Agenda

- Goals and Outcomes of the Meeting
- Refresher on Existing Lead Safe Housing Rule and Lead Disclosure Rule
- Regulatory changes
- Open Discussion – Collaboration and Partnership
- Other Items
- Closing
Goals and Outcomes of the Meeting
Lead Regulations

- **Lead Disclosure Rule**
  - Applies to all housing, public and private, built before 1978. Effective March, 1996

- **Lead-Based Paint Activities Rule**
  - Applies to all housing, public and private, built before 1978, including child-occupied facilities such as schools and day-care centers. Effective August 1996

- **Lead Safe Housing Rule (LSHR)**
  - Applies to Federally-assisted and Federally-owned housing built before 1978. Effective September 2000

- **Renovation, Repair, and Painting (RRP) Rule**
  - Applies to all housing, public and private, built before 1978, including child-occupied facilities such as schools and day-care
LSHR LDR Overview

1. Existing Obligations in HUD Programs (The Lead Safe Housing Rule)
   - Public Housing
   - Housing Choice Vouchers
   - Project-based Rental Assistance
   - Other

2. Pending Changes to the Regulatory Environment
   1. Durbin bill (S. 2631)/Ellison bill (H.R. 4694)
   2. The Lead Safe Housing Rule – Elevated Blood Lead Level amendment

3. Existing Obligations for All Target Housing (The Lead Disclosure Rule)

NOTE: Regulatory authority Lead-Based Paint Poisoning Prevention Act, and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X)
Housing Quality and Health: Lead Poisoning

Related Hazards

- Lead hazards, from
  - Chipping, peeling, flaking, chalking paint in houses built before 1978
  - Lead contaminated soil
  - Lead containing household items or products

Extent of the Problem

- 23.2 million homes have at least one lead-based paint hazard.
- Lead poisoning affects 535,000 U.S. children ages 1-5.

Economic Impact

- $5.9 billion per year in medical costs and
- $50.9 billion per year in lost productivity due to cognitive impairment.

1. OLHCHH, 2014, Healthy Homes Rating System Operating Guidance
2. Dewalt et al. 2015, Jacobs et al. 2002
3. Trasande & Lui, 2011
Health Effects of Lead

**ADULTS**

- **Brain**
  - Memory loss, lack of concentration, headaches, irritability, depression

- **Body**
  - Fatigue, joint and muscle pain

- **Cardiovascular**
  - High blood pressure

- **Digestive system**
  - Constipation, nausea and poor appetite

- **Nervous system**
  - Damage including numbness and pain in the extremities

- **Reproductive system**
  - Men: Decreased sex drive and sperm count, and sperm abnormalities.
  - Women: Spontaneous miscarriage

**CHILDREN**

- **Brain**
  - Behavior problems, lower IQ, hearing loss, learning disabilities

- **Body**
  - Decreased bone and muscle growth

- **Kidneys**
  - Damage

- **Nervous system**
  - Damage

- **Blood**
  - Anemia
Existing Obligations in HUD Programs

The Lead Safe Housing Rule is codified at 24 CFR Part 35, subparts B—R

The majority of HUD programs have responsibilities under the Lead Safe Housing Rule, which came into effect in 2000.

Purpose: To protect children in assisted target housing through primary prevention
Lead Safe Housing Rule Requirements

- Identification or presumption of LBP and LBP hazards
- Safe Work Practices during Rehabilitation
- Removal of LBP or LBP hazards
- Ongoing LBP Maintenance
- Work with health departments
- Respond to poisoned children
- Get certification
Public Housing Lead Compliance

For pre-1978 public housing, lead paint should be tested and abated, unless the property has never undergone modernization (until then, periodic re-evaluation and interim measures of lead hazards compliant with EPA’s [Renovation Repair and Repainting Rule](#)).

PHAs must maintain copies of lead inspection, maintenance and abatement records and completed lead disclosure forms.

REAC verifies these documents at regular physical inspection.

PIH following up on the “REAC No – No” list:
- Exempt properties
- Findings to date

Follow up on EIBLLs, notification to HUD.
Housing Choice Voucher Program

Privately owned rental housing with many owners

Has least level of federal oversight for housing conditions (vs. Public Housing and PBRA) as mandated by Congress in drafting Title X

Requires a visual assessment for deteriorated paint if there will be a child under age 6 in target housing

Deteriorated paint stabilized in compliance with EPA’s Renovation Repair and Repainting Rule (RRP).

Follow up on environmental intervention blood lead levels

Data exchange with health departments (with mixed results)
Multifamily Housing Compliance

Insured Multifamily Housing (Project-Based Section 8)

All properties with original construction dates before 1978 require appropriate disclosure and ongoing lead based paint maintenance compliant with EPA’s Renovation Repair and Repainting Rule (RRP).

Properties undergoing major renovations or conversion from non-residential uses require a full lead inspection and abatement.

Residential properties constructed before 1960 require risk assessments and interim controls compliant with EPA’s Renovation Repair and Repainting Rule (RRP).
Multifamily Housing Compliance

Assisted Multifamily Housing

All properties with original construction dates before 1978 require appropriate disclosure and ongoing lead based paint maintenance compliant with EPA’s Renovation Repair and Repainting Rule (RRP).

Properties receiving more than $5,000/unit/year assistance require

- Risk Assessment and Interim Controls compliant with EPA’s Renovation Repair and Repainting Rule (RRP).
- Response plans for children with Environmental Intervention Blood Lead Levels
Existing Obligations in the Private Market

Under Lead Disclosure Rule (LDR) sellers and lessors of pre-1978 properties in the private and assisted markets must:

- Owners disclose any knowledge of lead based paint in the unit, or disclose their lack of knowledge
- Provide the **Protect Your Family from Lead in Your Home** Pamphlet

Multiple violations are possible with each lease transaction, which can result in substantial fines. Most cases are settled with a civil money penalty and agreement to control lead hazards in the property.
The Wrong Disclosure

NOTIFICATION
Watch Out for Lead-Based Paint Poisoning

AFTER CAREFULLY READING THIS NOTICE, PLEASE SIGN IT, DATE IT, AND RETURN IT TO YOUR LOCAL BUILDING AUTHORITY, BUILDING INSPECTOR, OR APPROVED INSPECTOR.

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

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.

Lessees Acknowledgment (initial)
(c) ______ Lessee has received copies of all information listed above.
(d) ______ Lessee has received the pamphlet Protect Your Family From Lead in Your Home.

Agent's Acknowledgment (initial)
(e) ______ Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.
Common Findings of Lead Violations

• Lead Disclosure Rule
  • Incomplete Disclosures
  • Incorrect form (Watch out for Lead instead of the Disclosure Form)

• Lead Safe Housing Rule
  • Lack of proper inspection reports
  • Incomplete testing

• Renovation, Repair, Painting
  • Being a certified firm
  • Having a certified renovator
  • Not requiring contractors to be RRP certified
Violations

Disclosure:

- Violators subject to civil money penalties and Child Health Improvement Programs

LSHR:

- Designated party or owners may be considered in default of its regulatory agreement or annual contributions contract.
- May be debarred from receiving HUD assistance or denied future participation in HUD or other federal programs.
- May be forced to surrender grant funds, or subject to civil money penalties or other sanctions.
- HUD does not have the authority to create penalties under the new rule or currently codified LSHR
Revision to EBL Response Regulations

Published as a proposed rule for public comment- 9/1/16

Published Final Rule 1/13/17 (effective 2/13/17, enforceable 7/13/17)

Major changes include:
- Bring definition of Elevated Blood Lead Level in line with CDC (reduce to 5 µg/dL or greater)
- Enable HUD to change the Elevated Blood Lead Level in the future should the CDC threshold change.
- 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 building occupied by a child under 6 years old receive a Risk Assessment with Lead Hazard Control of any lead-based paint hazards.
- Add a requirement that HUD be notified for all types of housing assistance that have an Elevated Blood Lead Level requirement
Fig. 1. Flowchart overview of the elevated blood lead level protocol.8

Dated: August 29, 2016.

Leslie Kux,
Associate Commissioner for Policy.
[FR Doc. 2016-21062 Filed 8-31-16; 8:45 am]
BILLING CODE 4154-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 35
[Docket No. FR-5816-P-01]
RIN 2501-AD77

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Response to Elevated Blood Lead Levels

AGENCY: Office of Lead Hazard Control and Healthy Homes, HUD.

ACTION: Proposed rule.

levels” in children under the age of 6 and addresses the additional elements of the CDC guidance pertaining to assisted housing.

DATES: Comment Due Date: October 31, 2016.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at http://www.regulations.gov. HUD strongly encourages commenters to

Counsel, Department of Housing and Urban Development, 451 7th Street, Room 9262, Washington, DC 20410–0500; telephone number (202) 402–5190. The above telephone numbers are not toll-free numbers. Hearing and speech-impaired persons may access the above telephone numbers via TTY by calling the toll-free Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. HUD’s Long-Term and Ongoing Efforts To Reduce Lead Poisoning in Children

Childhood lead poisoning has long been recognized as causing reduced intelligence, low attention span, reading and learning disabilities, and has been linked to juvenile delinquency, behavioral problems, and many other adverse health effects. Current reviews by the U.S. Department of Health and Human Services (HHS), including by its Agency for Toxic Substances and Disease Registry (ATSDR) and National Institute of Environmental Health Sciences (NIEHS) and by the U.S. Environmental Protection Agency (EPA) Office of Research and Development
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 35

[Docket No. FR–5816–F–02]
RIN 2501–AD77

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Response to Elevated Blood Lead Levels

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends HUD’s lead-based paint regulations to reduce blood lead levels in children under age six (6) who reside in federally-owned or federally-assisted housing.

A. Overview of Public Comments
B. Significant Public Comments and HUD Responses
1. Primary Prevention
2. Resources Available
3. Tenant Protections
4. Coordination Between the Involved Parties
5. Technical Concerns
6. Landlord Exemptions
7. Time Available To Complete Work
8. Penalties for Noncompliance
9. Future Changes in CDC Recommendations
10. Timing of Implementation
11. Other Issues
C. Public Comments in Response to HUD Questions

III. Findings and Certifications
A. Regulatory Review—Executive Orders 12866 and 13563
B. Regulatory Impact Assessment
C. Paperwork Reduction Act Statement
D. Regulatory Flexibility Act
E. Environmental Impact
Areas of Comment

• Comments available for view at Regulations.gov – search FR-5816

• Topics included
  • Resources available to PHAs/landlords
  • Scope of environmental investigation
  • Follow up on non-housing sources
  • Testing required for other units with children
  • Need for enhanced assessment in all voucher units
Office of Lead Hazard Control and Healthy Homes Grants

OLHCHH operates a grant program which funds units of state and local governments to do lead hazard control work in their communities.

OLHCHH grantees are subject to all the same requirements and responsibilities as other federal grantees.

Opportunities for Collaboration with PHAs and OLHCHH Grantees:

- Data sharing
- Enrollment of HCV units in the grant program
- Outreach and education
- Hosting blood lead testing events
Lead Safe Homes Lead Free Kids Toolkit

Published on [HUD.gov](http://portal.hud.gov/hudportal/documents/huddoc?id=HUDLeadToolkitFACTSHEET.pdf) on June 13\textsuperscript{th}, 2016

- Secretary’s plan to prevent childhood lead poisoning in HUD-assisted housing
- Includes the program areas (PIH, Housing, CPD, FHEO) and support offices (OLHCHH, OGC, OPA, CIR, etc.).
- Includes research, outreach, enforcement and regulatory updates
- First HUD action plan to include lead in water
  - Current regulations unspecific, have two approaches from two origins (PH, MF)
  - Working with EPA to better define safe water are supplying housing

Proposed Legislative Changes

Durbin Bill (S. 2631)

Introduced March 3, 2016 and referred to the Committee on Banking, Housing, and Urban Affairs.

Key Provisions:
- Bring definition of Elevated Blood Lead Level in line with CDC (reduce to 5 µg/dL)
- Require Lead Risk Assessments in voucher housing
- Remove the exemption for 0-bedroom units
- Allow option for relocation of families when child has an Elevated Blood Lead Level
Open Discussion

What questions do you have?

What resources do you need to be better informed to educate your community?

What policy suggestions do you have?

LEAD.Enforcement@HUD.GOV

1-800-424-LEAD (5323)
THANK YOU!

Karen Griego
Regions 9, 10 & NM Healthy Homes Representative
Office of Lead Hazard Control and Healthy Homes
U.S. Department of Housing and Urban Development
505-346-6462
Karen.M.Griego@hud.gov