

Lead Safe Housing Rule Amendment Training

For PBA and Conventional PH

September 2019



Welcome

- Trainers
 - Phil Jones, ICF
 - Kris Richmond, ICF
- Questions –
 - **Written Questions:** Enter your question into the Q&A text box at any time during the presentation, submit question to “All Panelists”. The questions will be read aloud if time permits.
 - **Troubleshooting Questions:** Submit questions using the Chat text box, submit question to Host.
- 90 minutes
- Will be recorded and posted on HUD Exchange



Training Goals and Agenda

1. Review the purpose, rules and requirements of the Lead Safe Housing Rule (LSHR)
2. Learn about the key definitions and new requirements of the LSHR amendment and how to meet them
3. Focus on response to reported EBLL in children in our units
4. Identify other available resources



Sources of Lead

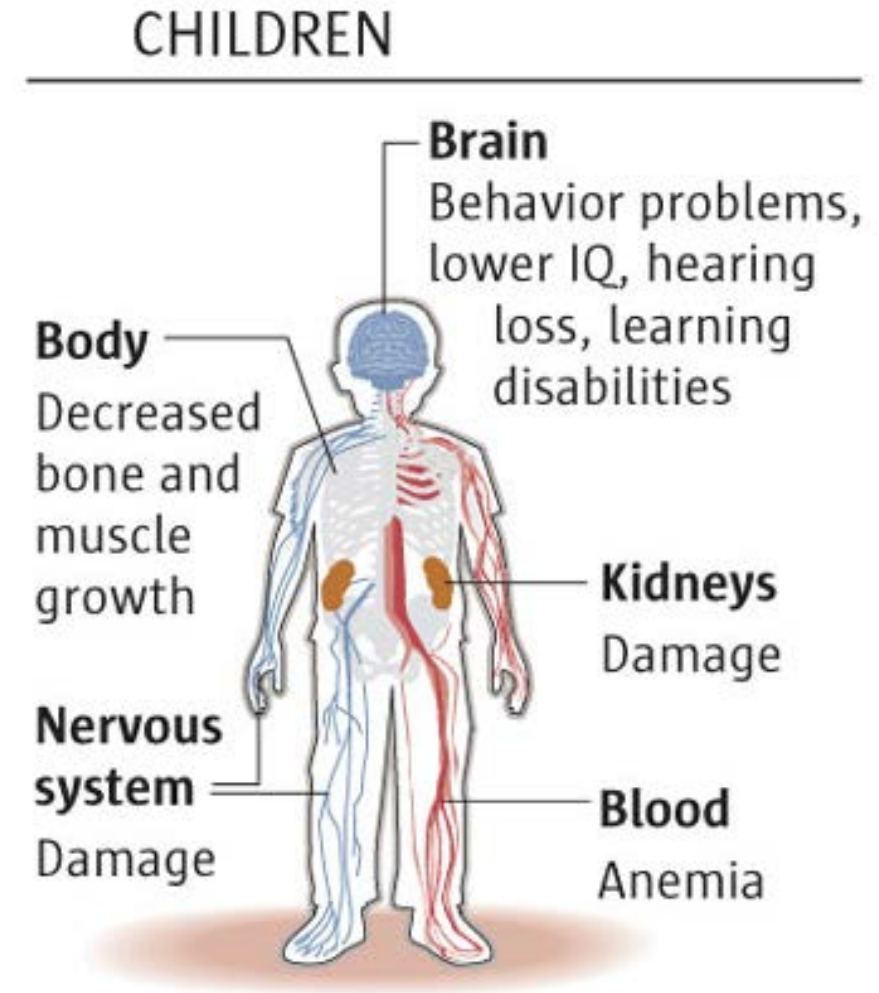
- Lead is a naturally occurring element found in all parts of the environment including dirt
- Past use of leaded gasoline, foundries, smelters, and mining
- Household sources of lead
 - Paint in homes built before 1978
 - Water pumped through lead pipes and plumbing fixtures
 - Certain imported items including some clay pots, toys, jewelry, and home remedies



Exposure to Lead

How do children get lead in their blood?

- Crawling or playing anywhere there is lead dust or contaminated soil
- Putting their hands or other lead-contaminated objects into their mouths
- Eating paint chips found in homes with peeling or flaking lead-based paint



The background is a solid dark green color. Overlaid on this background are two large, light green, stylized icons. On the left is a house icon with a simple roofline and two small square windows. On the right is a sun icon with a semi-circular arc above a horizontal line. The text "Federal Lead Rules" is positioned in the lower right area of the image, overlapping the sun icon.

Federal Lead Rules

Federal Lead Regulations

*HUD –
24 CFR Part
35*

- Subpart A: Lead Disclosure Rule
- Subpart B: General LSHR Requirements & Definitions
- Subpart H, L, M: LSHR Program Requirements
- Subpart R: LSHR Methods and Standards

*EPA –
40 CFR Part
745*

- Subpart F: Lead Disclosure Rule
- Subparts D, L, Q: Lead-Based Paint Activities Rule
- Subparts E and Q: Renovation, Repair, and Painting (RRP) Rule

*Recent changes in the EPA rule will go into effect on **January 6, 2020**.*



PBA and Public Housing: Subparts and Applicable Programs for 24 CFR 35

Subpart	Assistance	Programs
H	Project-Based	<ul style="list-style-type: none">• Project-Based Rental Assistance• Project-Based Voucher• Housing Opportunities for Persons with AIDS• Continuum of Care program• Shelter Plus Care program• Multifamily Housing Program
L	Public Housing	<ul style="list-style-type: none">• Public Housing Programs – U.S. Housing Act of 1937, Section 9



Key Definitions (ref. §35.110)

- **Target Housing** – built before 1978, with some exceptions
- **Lead-Based Paint Hazards**
 - Deteriorated LBP
 - Dust-lead at or above the dust-lead hazard standard
 - Soil-lead at or above the soil-lead hazard standard
 - Friction, impact or chewable surfaces with LBP and an associated dust-lead hazard
- **Lead-Based Paint** – 1.0 mg/cm^2

Lead Safe Housing Rule Applies Except When:

Information from 24 CFR 35.115

- Property constructed on or after January 1, 1978
- Zero-bedroom and Single-Room Occupancy units
 - **Exemption does not apply** if a child less than age 6 resides or is expected to reside in the dwelling unit
- Housing for the elderly, or a residential property designated exclusively for persons with disabilities
 - **Exemption does not apply** if a child less than age 6 resides or is expected to reside in the dwelling unit



Lead Safe Housing Rule Applies Except When (Cont.):

- Properties found to be LBP free by an inspection, or where all LBP has been identified, removed, and clearance achieved
- An unoccupied property that is to be demolished and remains unoccupied until demolition
- Emergency repairs to protect life, health, safety or structure
- Rehabilitation that does not disturb a painted surface
- Compliance with requirements for testing and remediation may be reasonably delayed due to adverse weather conditions



Key Terms

Visual Assessment	An inspection to identify deteriorated paint chips, dust and other debris, AND determine if all previous hazard control measures are intact
Risk Assessment	An inspection following a detailed protocol using chemical testing and/or XRF technology to identify LBP and 4 types of LBP hazards
Clearance	An inspection following a specific protocol using combined visual and quantitative environmental evaluation procedures to determine no LBP hazards remain

Key Steps in HUD Lead Regulatory Compliance

Disclose

Pamphlet, lead warning, knowledge

Evaluate

Visual assessment

Risk assessment, inspection

Hazard
Reduction

Paint stabilization, interim controls, abatement

Clear

Pass clearance

Notify

Notify residents

Maintain

Ongoing LBP maintenance

Visual assessment, re-evaluation



Records must be kept **at least** 3 years after LSHR requirements expire

- Some programs have longer record retention periods

Lead Disclosure Rules

Subpart A

- Applies to all pre-1978 for sale and rental units (unless exempt)
- The Owner or Lessor:
 - Provides pamphlet
 - Provides proper disclosure form
 - Discloses ALL KNOWN information (LBP, evaluations, hazards, and remediation)
- Must be completed and signed copy retained BEFORE any contract is signed



**Protect
Your
Family
From
Lead in
Your
Home**



Lead Disclosure Rule: The Wrong Disclosure

NOTIFICATION Watch Out for Lead-Based Paint Poisoning

Sources of Lead-Based Paint
The interiors of older homes and apartments often have layers of lead-based paint on the walls, ceilings, window sills, doors and door frames. Lead-based paint and primers may also have been used on outside porches, railings, gangways, fire escapes, and lamp posts. When the paint chips, flakes or peels off there may be a real danger for babies and young children. Children may eat paint chips or chew on painted railings, windows sills or other items when parents are not around. Children can also ingest lead even if they do not specifically eat paint chips. For example, when children play in an area where there are loose paint chips or dust particles containing lead, they may get these particles on their hands, put their hands into their mouths, and ingest a dangerous amount of lead.

Hazards of Lead-Based Paint
Lead poisoning is dangerous—especially to children under the age of seven.

Symptoms of Lead-Based Paint Poisoning
Has your child been especially cranky or irritable? Is he or she unusually tired? Has your child been vomiting or having stomachaches? Has your child been having headaches? Is your child unwilling to play? These may be symptoms of lead poisoning. However, these symptoms may also be caused by other things, so there are no symptoms at all. Because these symptoms do not mean that you should not be concerned, your child may have been exposed to lead-based paint.

Advisability and Availability of Blood Lead Level Testing
If you suspect that your child has eaten chips of lead-based paint, you should take your child to the doctor or clinic for testing. If the test shows that your child has an elevated blood lead level, you should take your child to your doctor or local health department for help and more information. Lead screening and treatment are available through the Medical Assistance program. If your child is certified as having an elevated blood lead level, you should immediately notify the Community Development Department. If your landlord is applying for rehabilitation assistance so the necessary steps can be taken to test your unit for lead-based paint, your unit may be eligible for assistance to abate that hazard.

Precautions to Take to Prevent Lead-Based Paint Poisoning
You can avoid lead-based paint poisoning by taking some preventative steps. Check at your walls, ceiling, doors, door frames and windowsills. Are there places where the paint is peeling, chipping, or powdering? If so, you can do the following things you can do immediately to protect your child:

- (a) Cover all furniture and appliances with plastic.
- (b) Get a broom or stiff brush and sweep up all loose pieces of paint from walls, windowsills, and ceilings. Put these packages in the trash can. DO NOT BURN THEM.
- (c) Sweep up all pieces of paint from floors and windowsills. Put these packages in the trash can. DO NOT BURN THEM.
- (d) Do not leave paint chips or dust on floors and windowsills. Damp mop floors and windowsills. Keep these areas clean. Dust and dirt is easy and very important, and in your children's reach since children may pick loose paint from the surface of the walls.
- (e) Do not allow loose paint chips or dust on floors and windowsills.

Homeowner Maintenance
As a homeowner, you should take steps to keep your home in good shape. Water leaks from the roof, defective roofs and exterior holes or breaks may admit rain and moisture into the interior of your home. These conditions damage walls and ceilings. Before repainting, all surfaces that are peeling, cracking, chipping or flaking should be thoroughly cleaned by scraping or brushing the loose paint from the surface. The surface may be repainted with two (2) coats of non-lead-based paint. Instead of scraping, the surface may be gypsum, or paneling. Beware that when lead-based paint is removed by scraping, a cloud of lead dust is created, which may be hazardous. The use of heat or paint removal by sanding or burning is not recommended. If there are no children or pregnant women on the premises, the removal of lead-based paint should be done as soon as possible. However, the removal of defective lead-based paint surfaces does not eliminate the hazard. Remedial actions and awareness about the lead problem can make a big difference.

Tenant and Homebuyer Responsibility
You should immediately notify the Community Development Department or the agency through which you are purchasing your house if the unit has flaking, chipping, peeling paint, water leaks from plumbing, or a defective roof. You should co-operate with that office's effort to repair the unit.

I have received a copy of the notice entitled "Watch Out for Lead Based Paint Poisoning" And
I have received a copy of the notice entitled "Protect Your Family From Lead in Your Home".

Printed name of recipient _____

Signature of recipient _____

Exhibit V

After carefully reading this notice, please detach this receipt and return it to your local housing authority, landlord, management office, or community development office.

RECEIPT

I have received a copy of the notice entitled:

**Lead-Based Paint
A Threat
to Your
CHILDREN**
January 1993

Printed name of recipient: Deloris Becker

Signature of recipient: Becker

Date: 1-10-94

U.S. GOVERNMENT PRINTING OFFICE:1993-351-568



Lead Disclosure Rule: The Correct Disclosure

www.hud.gov/program_offices/healthy_homes/enforcement/disclosure

www.epa.gov/sites/production/files/documents/lesr_eng.pdf



Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) _____ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i) _____ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) _____ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lead Safe Housing Rule (LSHR)

Subparts B-R

- Protect children in assisted target housing through *primary prevention by hazard identification and control or removal*
- Primary prevention methods depend on type of assistance and, in some cases, amount
- Effectiveness assured through certifications, training, evaluations



Lead-Based Paint Methods and Standards

Subpart R

- Provides standards and methods for evaluation and hazard reduction activities required in subparts B, C, D, and F through M of the LSHR
- Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition)
 - Provides detailed protocols and methodologies not found in the Rule



Public Housing Summary of LBP Requirements

Conventional Public Housing [Subparts A, B, L & R]

	Conventional Public Housing [Subparts A, B, L & R]
Disclosure (almost all pre-1978 units regardless of occupancy)	PHA is responsible for providing Protect Your Family pamphlet, disclosure form, and available records and reports to residents at initial occupancy, when their lease is renewed with changed terms, and/or when their lease is renewed after new information on LBP or LBP hazards becomes available.
Exemptions	See list of property exemptions under the Lead Safe Housing Rule
Approach to Lead Hazard Evaluation and Reduction	Identify and, at or before comprehensive modernization, abate all lead-based paint and lead-based paint hazards; until then follow LBP management program
Pre-Renovation Education (EPA Requirement)	Entity performing modernization, repair, renovation or lead hazard reduction must provide EPA RRP Renovate Right Pamphlet to residents prior to start of work.
Lead Evaluation	Paint Inspection and Risk Assessment Notice to occupants describing results of Paint Inspection and Risk Assessment
Lead Hazard Reduction	Abatement when comprehensive modernization conducted; use interim controls until abatement is performed Safe work practices & occupant protection Work must be performed by personnel with proper training, supervision, and/or certification (i.e., for abatement, a certified lead-based paint abatement firm with certified abatement supervisor(s) and workers, and for RRP, a certified renovation firm with certified renovation supervisor(s) and workers)
Clearance and Notice	Clearance is required following abatement, interim controls, and paint stabilization (unless area controlled or stabilized is de minimis) Notice to occupants describing hazard reduction activities including clearance.
Ongoing Maintenance	Annual visual assessment to check for failure of lead hazard reduction work or defective paint. Safely repair deteriorated paint (unless no LBP present) and pass clearance. Safely repair any failed lead hazard reduction work, pass clearance, and provide notice to residents.
Periodic Re-evaluation	Yes, by a certified lead risk assessor. Conducted within 2 years of hazard reduction activity and repeated 2 years later. End after two consecutive reevaluations without finding LBP hazards or failure of encapsulations or enclosure.

PBA Summary of LBP Requirements

	Project-Based Assistance [Subparts A, B, H, & R]	
Assistance Amount	Up to \$5,000/ unit/ per year and single-family properties	Over \$5,000/ unit/ per year
Disclosure (almost all pre-1978 units regardless of occupancy)	Owner is responsible for providing Protect Your Family pamphlet, disclosure form, and available records and reports to residents at initial occupancy, when their lease is renewed with changed terms, and/or when their lease is renewed after new information on LBP or LBP hazards becomes available.	
Exemptions	See list of property exemptions under the Lead Safe Housing Rule.	
Approach to Lead Hazard Evaluation and Reduction	Visual assessment and stabilize deteriorated paint	Risk Assessment and control lead hazards
Pre-Renovation Education (EPA Req.)	Entity performing any rehabilitation, repair, or lead hazard reduction must provide <i>EPA RRP Renovate Right</i> pamphlet to residents prior to start of work.	
Lead Evaluation or Visual Assessment and Notice	Visual Assessment	Risk Assessment Notice to occupants describing results of Risk Assessment
Lead Hazard Reduction	Paint stabilization Safe work practices & occupant protection Work must be performed by personnel with proper training or supervision	Interim controls Safe work practices & occupant protection Work must be performed by personnel with proper training or supervision
Clearance and Notice	Clearance is required following abatement, interim controls, and paint stabilization (<i>unless area controlled or stabilized is de minimis</i>) Notice to occupants describing hazard reduction activities including clearance.	
Ongoing Maintenance	Annual visual assessment to check for failure of lead hazard reduction work or defective paint. Safely repair deteriorated paint (unless no LBP present) and pass clearance. Safely repair any failed lead hazard reduction work, pass clearance, and provide notice to residents.	
Periodic Re-evaluation	No	Yes, by a certified lead risk assessor. Conducted within 2 years of hazard reduction activity and repeated 2 years later. End after two consecutive reevaluations without finding LBP hazards or failure of encapsulations or enclosure.
EBLL Requirements	If a child discovered with an EBLL, promptly notify HUD, verify if not reported by a health care provider, notify health dept., conduct an environmental investigation and use interim controls or abatement to address hazards. Conduct Risk Assessment on other assisted units with a child under age 6 residing or expected to reside and perform interim controls or abatement to address hazards, clearance, notification to residents and ongoing maintenance.	
Options	Test deteriorated paint Use safe work practices only on lead-based paint surfaces	Presume lead-based paint hazards Use standard treatments

Ongoing Maintenance

Maintain the unit and common areas lead safe for continued occupancy.*
Lead safe means no deteriorated lead paint or failed hazard control methods.

Who	PHA (PH) or Owner (PBA)
What	<ol style="list-style-type: none">1. Ensures a trained visual assessor conducts regular visual <u>assessments</u>2. Responds to and clears new or deteriorated LBP hazards identified in the assessment3. Repairs any failed encapsulation or enclosure controls4. Written notice asking residents to report deteriorated paint and any failure of encapsulation or enclosure
When	Visual assessments at unit turnover and every twelve months



***Ongoing maintenance not required if LBP was completely removed**

Visual Assessors

- Trained to conduct Visual Assessment
 - Identifying deteriorated paint and visible dust (Not LBP)
- Can be owner, owner staff, grantee
- Must complete online Visual Assessment training found on HUD.Gov at

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>



EPA Renovation Repair Painting (RRP) Rule

Contractors performing renovation repair and painting projects that **disturb** LBP in homes, child care facilities and pre-schools built before 1978, must (with some exceptions):

- Have their firm certified by EPA or an EPA authorized state
- Use certified renovators trained by EPA-approved training providers
- Follow lead-safe work practices
- Provide “Renovate Right” pamphlet
- At the end of HUD-assisted work, conduct clearance



Finding Appropriate Firms and Individuals

- Some grantees and property owners/managers report they can not find trainers, contractors, paint inspectors, risk assessors or clearance technicians they need
- Locate [Certified Renovation Firms](#) and [RRP Training Providers](#) from EPA's [Lead homepage](#)
 - Some states have their own RRP Programs
- Contact the [local entitlement \(CDBG/HOME\) grantee](#) for referrals
- Contact [Lead-Based Paint Hazard Control Grantees](#)



Re-Evaluation: PH & PBA Receiving $\geq \$,5000/\text{unit}/\text{yr}$ and Lead Hazard Reduction Work Occurred

Who	PHA (PH) or Owner (PBA); Certified Risk Assessor
What	Periodic reevaluation using a certified risk assessor and response to findings
When	Conducted if lead hazard reduction activities occurred: <ul style="list-style-type: none">• First re-evaluation no later than 2 years from completion of hazard reduction.• Subsequent re-evaluations at intervals of 2 years, +/- 60 days.

***No longer required if 2 consecutive re-evaluations find no failures in encapsulation, enclosure, and/or new LBP hazards**

A stylized graphic in the background of a dark green slide. It features a white outline of a house with a chimney on the left and a large, semi-circular arc above the roofline, resembling a rising sun or a protective shield.

Lead Safe Housing Rule (LSHR) Amendment

HUD has modified the LSHR to enhance the protections from lead-based paint hazards that the current regulations provide.

Lead Safe Housing Rule

*HUD –
24
CFR
Part
35*

- Subpart A: Lead Disclosure Rule
- Subpart H, L, M: LSHR Program Requirements
- Subpart R: LSHR Methods & Standards



Additional Key Terms

Index Unit	A housing unit where a child with an elevated blood lead level resides.
(Other) Covered Units	Federally-assisted housing units in the <i>property</i> where a child under 6 years old lives or is expected to live.
Environmental Investigation	A full Risk Assessment plus interviews and testing to determine what other factors that may have contributed to the child's EBLL

Designated Party and the EBLL Response

- **Designated Party:** Responsible for applicable LSHR requirements

Subpart L	Public Housing	PHA
Subpart H	PBA	Owner

- **EBLL Response Activities:** The activities are the same, but the designated party changes for each type of assistance

Amendments to LSHR

- Enforceable since 7/31/2017
- Major changes include:
 - Bring definition of Elevated Blood Lead Level (EBLL) in line with CDC (**reduce to 5 $\mu\text{g}/\text{dL}$ or greater**)
 - Enable HUD to change the EBLL in the future should the CDC threshold (reference level) change



Amendments to LSHR (Cont.)

When a child is found with an Elevated Blood Lead Level

- *Enhance* the assessment in that child's unit from a Risk Assessment to an Environmental Investigation
- *Add* a requirement that every assisted unit in the property occupied by a child under 6 years old receive a Risk Assessment with Lead Hazard Control of any lead-based paint hazards (if LBP hazards in Index Unit)
- *Add* a requirement that HUD be notified for the major types of housing assistance that have an Elevated Blood Lead Level requirement





EBLL case reported for a child
under age six in an assisted
housing unit...



Responding to EBLLs: Index Unit – Verification of EBLL

If original EBLL report did not come from a ***health care provider*** or local ***public health department***, immediately verify the child's blood lead level with one of those sources.

Who	PHA (PH); Owner (PBA)
What	Verifies the EBLL with health care provider or public health department
When	Immediately
How	Need not be written verification

What if no initial medical verification is received?

Owner or PHA/Grantee must...

- Contact your HUD Program Representative (HUD Rep) regarding the no response.
 - The HUD Rep will either proceed to verify independently or contact OLHCHH to assist with verification.
 - You may also continue to attempt to verify the EBLL.
- Keep records of all attempts (yours and HUD's) to verify the EBLL with the public health department or health care provider.
- Avoid unnecessary delays that slow down the response.



Information Privacy

Information emailed/shared with HUD/PHA should not include the child's name or blood result, unless done in a secure manner.

- This is considered personally identifiable information (PII) and is also confidential medical information that must be maintained in accordance with the PHA's/grantee's policy for private medical information.
- If the PHA/grantee must transmit PII, it shall be done in a secure manner or in an encrypted email.
- For more information on Privacy Protection Guidelines for PHAs, see Notice PIH 2015-06.



Public Housing/PBA - Responding to EBLLs: Index Unit

What if the child with an EBLL has moved by the time the Designated Party receives notification?

- The EBLL response requirements apply regardless of whether the child is or is not still living in the unit.





EBLL case information
provided or confirmed by
health department or medical
health provider
**Next, Notify and
investigate!**

Responding to EBLs: Index Unit – Notify 3 Entities

Notify: Local health department, Local HUD Field Office, and HUD OLHCHH (LeadRegulations@hud.gov)

Who	PHA (PH units); Owner (PBA)
What	Notifies local health department and HUD (if case was not reported by it)
When	<u>Within five business days</u> of receiving verified report
How	HUD recommends using email Do <u>not</u> include child's name or test results

Responding to EBLs: Index Unit – Notice to HUD

What to include in notification to HUD Field Office and HUD Office of Lead Hazard Control and Healthy Homes:

- PHA code and name (if PHA providing info) OR owner name and address (if owner providing info)
- Date of EBL test result
- Housing program (e.g., public housing, PBA, TBRA)
- Unit address and (if in multi-unit property) the development name
- Whether the PHA or owner has notified the local health department of the EBL, or been notified by the local health department, and the date of that notification



Responding to EBLLs: Index Unit - Investigate

Ensure that a certified lead risk assessor performs an ***Environmental Investigation (EI)***.

Who	PHA/grantee (PH) or Owner (PBA); Certified risk assessor
What	Certified risk assessor performs an EI
When	<u>Within 15 calendar days</u> of receiving report
How	Find certified assessors by contacting the state lead licensing agency or visit www.epa.gov/lead .

Risk Assessors and Inspectors

- The EI must be performed by a certified **risk assessor**.
- Certified **risk assessors** may perform environmental investigations, inspections, post-abatement clearances, lead hazard screens, and risk assessments.
- Certified lead-based paint **inspectors** are trained to identify lead-based paint on surface-by-surface basis.



Can the Health Department do the EI?

- The PHA/grantee can rely on results of health department's evaluation of the EBLL child's home and environment.
- Many local public health departments conduct its lead poisoning prevention services or can arrange for such services.
- The health department may evaluate a child's home for lead-based paint hazards and other possible sources of lead exposure when a child is found with an EBLL.





Results of environmental investigation received...
Next, Notify others of the results of the EI!

Responding to EBLs: Index Unit - Notify

Notify local HUD Field Office and the family of the results. If LBP hazards were identified, also notify all assisted residents that an EI was completed.

Who	PHA/grantee (PH); Owner (PBA)
What	Notifies HUD Field Office, EBL family, and other building residents but NOT identity of the EBL family
When	<u>Within 10 business days</u> of receiving results for HUD Field Office and <u>within 15 calendar days</u> for resident notifications
How	By letter/notice delivered to each assisted unit, since central posting of EI notice may reveal private health information

Notice of Evaluation

Notices of evaluation to HUD and residents must include the date the investigation was completed, because the investigation is only valid for one year.



Addressing Non-LBP Lead Hazards in EI

What If the EI does not identify LBP hazards (**of paint, dust or soil**) in the index unit...

- Residents should be encouraged to follow the EI's recommendations for controlling other household sources of lead (for example, water, take-home exposures, imported jewelry, pottery, and folk remedies).
- PHAs/grantees and owners may assist the family directly or coordinate with the health department to encourage the family to eliminate non-LBP hazards identified in the EI.
- EBLL response for the index unit is complete after the PHA/grantee (for PH) OR Owner (for PBA) notifies the family of the results. PHA/grantee should maintain records.



Did the EI Identify LBP Hazards?

If the EI identifies lead-based paint hazards in the index unit...

- PHA (for PH) OR Owner (for PBA) is responsible for controlling and clearing all hazards from housing sources.





Environmental
investigation identified
lead-based paint hazards...
**Next, Control and
Protect**

Responding to EBLLs: Address Index Unit Hazards

Who	Certified LBP abatement firm or certified lead renovation firm
What	Ensure all LBP hazards identified by EI are controlled in the index unit and relevant common areas and pass clearance
When	<u>Within 30 calendar days</u> of receipt of EI results
How	Lead hazard reduction

Responding to EBLs: Identify “Covered Units”

If an Index unit with LBP hazards is in a property with multiple federally assisted units, then:

- Risk Assessment is required for other assisted target housing units in the property where children under age six reside or are expected to reside (known as **other “covered units”**), AND
- Those units are likely to need hazard control work, so you might want to identify all the work needed before you start on one.
- Residents of other covered units can be notified of risk assessment results through a central posting or individual notifications.

Guidelines for Sampling Other Covered Units for Risk Assessments

- Sampling of units is permitted for:
 - Properties built before 1960 and with more than 20 covered units
 - Properties built between 1960 and 1977 and 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.
- The certified lead-based paint risk assessor will design and implement the sampling protocol.



Sampling Detail for Other Covered Units

- If lead-based paint hazards are found in a sample of covered units, they are presumed to exist in all the other covered units that were not sampled.
 - The hazards are presumed to be present on the same type of building components (e.g., bedroom window sills) as had hazards in the sampled units.
 - Components that were found not have hazards in sampled units do not have to be treated.

Did the Risk Assessments Identify LBP Hazards?

No!

If risk assessments did not identify LBP hazards in other covered units, PHA/owner must:

- ✓ **Notify** covered unit residents and HUD Field Office of results
- ✓ *EBLL response complete regarding other covered units*



Addressing Hazards in Response to EBLs: Timing

If unit in a property with multiple federally-assisted units and index unit is found to contain LBP hazards then:

- Hazards in the index unit must be addressed and clearance completed by certified firm(s) within **30 calendar days** of the receipt of EI results by Designated Party.
- Risk assessments of other covered units must be conducted within
 - **30 days** for a property with ≤ 20 other covered units, and
 - **60 days** for a property with > 20 other covered units
- Interim control of other LBP hazards in other covered units must be conducted within
 - **30 days** for a property with ≤ 20 other covered units with LBP hazards, and
 - **90 days** for a property with > 20 other covered units with LBP hazards



Responding to EBLs: Best Practice

- Plan ahead with your risk assessor for contingencies
- Assure risk assessor understands all of the timing and scope implications
- Discuss sampling options and the cost implications of sampling plus presumption
- If possible, discuss risk assessor recommendations before final report to assure that timing and cost are addressed and viable, but then follow the recommendations re staging of work, protections, relocation, etc.

Responding to EBLs: Best Practice (Cont.)

- Some types of work require complete isolation, or containment, of work area and/or full evacuation of residents and their belongings.
 - Other jobs require much less site preparation and containment.
- Temporary relocation is necessary if residents do not have access to kitchens or bathrooms during non-work hours.
 - Relocate to a lead safe unit (i.e. constructed after 1978; passes visual assessment and dust sampling)

Abatement vs. Interim Controls

- For Public Housing: Prioritize abatement over interim controls.
- For PBA: Decision is up to the owner, but PHA/grantee can advise the owner that abatement reduces need for future reevaluation and hazard control work.



When is Control Work Complete?

- All lead hazards identified in the course of the investigation should be eliminated or controlled.
- No interim control or abatement project is complete until compliance with clearance standards has been achieved, if required, and final report prepared.



Responding to EBLLs: Notify Work Complete & Clearance Achieved

Notify all assisted residents and provide documentation to HUD Field Office when work on index and other covered units is complete.

Who	PHA (PH) or Owner (PBA)
What	Notifies other property residents and local HUD Field Office of each hazard reduction activity completed
When	Notifies property residents <u>within 15 calendar days</u> and the local HUD Field Office <u>within 10 business days</u> of completion
How	By central posting or distribution to each unit, for property residents

Summary of Actions if LBP Hazard Found

If risk assessments did identify LBP hazards in **ANY** assisted units, PHA/owner must for:

- ✓ **Notify** all residents in assisted units and HUD Field Office
- ✓ **Protect** families in those units
- ✓ **Control** (and clear)
- ✓ **Notify** residents and HUD Field Office
- ✓ **Maintain** housing as lead-safe
- ✓ **Reevaluate** units
- ✓ *EBLL response complete*



EBLL Response Activity	Timeframe
Notify Public Health Dept. and HUD FO of EBLL case	Within 5 business days after verification of EBLL
Conduct Environment Investigation for Index Unit	Within 15 calendar days after verification of EBLL
Notify HUD FO of results of EI	Within 10 business days of receiving results of the EI
Conduct Risk Assessment for Covered Units	<ul style="list-style-type: none"> a. Within 30 calendar days for property with ≤ 20 covered units after EI results b. Within 60 calendar days for property with > 20 covered units after EI results
Complete lead hazard control work and clearance	Within 30 calendar days of receiving results of EI
Interim control of other LBP hazards in other covered units	<ul style="list-style-type: none"> a. Within 30 calendar days for property with ≤ 20 covered units w/ LBP hazards after RA results b. Within 90 calendar days for property with > 20 covered units after RA results
Notify HUD FO of clearance	Within 10 business days after clearance
Notify assisted resident of clearance	Within 15 calendar days after clearance

The background is a solid dark green color. Overlaid on this are several large, light green geometric shapes. On the left, there is a large, stylized 'A' shape. To its right is a large, light green circle. Further right is another large, stylized 'A' shape. At the bottom, there are several vertical rectangular bars of varying heights, resembling a bar chart or a set of steps.

**Next Steps and
Additional Resources**

Steps to Ensure Full Compliance with the Lead Safe Housing Rule

- 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 and disclosure.
- Determine whether lead evaluations and hazard control work will be performed by trained, certified staff or through certified contractors.
- Identify a current contact person at the local or state health department for communication.
- Inform residents of the risks of lead-based paint and encourage them to have young children tested.



Resources

- OLHCHH homepage
www.hud.gov/lead
- LSHR (24 CFR part 35, subparts B – R):
www.hud.gov/program_offices/healthy_homes/enforcement/lshr
- LSHR EBLI amendment (1/13/2017):
www.federalregister.gov/d/2017-00261
- EBL Amendment Notice PIH 2017-13:
www.hud.gov/sites/documents/17-13PIHN_OHHLHC.pdf
- OLHCHH Grantees
www.hud.gov/sites/dfiles/HH/documents/HUD_OLHCHH_Lead_Hazard_Control_Grantees.pdf



Resources (Cont.)

- Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing:
www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines
- Resources for PHAs:
www.hud.gov/program_offices/public_indian_housing/leadbasedpaint
- LBP Compliance Advisor:
<https://portalapps.hud.gov/CORVID/HUDLBPAdvisor/welcome.html>
- Interpretive Guidance on HUD's LSHR:
https://www.hud.gov/sites/documents/DOC_25476.PDF
- Interpretive Guidance on HUD-EPA Lead Disclosure Rule (three parts):
www.hud.gov/program_offices/healthy_homes/enforcement/disclosure



Thank you for joining us!

Email your questions, comments, and suggestions to:

leadregulations@hud.gov

