



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-3000

OFFICE OF HEALTHY HOMES AND  
LEAD HAZARD CONTROL

<b>Policy Guidance Number:</b> 2008-04	<b>Date:</b> November 22, 2008
<b>Subject:</b> Use of OHHLHC Grant Funds for units covered by pending or final Section 1018 Lead Disclosure Rule Enforcement Actions	
<b>Status:</b> Current	
<b>Applicability:</b> All OHHLHC grant programs; all NOFA rounds	
<b>Related Guidance:</b> 42 U.S.C. 4851d; 24 CFR Part 35, Subpart A	
<b>Comments:</b>	

Dear Grantees:

Several of our grantees have been contacted by property owners subject to Federal enforcement actions regarding enforcement actions pertaining to the Lead Disclosure Statute (Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992; 42 U.S.C. 4852) and the Lead Disclosure Rule (24 CFR Part 35, Subpart A). These owners have requested funds and other assistance for lead evaluation and control work on the properties involved in the enforcement actions. The OHHLHC is providing this policy guidance to assist our grantees in addressing this matter and complying with the NOFA.

No OHHLHC grant funds shall be used for lead hazard evaluation or control activities in housing covered by a final HUD, Environmental Protection Agency (EPA), and/or Department of Justice settlement agreement, consent decree, court order or other similar actions about noncompliance with the Lead Disclosure Statute or its implementing rule, the Lead Disclosure Rule.

During HUD's settlement negotiations, we offer property owners the opportunity to mitigate potential civil money penalties by allowing property owners to perform lead evaluation and lead hazard control work on their inventory of target housing (pre-1978). HUD, EPA, and United States Attorneys' Offices have successfully negotiated settlement agreements with property owners around the country that have resulted in tens of thousands of properties being made lead-safe without the use of federal funds.

The enforcement actions website, now in development, will list the names of the landlords and/or property managers and the property addresses subject to a HUD settlement agreement, consent decree, court order or other similar action. Information about settlements with EPA can be obtained from its regional websites. You are encouraged to carefully review all properties proposed for enrollment under an OHHLHC grant, and to ask landlords if any of the properties proposed are subject to a HUD or EPA Lead Disclosure enforcement action. Even the properties do not qualify for grant assistance, HUD encourages you to offer these property owners technical support in obtaining training or locating certified personnel so they may comply with the enforcement action. Because the landlords or property managers themselves are not excluded from the program, they may enroll other properties not subject to the enforcement agreement in the program. As always, contact your OHHLHC representative if you have a question about this guidance or the use of OHHLHC funds in these circumstances.