

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

## **EBLL Response in Public Housing: Other Covered Units**

### **Slide 1: EBLL Response in Public Housing: Other Covered Units**

Welcome back. I'm Stephen Kidd of HUD's Office of Public and Indian Housing. In this segment, we'll walk through the steps of EBLL response for other covered units in a multi-unit property.

### **Slide 2: An environmental investigation revealed the index unit in a multi-unit property has lead-based paint hazards... What now?**

When an environmental investigation identifies lead-based paint hazards in the index unit of a public housing property, the PHA has additional testing and control responsibilities for other covered units in the property. The required actions for other covered units in the property must be taken at the same time as the actions for the index unit where the EBLL child lives.

### **Slide 3: Perform a risk assessment...**

The timeline for the EBLL response steps concerning other covered units begins the day the PHA receives the environmental investigation results indicating lead-based paint hazards in the index unit. Upon receiving those results, the PHA must perform a risk assessment on all or a sample of other covered units – that is, public housing units in the property where a child under age six lives or is expected to live, and associated common areas.

These risk assessments must be performed by a certified lead-based paint risk assessor, but the timeline for conducting the assessments and the number of assessments to be conducted depends on the size of the property. For properties with up to 20 other covered units, risk assessments must be conducted within 30 calendar days of receiving the environmental investigation results. For properties with more than 20 other covered units, risk assessments must be conducted within 60 calendar days of receiving the environmental investigation results.

Note that for other covered units, the PHA is required to do a risk assessment, not an environmental investigation as is required for the index unit. A risk assessment is an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. It also includes a report explaining the results and options for reducing lead-based paint hazards. It can be performed only by risk assessors certified or licensed by EPA or an EPA-authorized entity.

### **Slide 4: Guidelines for sampling other covered units...**

Depending on the size of the property, the Lead Safe Housing Rule allows PHAs to perform risk assessments on a random sample of other covered units in the property, rather than all of them.

Sampling is allowed because in most instances a pattern can be determined after inspecting a fraction of the units. The number of units required for the sample depends on the age of the property and the number of units in the housing development. While a PHA may, for their own strategic reasons, choose to conduct risk assessments on all the other covered units in the property, random sampling is allowed for pre-1960 properties with more than 20 covered units and for properties built between 1960 and 1977 with more than 10 covered units. Table 7.3 in HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing provides guidance on the sample sizes required and how to select an unbiased sample, but your certified lead-based paint risk assessor will likely design and implement the sampling protocol.

### **Slide 5: Risk assessments of other covered units completed... What now?**

After the risk assessments on the other covered units are complete, the PHA must address any findings from these assessments. Since many of the requirements for occupant protections, control work, clearance, and ongoing maintenance are the same for other covered units as for index units, much of the information has already been covered in the previous video segment. However, we will briefly review the steps involved and highlight any ways in which the steps for other covered units differ from the steps for index units.

### **Slide 6: Did the risk assessment(s) identify lead-based paint hazards?**

The first step is to consider whether the risk assessment identified lead-based paint hazards in any of the covered units tested. If the risk assessments conclude that there are no lead-based paint hazards in any of the other covered units, the PHA needs to notify residents of the tested units and HUD of the results of the risk assessment and then the EBLL response is complete.

However, if the risk assessments find lead-based paint hazards in one or more other covered units, the PHA must respond to those hazards. Responding to lead-based paint hazards in a covered unit is very similar to responding to lead-based paint hazards in an index unit. The same six steps (notify, protect, control, notify, maintain, and reevaluate) and their requirements apply equally to index and covered units. The video segment on EBLL Response in the Index Unit covers these six steps in detail.

### **Slide 7: Information specific to other covered units**

There are two ways that the response steps for other covered units might differ from the steps for index units. First, if the risk assessment was done on a sample of units, and the assessment revealed lead-based paint hazards in one or more units in the sample, then all the units and common areas in the sampling universe—that is, the set of units from which the sample was selected—are presumed to have lead-based paint hazards. In other words, if you found lead-based paint hazards via sampling of covered units, then you must proceed under the assumption that all covered units of that similar construction also have lead-based paint hazards. This is a concept that your certified risk assessor will be familiar with, and will be included in the report they provide.

Second, unlike with the environmental investigation, the PHA can notify residents of the risk assessment results by central posting in an accessible common area, since there should be no PII in the risk assessment. But whether by central posting, letter, or notice to each dwelling, these notifications must be completed within 15 calendar days of receiving the risk assessment results.

### **Slide 8: Steps to ensure full compliance with the LSHR**

As this point, our discussion of EBLL response in other covered units is complete. We are going to conclude by spending a few minutes on steps that PHAs can take right away to ensure full compliance with the amended Lead Safe Housing Rule.

### **Slide 9: Steps you can take right now**

The first step is to ensure that all lead-based paint testing required under the existing LSHR is already completed and that records are securely stored at the property and are available for inspection. If any lead-based paint remains after the abatement, it must be monitored as part of ongoing building operations to ensure that abatement methods have not failed.

Second, the PHA should determine whether any future lead evaluations and hazard control work will be performed by trained, certified staff or through contract. If new contracts require approval by the PHA's Board of Commissioners, the process should be started in advance of the need. The PHA should also make sure to identify a current contact person at the local or state health department for communication purposes.

### **Slide 10: Steps you can take right now (cont.)**

Finally, you may also want to inform residents of the risks of lead-based paint and encourage them to have young children tested for lead in their blood. For this purpose, HUD has produced a fact sheet entitled "[Update for Families in Federally Assisted Housing](#)" that you can print out and distribute or put on your website.

### **Slide 10: Key resources**

Before we close this section on public housing, we'll leave you with a list of key resources to help you comply with the requirements of the LSHR and LSHR Amendment. All of these resources are available on the HUD Exchange. If you would like further information concerning EBLL response action steps in public housing, please review the [fact sheets](#) for PHA staff and families; the [LSHR](#) itself; HUD's [Guidelines](#) for the Evaluation and Control of Lead-Based Paint Hazards in Housing; and [Notice PIH 2017-13](#). All of these resources are shown on your screen and will be linked in the accompanying notes. Please also watch our video segments on the HCV and PBV programs if you are involved in the administration of those programs.

### **Slide 11: Feedback and questions**

Finally, email any questions and comments you have on this video, as well as requests for additional resources on the Lead Safe Housing Rule, to [leadregulations@hud.gov](mailto:leadregulations@hud.gov). We have now concluded the EBLL response steps for other covered units in public housing. We thank you for taking the time to join us.