



Lead Regulations for Public Housing Authorities (PHAs)

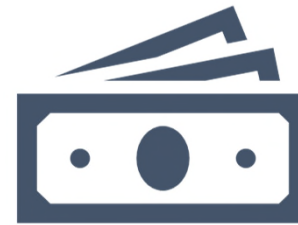
PHAs at a Glance



3,300 PHAs manage 1.2 million public housing units

2,150 PHAs manage 2.2 million Housing Choice Vouchers

PHAs can manage one or more programs



Public housing receives Operating Subsidy and Capital Funds

Voucher programs receive Housing Assistance Payments (HAP) and Administrative Fees

Competitive grants (ROSS, FSS, VASH, Lead-based Paint Capital Funds)

What are Public Housing Authorities (PHAs)?



Established under state statute, locally operated by an appointed Board of Commissioners



Mayor or County Execs appoint Commissioners; most are unpaid volunteers



Most PHAs are separate from the city (with some exceptions)



Many PHAs have established separate LLCs for affordable housing development and management



PHAs manage public housing, Section 8 vouchers/Housing Choice Voucher program, and project-based Section 8, grants



Lead-based Paint Requirements for PHAs

Before the 1999 Lead Safe Housing Rule

| Year | Rule/Guidance/Policy Affecting Public Housing |
|-------|--|
| 1970s | 1971: Lead-Based Paint Poisoning Prevention Act (LPPPA) prohibited the use of lead-based paint in federally assisted housing. The 1973 amendments to LPPPA required HUD to eliminate, to the extent practicable, the hazard of lead-based paint poisoning in pre-1950 housing covered by housing subsidies and applications for mortgage insurance, and in all pre-1950 federally owned housing prior to sale. HUD issued regulations implementing those requirements in 1976. |
| 1988 | The Housing and Community Development Act of 1987 required HUD to require that public housing units undergo a lead-based paint inspection when vacated prior to re-occupancy, and that a sample of public housing units at PHAs be inspected for lead. All public housing was to be inspected within five years of implementing regulations. HUD was to require abatement where the presence of lead-based paint hazards meeting certain requirements was found (1 milligram of lead per centimeter). |
| 1990 | HUD publishes "Lead-Based Paint: Interim guidelines for hazard identification and abatement in Public and Indian Housing" in the Federal Register. The guidelines were developed to assist PHAs and Indian Housing Authorities in implementing lead-based paint requirements. In addition, a 1990 report to Congress, "Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing" (December 7, 1990) indicates that a public housing abatement program is underway at this point. (http://biotech.law.lsu.edu/cases/research/HUD-RptCongress-LeadBasedPaint.pdf) |
| 1991 | PIH issues Notices 91-16, which requires PHAs to abate lead based paint in acquisition and rehabilitation work of properties, and PIH Notice 91-3, which advised PHAs of minimum insurance coverage for renovation work that involved lead-based paint. |
| 1992 | Congress passes Title X, or the Residential Lead-Based Paint Hazard Reduction Act of 1992. HUD publishes Notices 1992-25 and 92-28, the Lead-Based Paint Risk Assessment Protocol. |
| 1993 | PIH issues PIH Notice 93-4, requiring PHAs to submit a LBP monitoring checklist, a historical LBP report and an annual LBP activity report to HUD. PHAs were to complete a historical activity report and checklist covering their LBP-related activities from August 1, 1986 to June 30, 1992. PHAs were required to submit an annual LBP activity report to HUD as well. At this point, HUD regulations require PHAs to: 1) Test their existing public housing for LBP hazards and implemented management procedures. 2) Have an abatement plan for LBP; 3) Children with EBLs are to be relocated when full abatement of their unit/child-care facilities cannot be completed within 14 days. Units/child care facilities must be tested within 5 days of health community notification. Also, PHAs were spending money to meet the regulatory requirements of abatement of units in conjunction with the requirements of the Housing and Community Development Act of 1987. However, no additional funds were appropriated. |
| 1994 | HUD publishes the results of its PHA Demonstration of Lead-Based Paint Abatement. This is a study of lead-based paint abatement in 109 units of public housing in three cities. |
| 1995 | HUD issues Notice 95-8 "Quality Control Procedures for LBP Testing" |
| 1999 | PIH issued Notice 1999-10, which extended Notice PIH 98-1 (HA), which extended Notice PIH 96-92, "Lead-Based Paint (LBP) Disclosure Rule Requirements for Public and Indian Housing and Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation Programs." This covers the lead-disclosure rule, which requires the disclosure of known hazards, not testing and identification of those hazards. |

Lead Disclosure Rule (*Subpart A*)

- PHA provides “Protect Your Family” pamphlet
- Completed lead disclosure form including all lead information and reports

LBP Evaluation & Responsibilities (*Subpart L*)

- LBP inspections by certified lead professional of all pre-'78 public housing properties and maintain properties
- Abatement of all identified LBP (required on modernization)
- Risk assessment and interim controls until abatement completed
- Ongoing maintenance if lead paint not removed – risk assessments & interim controls until abated

EBLL Response (*Subpart L*)

- PHA reports to HUD field office and OLHCHH (and to public health dept. if notification from elsewhere) within 5 days of notification of confirmed EBLL
- Environmental Investigation within 15 days
- If LBP identified, notification to residents and risk assessments in other units with children under age 6 (within 30 days, or 90 if more than 20 units)
- Lead hazard control within 30 days (90 days if more than 20 units)

Lead Safe Housing Rule Requirements for Public Housing

Lead Disclosure Rule (*Subpart A*)

- Owner provides “Protect Your Family” pamphlet
- Completed lead disclosure form including all lead information and reports

LBP Evaluation & Responsibilities (*Subpart M*)

- Enhanced visual assessment by qualified assessor prior to HAP and at HQS inspections if child <6
- Paint stabilization, clearance, and ongoing LBP maintenance
- PHA quarterly information exchange with local public health departments

EBLL Response (*Subpart M*)

- Confirmed EBLLs must be reported to HUD field office and OLHCHH within 5 days
- Environmental Investigation complete within 15 days
- If LBP identified, notification to residents and risk assessments in other assisted units with children under age 6 (within 30 days, or 90 if more than 20 units)
- Lead hazard control within 30 days (90 days if more than 20 units)
- Clearance before family returns

Lead Safe Housing Rule Requirements for Housing Choice Vouchers

Lead Disclosure Rule (*Subpart A*)

- Owner provides “Protect Your Family” pamphlet
- Completed lead disclosure form including all lead information and reports

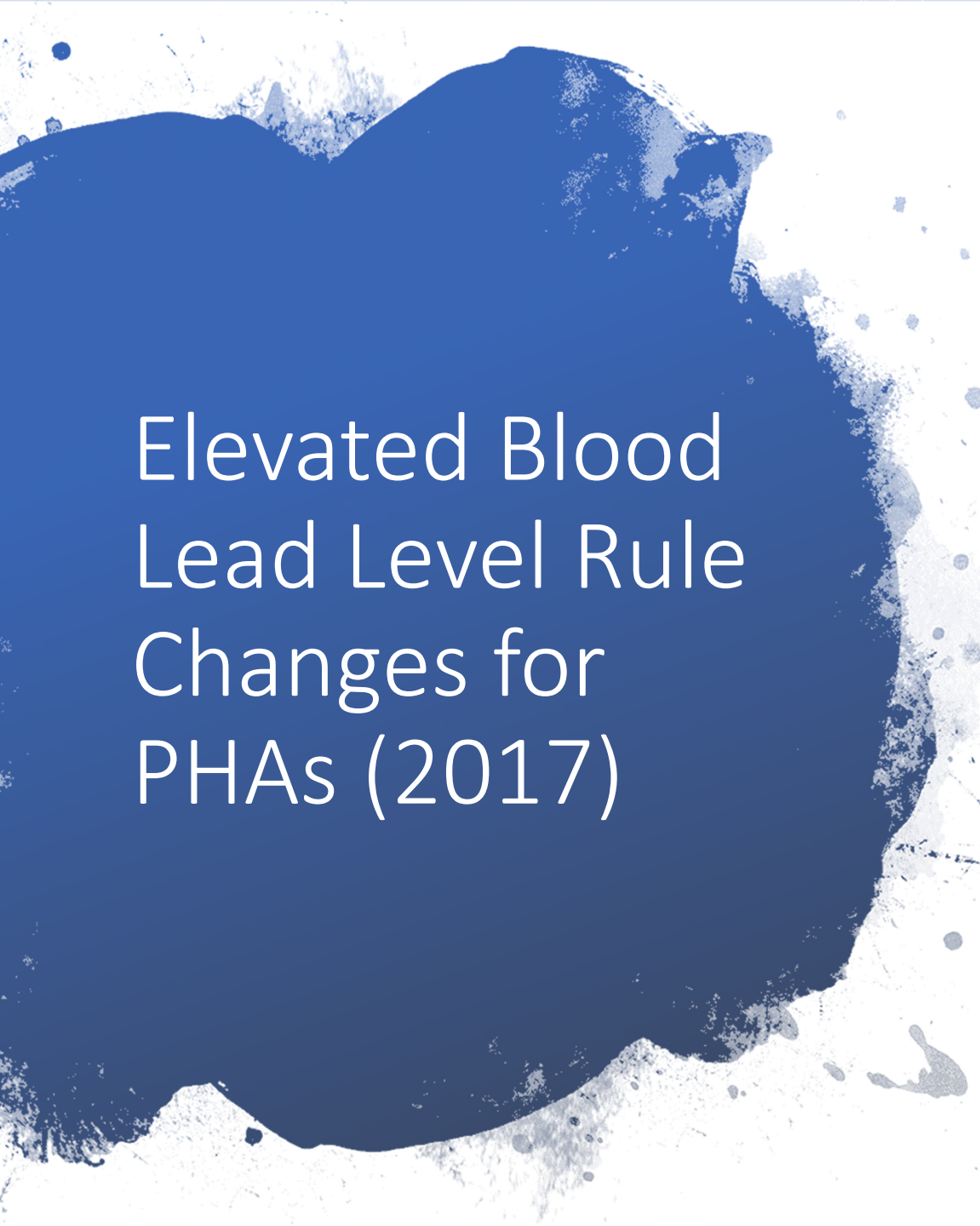
LBP Evaluation & Responsibilities (*Subpart H*)

- Owner conducts risk assessments for all units prior to occupancy
- Incorporate ongoing LBP maintenance and reevaluation activities into regular operations until all LBP is removed
- A visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measures at unit turnover or every 12 months

EBLL Response (*Subpart H*)

- PHA reports confirmed EBLL to HUD field office and OLHCHH within 5 days
- Environmental Investigation within 15 days
- If LBP identified, notification to residents and risk assessments in other assisted units with children under age 6 (within 30 days, or 90 if more than 20 units)
- Lead hazard control within 30 days (90 days if more than 20 units)

Lead Safe Housing Rule Requirements for Project Based Vouchers



Elevated Blood Lead Level Rule Changes for PHAs (2017)

- Prior LSHR required action based on an Environmental Intervention Blood Lead Level (EIBLL, or “eye-bull”)
 - ≥ 20 micrograms/deciliter of blood in one draw
 - ≥ 15 micrograms/deciliter over two tests at least three months apart
- Update LSHR threshold for action
 - Confirmed EBLL ≥ 5 $\mu\text{g}/\text{dL}$ (micrograms/deciliter)
 - Notification by public health department or other medical health care provider
 - If reported by family or other source, PHA should attempt to confirm
 - Eliminates reference to EIBLL (replaced with EBLL)
- Responses aligned for public housing and HCV programs (e.g. other units)
- See [PIH Notice 2017-13](#) and resources on www.hudexchange.info

Environmental Investigation for an Elevated Blood Lead Level (EBLL)



Conducted within 15 days of notification of a child under age 6 with an EBLL (PHA)



Includes the components of a Risk Assessment with addition of a questionnaire

Follow Chapter 16 of HUD Guidelines



Questionnaire is to better identify the source of lead contamination

Dwelling unit, Previous dwelling unit, Day care

Foods or medicines, Cosmetics, Pottery or other household items

Exemptions

24 CFR 35.115

- Property constructed after January 1, 1978
- Zero-bedroom units and SROs
- Housing for the elderly, or a residential property designated exclusively for persons with disabilities
 - **Does not apply** if a child less than age 6 resides or is expected to reside in the dwelling unit
 - Definitions of “housing for the elderly” and “expected to reside” in §35.110
- Properties found to be lead-free by a LBP inspection
- Properties where all LBP has been identified, removed, and clearance achieved (except where enclosure or encapsulation used)
- An unoccupied property that is to be demolished provided that it remains unoccupied until demolition



[Home](#) > [Trainings](#) > Amended Lead Safe Housing Rule Video Series

<https://www.hudexchange.info/trainings/lead-safe-housing-rule/>

Amended Lead Safe Housing Rule Video Series

This video series is an hour long presentation on the amended Lead Safe Housing Rule (LSHR). It describes Public Housing Agencies' (PHA) responsibilities for responding to cases of elevated blood lead levels (EBLLs) in:

- Public Housing Units
- Housing Choice Voucher (HCV) Units
- Project Based Voucher (PBV) Units

Each program's set of videos includes 3 videos covering:

- **The Basics:** introduces the key acronyms, notification requirements, and responsible party for EBLL response
- **Index Unit:** describes the requirements for verification, notification, investigation, control and clearance, and ongoing maintenance and reevaluation for the unit in which a child with an EBLL resides (index unit)
- **Other Covered Unit(s):** describes the required action steps to be taken in other units covered by the LSHR (other covered units) when a child residing on the property is found to have an EBLL

Additional resources to accompany this training can be accessed via HUD's Lead-Based Paint Resources for Public Housing Authorities.

For comments or other technical assistance needs, please email leadregulations@hud.gov.

Get Credit Instructions

[View instructions on how to get credit for this training.](#)



Introduction to the Amended LSHR Video Series - All Programs

This video introduces the dangers and history of lead paint in the environment, and the basic terms and definitions of the LSHR.

Elevated Blood Lead Level (EBLL) Response in Public Housing



EBLL Response in Public Housing:
The Basics



EBLL Response in Public Housing:
Index Unit



EBLL Response in Public Housing:
Other Covered Unit(s)

HUD's advice to PHAs that manage public housing

- Take steps now to ensure your PHA is able to quickly respond to EBLL notification.
- Verify that all lead-based paint testing is complete and documentation is available.
- Ensure that all PHA employees that disturb paint in pre-1978 housing are certified under EPA's Renovation, Repair, and Painting rule.
- Identify a contact person at the local or state health department for communication and data sharing.
- Inform residents of the risks of lead-based paint and encourage them to have young children tested for lead in their blood.

HUD's advice to PHAs that manage an HCV program

- Ensure that HQS inspectors have completed visual assessment training for deteriorated paint and conducting them for units where a family with a child under age six lives.
- Determining whether lead evaluations will be performed by trained, certified PHA staff or through the use of a contract.
- Identify a contact person at the local or state health department for communication and data sharing.
- Inform residents of the risks of lead-based paint and encourage them to have young children tested for lead in their blood.
- Engage HCV landlords about lead safety and their obligations under the LSHR, including the Lead Disclosure Rule.
- For project-based vouchers (PBVs), ensure that all units have already received a risk assessment and hazard control as outlined in Subpart H of the LSHR

Encouraging PHAs to work with Health Departments



Data sharing



MOUs



Guidance



Voucher housing may be eligible for OLHCHH grant assistance



Working with Your Local Health Department:

Information for PHA Staff on EBLL Preparation and Response

In February 2017, the U.S. Department of Housing and Urban Development (HUD) issued new guidelines for addressing lead hazards in federally-assisted housing. The guidelines include new, lower thresholds for when HUD and public housing authorities (PHAs) must take action if a child under age six in federally-assisted housing has an elevated blood lead level (EBLL).

LEAD-BASED PAINT RESOURCES FOR PUBLIC HOUSING AUTHORITIES

https://www.hud.gov/program_offices/public_indian_housing/lead_basedpaint

Your local public health department is an important partner in identifying and responding to EBLLs.

It is important to establish a contact person and communication agreements with your public health department in order to facilitate the following EBLL response steps:

- **Notification:** You should establish agreements for notifying and being notified by your public health department of EBLL cases.
- **Verification:** You should establish agreements for verifying possible EBLL cases with your public health department.
- **Environmental investigations and risk assessments:** Your public health department may conduct an environmental investigation when a child is found with an EBLL, and may also conduct their own risk assessments. You can rely on the results of their evaluations in these cases, so be sure to coordinate with them.

What if a public health department does not or is not able to participate in EBLL case verification? The PHA is obligated to attempt verification with the public health department at least twice. If attempts fail, maintain records of your attempts and contact your local HUD Field Office. They can help coordinate

HCV-specific requirements

As already required by the LSHR, the HCV program requires quarterly data sharing and data matching with your local public health department.

Each quarter, your PHA should securely share an updated list of HCV-assisted addresses with the public health department. The public health department should use this information to match against their records to identify possible EBLL cases.

Alternatively, your public health department may share with you the addresses of children they have identified with an EBLL on an ongoing basis. Match this information against the names and addresses of families receiving HCV assistance. If a match occurs, begin EBLL response steps.

To make sure these data sharing and address matching procedures operate quickly and accurately:

- Ensure that you have identified a contact person at the public health department for communication and data sharing, and
- Ensure that you have proper data sharing procedures in place for sharing data with your public health department.

What if a public health department declines to

Lead-based Paint Capital Fund Program

Funds lead-based paint evaluations and hazard control in public housing (Section 9)

\$25 M appropriated in FY17 and FY19

PHAs encouraged to do paint abatement

Most recent competition closed March 14, 2019. Reviews underway.

First round awarded September 5, 2018

Round 1 Awardees

| State | Recipient | City | Amount |
|----------------------|--|--------------|---------------------|
| Alabama | Housing Authority of the City of Decatur | Decatur | \$1,000,000 |
| | Housing Authority of the Birmingham District | Birmingham | \$1,000,000 |
| Colorado | Housing Authority of the City and County of Denver | Denver | \$1,000,000 |
| Connecticut | Housing Authority of the City of New Haven | New Haven | \$986,260 |
| Georgia | Housing Authority of the City of Dublin | Dublin | \$1,000,000 |
| | Housing Authority of the City of Newnan | Newnan | \$1,000,000 |
| Illinois | Quincy Housing Authority | Quincy | \$1,000,000 |
| Massachusetts | Holyoke Housing Authority | Holyoke | \$93,450 |
| Minnesota | PHA in and for the City of Minneapolis | Minneapolis | \$1,000,000 |
| New Jersey | North Bergen Housing Authority | North Bergen | \$1,000,000 |
| | Housing Authority of Gloucester County | Deptford | \$786,100 |
| New York | Utica Housing Authority | Utica | \$1,000,000 |
| | Port Chester Housing Authority | Port Chester | \$1,000,000 |
| | Plattsburgh Housing Authority | Plattsburgh | \$1,000,000 |
| | Schenectady Municipal Housing Authority | Schenectady | \$1,000,000 |
| Pennsylvania | Housing Authority of the City of Pittsburgh | Pittsburgh | \$1,000,000 |
| Rhode Island | Housing Authority Providence | Providence | \$974,400 |
| | Housing Authority of the City of Pawtucket | Pawtucket | \$1,000,000 |
| Tennessee | Jackson Housing Authority | Jackson | \$1,000,000 |
| Texas | Housing Authority of the City of Brownsville | Brownsville | \$528,600 |
| | | TOTAL | \$18,368,810 |



QUESTIONS