response once they notify the family of the results. Both the owner and the PHA should make sure to maintain records of the environmental investigation, its results, and the notices of evaluation.

Slide 18: What about non-paint hazards identified in the EI?

One important point about the environmental investigation is that the report will not just identify hazards from lead-based paint but will also identify other household sources of lead discovered as part of the investigation. The owner is only required to control lead-based paint hazards, but families should follow the report's recommendations for controlling any other, non-paint sources of lead, such as imported jewelry or pottery. The owner or the PHA can show the family the part of the report that talks about non-housing hazards and can let them know that it is the family's responsibility to eliminate or control these hazards in their homes.

Slide 19: Environmental investigation identified lead-based paint hazards... What now?

No script.

Slide 20: Is this unit in a property with multiple federally-assisted units?

Whenever an environmental investigation positively identifies lead-based paint hazards, the PHA and owner must consider whether the index unit is in a property with other federally-assisted units. If the index unit is found to contain lead-based paint hazards, additional evaluation is required for other units in the property where a child under age six resides or is expected to reside. These additional requirements are covered in the next video segment. Note that a multiunit property can include multiple buildings, and that all buildings in a property are covered by the Lead Safe Housing Rule if they meet the definition of target housing.

Slide 21: Correct and clear any lead-based paint hazards...

We now move onto a very important step in responding to EBLR cases: the control and clearance of lead-based paint hazards in the index unit. The owner must ensure that a certified lead-based paint abatement or renovation firm controls and clears any lead-based paint hazards within 30 calendar days of receiving the environmental investigation results. The certified abatement and renovation firms are the experts in lead-based paint hazard control and clearance, so owners should follow their direction in responding to the hazards identified in the environmental investigation.

Control work includes any necessary abatement, interim controls, and standard treatments of lead-based paint hazards. Clearance is the process that certifies that all the hazards have been controlled or removed. Beyond that simple definition, remember that the renovation and abatement firms are the experts. Owners and PHAs should communicate with them early and often, and make sure to ask questions about anything that is not clear.

Slide 22: Always use certified assessors and technicians

When discussing options for hazard control with certified renovation or abatement firms, HUD encourages owners and PHAs to prioritize abatement over interim controls. That's because abatement reduces the need for future reevaluation and hazard control work, saving owners and the PHA money in the long-run.

Slide 23: How to navigate these steps

The owner has a responsibility to ensure that families are not exposed to further lead hazards throughout the control and clearance process. The owner should rely on the certified lead-based paint risk assessor's determination as to what types of safety measures are required to protect the family.

The risk assessor or certified contractor will recommend requirements for relocation, isolation of work areas, and other worksite preparation measures based on the type and extent of the work needed and the amount of dust that will be generated. Some types of work require complete isolation, or containment, of the work area or full evacuation of residents and their belongings. Other jobs require more limited protective measures.

In navigating these requirements, the owner and PHA will rely on the certified risk assessor's or certified contractor's expertise. However, keep in mind that temporary relocation of residents will always be necessary if residents do not have safe access to kitchens and bathrooms non-work hours.

Slide 24: When is control work complete?

Control work is not complete until the unit passes the clearance examination, at which point the certified renovation or abatement firm provides the owner with a clearance examination report. Failure to achieve clearance is usually caused by inadequate cleaning or happens when surfaces have not been made smooth and cleanable. Sometimes additional hazard control work is necessary.

Slide 25: What is a clearance examination?

We've discussed the clearance examination report, but what does the clearance examination itself entail? Clearance refers generally to combined visual and quantitative environmental evaluation procedures used to determine that no lead-based paint hazards remain in the unit. This normally includes a visual assessment and analysis of dust samples. The specific procedures used depend on what the client wants to know, and which regulations and standards apply. A certified firm, assessor, or inspector will be able to inform you about these requirements. In addition, HUD's [Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing](#) provides a "Clearance Report Review Worksheet" with the required fields.

Slide 26: Who conducts a clearance examination?

Under the Lead Safe Housing Rule, clearance must be performed by a certified risk assessor or a certified lead-based paint inspector if the work involved abatement. For non-abatement work, clearance may also be done by a certified sampling technician. Note that states and localities may have different requirements for who conducts the clearance examination. If local standards are higher than the Lead Safe Housing Rule's standard, owners and PHAs are required to follow the higher standard.

Slide 27: Notify all building residents that work is complete...

Upon the receiving the clearance examination report, the owner has 15 calendar days to notify building residents that work is complete and of the hazard reduction activities undertaken. Within 10 days business days of passing clearance, the owner must also notify the HUD Field Office of the results of the report and that the lead hazard control work was completed.

Slide 28: All necessary environmental investigations, risk assessments, and control work are completed... What now?

No script.

Slide 29: Maintain the unit and common areas lead safe...

The owner's responsibilities do not end once the unit is cleared. The owner must maintain the unit and common areas as lead-safe for continued occupancy. Lead-safe means no deteriorated paint or failed hazard control methods. The owner must ensure that a certified assessor conducts a visual assessment at unit turnover and every twelve months.

Slide 30: Ongoing maintenance entails...

The owner is responsible for ensuring that the unit has regular visual assessments for deteriorated paint, bare soil, and the failure of any hazard reduction measures. The owner is also responsible for responding to and clearing any hazards identified, and for notifying residents. If all lead-based paint has been completely removed from the unit, the owner has no additional requirements with respect to ongoing lead-based paint assessment and maintenance.

Slide 31: End of EBLL Response in HCV Units Segment 2

This concludes the second segment of EBLL Response in HCV units. Thank you for watching. Please continue to the next segment on EBLL Response in Other Covered Units.