

CHANGES TO LEAD SAFE HOUSING RULE

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HUD has modified the Lead Safe Housing Rule (LSHR) to enhance the protections from lead hazards that the current regulations provide.

INTENT OF RULE AND POLICY CHANGES



The changes will:

- Make LSHR consistent with the CDC reference level for elevated blood lead level
- Make easier amendments to blood lead level standards
- Enhance the inspection protocol for units with elevated blood lead level children
- Provide for additional testing of units with potential hazards in multiunit buildings
- Provide notification to HUD of all cases where an EBLL child is reported in HUD supported housing

INTENT OF LEAD SAFE HOUSING RULE CHANGE



HUD formerly used the term “environmental intervention blood lead level” (EIBLL).

Specifically, HUD defined EIBLL as “a confirmed concentration of lead in whole blood equal or greater than 20 $\mu\text{g}/\text{dL}$ for a single test or 15-19 $\mu\text{g}/\text{dL}$ in two tests taken at least 3 months apart.”

CURRENT HUD REGULATION ON ELEVATED BLOOD LEAD LEVELS



Changes Elevated Blood Lead Level from
“Blood Lead Level of Concern” (10 $\mu\text{g}/\text{dL}$) to
“Reference Range Value” (currently 5 $\mu\text{g}/\text{dL}$)

Makes the Reference Range Value adjustable
based on a relationship to the National Health
and Nutritional Examination Survey (NHANES)

NEW ELEVATED BLOOD LEAD LEVEL



The five subparts of the LSHR impacted:

- Subpart D – Housing supported by a non-HUD Agency
- Subpart H – Project Based Assistance
- Subpart I – HUD Owned/Mortgagee in Possession Property
- Subpart L – Public Housing Programs
- Subpart M – Tenant Based Rental Assistance

NEW STANDARDS FOR HUD
INTERVENTIONS



The designated party in the five subparts are:

- Subpart D – Property Owner
- Subpart H – Property Owner
- Subpart I – HUD
- Subpart L – Public Housing Authority
- Subpart M – Property Owner and Mobile Voucher Administrating Agency (usually a PHA)

NEW STANDARDS FOR HUD INTERVENTIONS



Activity	Responsible Entity:	
	PHA	HCV Owner
Initial notification to the PHA		√
Initial notification to the Public Health Agency		√
Verification	√	
Initial Notification to HUD		√
Evaluation – Environmental Investigation	√	
Control		√
Follow-up notification to the PHA		√
Follow-up notification to HUD		√
Clearance after work completed		√
Notification to other residents		√
Maintenance		√
Annual monitoring	√	

Tenant Based Rental Assistance – Index Unit



Each of these subparts, D, H, I, L and M, contain regulations delineating the appropriate response to a verified report of a child with an **elevated blood lead level (EBLL)** , now **5 ug/dl or higher**. The **Designated Party** responsible for a specific response will vary based on the subpart. In the case of mobile voucher support, the designated party will include both the private owner of the property and the voucher administrating agency (usually a PHA).

NEW STANDARDS FOR HUD INTERVENTIONS RESPONDING TO EBLL



The new rules enhance the type of assessment conducted in response to an **EBLL** report from a lead based paint risk assessment to an Environmental Investigation.

Environmental Investigations are described in Chapter 16 of the HUD Guidelines on the Evaluation and Control of Lead-Based Paint Hazards in Housing.

NEW STANDARDS FOR HUD INTERVENTIONS



Environmental Investigation. In addition to paint, this assessment also looks at non-housing-based potential causes of the elevated blood lead level and housing-related potential causes (e.g., lead in water, lead from work clothes, lead in foreign medicines, cosmetics, glaze ware, etc.) The apartment/unit where the EBLL child lives is called the **Index Unit** under the new rule.

NEW STANDARDS FOR HUD
INTERVENTIONS



Note: both the Lead Paint Risk Assessment and the Environmental Investigation can be performed by the same lead paint professional; commonly referred to as a Lead Risk Assessor. In some localities, the local or state public health agency may require a that the local health officer, housing inspector, or other officer respond to the EBLL report. In this case, the designated party need not conduct a second inspection for hazards.

NEW STANDARDS FOR HUD INTERVENTIONS



Upon receipt of the Environmental Investigation of the Index Unit, the designated party is responsible for completing the reduction of identified lead-based paint hazards within 30 days. The hazard reduction is considered complete when clearance is achieved or the public health department certifies the lead paint hazard reduction is complete.

NEW STANDARDS FOR HUD INTERVENTIONS



EBLL Response Activity	Timeframe
Notify Public Health Department and HUD Field Office of EBLL case	Within 5 business days after verification of the EBLL
Conduct Environmental Investigation	Within 15 calendar days after verification of the EBLL
Complete lead hazard control work and clearance	Within 30 calendar days of receiving the results of the Environmental Investigation,
Notify HUD field office of results of Environmental Investigation and results of clearance	Within 10 business days after Environmental Investigation and 10 business days after clearance

Timeframes for Response to an EBLL in the Index Unit



Requirements beyond the unit with the EBLL Child (Index Unit):

The amendment requires, in properties that have other federally assisted units in which a child under age 6 resides, that a risk assessment of these other units be conducted. If that risk assessment finds other lead-based paint hazards the responsible party will be required to control those hazards.

NEW STANDARDS FOR HUD INTERVENTIONS



The requirement for risk assessments and remediation of hazards in other units with children less than 6 years old does not apply if one of the following conditions exist:

1. The owner or designated party has conducted a risk assessment and remediated any lead paint hazards since the poisoned child's blood was sampled.

NEW STANDARDS FOR HUD INTERVENTIONS



Or:

2. The Owner/Designated Party has documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements of the Lead Safe Housing Rule (24 CFR 35) for 12 months preceding the date of receipt of the environmental investigation for EBLL.

NEW STANDARDS FOR HUD
INTERVENTIONS



Program area guidance on implementation of the new rule has been created:

PIH 2017-13 (HA)

[LSHR Amendment Video](#)

NEW STANDARDS FOR HUD
INTERVENTIONS

