



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

ASSISTANT SECRETARY FOR  
PUBLIC AND INDIAN HOUSING

August 20, 2007

MEMORANDUM FOR: Public Housing HUB Directors and Program Center Coordinators  
/s/  
FROM: Orlando Cabrera, Assistant Secretary  
SUBJECT: PIH Guidance on the Lead-Safe Housing Rule and  
Lead Disclosure Rule for Field Office Staff

This Guidance to Field Office Staff summarizes the requirements of the regulations pertaining to lead-based paint under 24 CFR Part 35, commonly known as the Lead Safe Housing Rule and the Lead Disclosure Rule. The Lead Safe Housing Rule applies to most HUD-assisted housing built before 1978. The Lead Disclosure applies to most housing built before 1978, whether publicly or privately owned. Compliance with the lead-based paint regulations is an important component of HUD's Strategic Goal C.5 to Strengthen Communities, and address housing conditions that threaten health. On March 16, 2004, Secretary Jackson emphasized that, "to ensure (that) full benefits ... are provided to families and young children, compliance assistance, compliance monitoring, and enforcement [of the lead-based paint regulations] is critical." This Guidance builds on Secretary Jackson's directive.

To further assist Public Housing Authorities (PHAs), and property owners/managers that work with HUD, the Office of Healthy Homes and Lead Hazard Control (OHHLHC) will issue new "Compliance Toolkits" jointly developed by the Office of Public and Indian Housing (PIH) and OHHLHC. The Toolkits contain compliance checklists and sample forms to assist funding recipients meet their regulatory responsibilities. The Toolkits, regulations, and other information about lead-based paint can be downloaded from OHHLHC's website at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead). Users may also contact the HUD Regulations hotline at 202-402-7698 or [Lead\\_Regulations@hud.gov](mailto:Lead_Regulations@hud.gov) to obtain a copy.

HUD's commitment to compliance with the Lead Safe Housing Rule and the Lead Disclosure Rule will prevent lead poisoning in federally assisted housing, and help achieve the President's goal to eliminate the disease by 2010.

## **GUIDANCE ON THE LEAD-SAFE HOUSING RULE (LSHR) AND LEAD DISCLOSURE RULE (LDR) FOR PIH FIELD OFFICE STAFF**

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## **1. GENERAL ISSUES RELATED TO THE LEAD SAFE HOUSING RULE, 24 CFR PART 35, SUBPARTS B, K, L, M, AND R**

The Lead Safe Housing Rule (LSHR) regulates the evaluation and control of lead-based paint hazards in most federally-assisted housing built before 1978. The specific requirements vary with the type and amount of federal housing assistance. The regulation emphasizes control of lead hazards by using a basic framework of lead-based paint hazard evaluation, control and post-hazard control clearance testing.

In addition to its general requirements, the LSHR contains special requirements for units occupied by children less than age six, and for lead poisoned children. For this Guidance, “lead poisoned” children are children under age six who have “environmental intervention blood lead levels,” or EIBLLs. An EIBLL is defined as 20 micrograms ( $\mu\text{g}$ ) of lead per deciliter (dl) or above of blood on a single test, or 15-19  $\mu\text{g}/\text{dl}$  in two tests taken at least 3 months apart. When a child has an EIBLL, the Owner and/or Public Housing Authority (PHA) have specific requirements to make sure that lead paint hazards are evaluated and controlled, and that the unit is safe for continued occupancy. Additional information about EIBLLs is provided in Section 6.1 of this Guidance. That Section also provides clarification on the difference between an elevated blood lead level and an EIBLL.

The LSHR is codified under 24 CFR Part 35, and most citations in this Guidance refer to Part 35 unless otherwise noted. The general information below applies to all PIH programs unless specified otherwise.

### **1.1. State, Tribal and Local Laws**

Federal regulations in Part 35 do not relieve a PHA or other property owner of compliance with State, Tribal, or local laws pertaining to lead-based paint hazards. It is important that PHAs be aware that State or local laws may require additional action beyond what HUD requires for lead-based paint.

Under §35.150(a), when State, Tribal, or local law require evaluation or hazard reduction that provides a comparable level of protection from lead-based paint hazards, HUD may modify or waive some or all of the requirements of the LSHR “in a manner that will promote efficiency while ensuring a comparable level of protection.” The PHA should recognize that LSHR waivers are issued judiciously.

The U.S. Centers for Disease Control and Prevention's (CDC's) lead website, [www.cdc.gov/nceh/lead/](http://www.cdc.gov/nceh/lead/), provides links to State and local childhood lead poisoning prevention program information, by selecting the link “State and Local Programs.” Additional information about State and local lead laws can be found under the link “Policy and Legislation.” The National Conference of State Legislatures’ website also has a searchable database of state lead statutes at [www.ncsl.org/programs/enviro/health/leadStatutesdb.cfm](http://www.ncsl.org/programs/enviro/health/leadStatutesdb.cfm).

## **1.2. Costs Associated with Lead-Based Paint Activities**

### **1.2.1. Public Housing Program**

Section 35.1135 defines eligible costs with regard to lead-based paint activities. These include evaluations and insurance costs, abatement project design, control of lead hazards, EIBLL response costs, and maintenance and operation costs. Risk assessments must be no more than 12 months old to be current and usable by the PHA. For more information on EIBLL response actions, see Section 6 of this Guidance, and for information on lead-based paint insurance requirements, see 24 CFR Part 965.215.

### **1.2.2. Housing Choice Voucher Program**

Lead based paint activities conducted in compliance with local, State, or Tribal requirements more protective than HUD standards are not eligible for HUD reimbursement, although PHAs may use their administrative fees for this purpose. Medicaid has a longstanding requirement that participating physicians screen children for lead poisoning. In the case of a child with an elevated blood-lead level who also receives medical assistance from the State or Medicaid, it is common for local public health department staff to either perform an environmental investigation of the home at no cost to the owner, or pay for a lead-based paint risk assessment completed in compliance with State or local law. Medicaid may pay for home inspections where children with elevated blood lead levels live. PHAs and owners may contact their local health departments to learn about the specific services they provide and State policies regarding reimbursing owners for costs of conducting lead-based paint evaluations in housing occupied by Medicaid-enrolled children. PHAs are responsible for ensuring that the appropriate action is taken timely when a child poisoned at the EIBLL level is living in an assisted unit (see Section 6 of this Guidance).

### **1.2.3. Section 8 Homeownership Voucher Program**

As with rental vouchers, lead-based paint activities conducted in compliance with local, State, or Tribal requirements more protective than HUD standards are not eligible for HUD reimbursement, although PHAs may use their administrative fees for this purpose.

## **1.3. Ongoing Lead-Based Paint Maintenance**

The LSHR assigns responsibilities to “designated parties.” This designation and the specific maintenance and reevaluation requirements vary by subpart. For the Housing Choice Voucher Program, the designated party is the PHA and ongoing maintenance (§35.1355) is required. For public housing, the PHA is also the designated party, and must incorporate ongoing lead-based paint maintenance and reevaluation activities into regular building operations (unless the building is vacant in preparation for demolition/disposition). Ongoing maintenance is not required if: 1) a lead-based paint inspection report indicates that no lead-based paint is present, or 2) a clearance report indicates that all lead-based paint has been removed.

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## **2. LSHR RESPONSIBILITIES OF PHAS AND OWNERS IN THE HOUSING CHOICE VOUCHER PROGRAM**

The PHA is the “designated party” responsible for lead activities for the Section 8 voucher and certificate programs covered under Subpart M, Tenant-Based Rental Assistance. This Subpart applies only to units that are occupied or intended to be occupied by families or households that have one or more children less than age six, and the associated common areas and exteriors (§35.1200(b)(1)). As designated parties, PHAs are responsible for visual assessments and any required risk assessments. Visual assessments may be conducted by a inspector or PHA staff trained in visual assessment. Two training options are available: risk assessment certification training, and HUD’s on-line, self-paced training module for visual assessment for deteriorated paint: [www.hud.gov/offices/lead/training/training\\_curriculum.cfm](http://www.hud.gov/offices/lead/training/training_curriculum.cfm).

PHAs must also ensure that Section 8 landlords are in compliance with Subpart M, Housing Quality Standards (HQS) requirements, and ongoing lead-based paint maintenance. Section 982.401(j) links the requirements of Subpart M to the HQS.

Information for families to help them prevent lead poisoning can be found at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead), or at [www.cdc.gov/nceh/lead/](http://www.cdc.gov/nceh/lead/).

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## **3. LSHR RESPONSIBILITIES RELATED TO THE SECTION 8 MODERATE REHABILITATION AND PROJECT-BASED VOUCHER PROGRAM**

### **3.1. PHAs**

PHAs must ensure that owners meet the requirements of Part 35, Subpart H, Project-Based Assistance. The specific actions that must be undertaken are dependent on the amount of federal subsidy.

After initial lead evaluation, the lead hazard control and tenant notification must be completed in accordance with the schedule established under the particular program. Owners of these properties must complete visual assessments using trained individuals during the annual inspections of the properties, and, if deteriorated paint is found, stabilize the paint before occupancy of a vacant dwelling unit or, if the unit is occupied, within 30 days of the owner’s obtaining the results of the visual assessment.

For assistance of more than \$5,000 per housing unit, a risk assessment, interim controls and clearance are required. For assistance up to \$5,000 per unit, a visual assessment, paint stabilization and clearance are required. For both amounts, the owner is responsible for tenant notification.

At properties where the owner does not meet the requirements of the LSHR, the PHA shall enforce the contract as provided under §882.516(c) *Units not decent, safe and sanitary*. Procedures for not renewing HAP contracts are found in Notice 2001-13 (HA).

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#### **4. LSHR RESPONSIBILITIES RELATED TO THE PUBLIC HOUSING PROGRAM**

##### **4.1. Evaluation and Hazard Reduction**

All PHAs should have already completed the lead-based paint inspections of public housing property required by Subpart L, Public Housing, (in particular, §35.1115). Risk assessments should have been performed if the inspections found lead-based paint, or if no lead-based paint inspection had been conducted previously. If these evaluations have not yet been performed, they should be done immediately. The LSHR requires that all lead-based paint (and lead-based paint hazards) identified in these evaluations be abated as part of modernization. If the risk assessment identified hazards but abatement has not yet occurred, interim controls should have been completed in the timeframes specified in §35.1120(b). If interim controls have not been performed, they should be performed as soon as possible. Decisions about lead hazard reduction should only be made based on current risk assessments, or risk assessments no more than 12 months old. The PHA is responsible for tenant notification.

##### **4.2. REAC Inspections**

HUD's Real Estate Assessment Center (REAC) inspectors inquire if inspections for lead-based paint have been completed, and if so, request that the PHA confirm this with an inspection report or a lead-based paint free certificate. If lead-based paint inspection reports are not presented to the inspector, this will be noted on the inspection report.

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#### **5. LSHR RESPONSIBILITIES OF THE PHA FOR THE HOMEOWNERSHIP VOUCHER PROGRAM**

In order to be eligible for purchase under the Homeownership Voucher Program, a unit must satisfy the HQS standards at §982.401 (see §982.628) and undergo an initial HQS inspection. The PHA inspection requirements at §982.405 do not apply to the homeownership option (§982.641).

In this program, as in the Housing Choice Voucher Program, the HQS inspection process incorporates many of the lead-based paint requirements for units that are covered by the LSHR. In addition to the HQS inspection, the family must select an independent, professional home inspector and pay for a home inspection of the unit. Even if the unit complies with the HQS standards (and otherwise qualifies for assistance under the PHA's tenant-based rental voucher program), the PHA has discretion to disapprove the unit for assistance under the homeownership

option based on information contained in the independent inspection. However, the mere presence of lead-based paint should not necessarily cause a PHA to disapprove a unit.

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## **6. ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL (EIBLL) CHILDREN AND RESPONSE ACTIONS**

PHAs and owners share responsibilities to meet lead-based paint requirements when a poisoned child, or child with an “Environmental Intervention Blood Lead Level” (EIBLL), is identified. When a child less than age six living in public housing or an assisted unit is found to have an EIBLL, the health department usually notifies the family and the property owner. The owner of the property has the responsibility to notify the PHA. For public housing, the PHA is responsible to perform the requirements of the owner.

### **6.1. Environmental Intervention Blood Lead Level vs. Elevated Blood Lead Level**

Lead-poisoned children are commonly referred to as having an “elevated blood-lead level,” or EBL. The requirements of the LSHR however, are triggered when a child has a blood test result at the EIBLL (often pronounced “eye bull”) level only. An EIBLL is also an elevated blood lead-level, but is specifically defined as 20 micrograms ( $\mu\text{g}$ ) of lead per deciliter (dl) of blood on a single test, or 15-19  $\mu\text{g}/\text{dl}$  in two tests taken at least 3 months apart (§35.110).

State and local health departments generally use the term EBL when referring to any children with any blood lead level over CDC’s level of concern of 10  $\mu\text{g}/\text{dl}$ . When working with local health departments, PHAs should be clear regarding what level of lead in the blood triggers an environmental intervention under the LSHR.

### **6.2. Notification and Verification Requirements Regarding EIBLL Children**

Parents should be encouraged to report to the owner or PHA if their child has an EIBLL. Under the LSHR, notification of the EIBLL case must come from, or be verified by, the local public health department or other medical health care provider before the PHA initiates action to comply with the regulations. If the PHA becomes aware of an EIBLL from a health care provider not associated with the health department, it must report the name and address of each EIBLL child to the health department within five working days of receipt of the information (§35.1225(e) or §35.1130(e)).

Additionally, for the Public Housing program only, PHAs are required to report to the HUD Field Office each known case of a child with an EIBLL (§35.1130(e)). Although the regulations do not specify a time period for action, information should be sent promptly. Field Office Staff should determine a protocol for collecting, processing, tracking, and responding to these notifications. Appendix 3 contains a sample discussion guide that Field Office staff may use when following up with PHAs that have reported an EIBLL child. The Field Office should retain any documentation verifying the follow up with PHAs consistent with records retention policies.

### Information Sharing With Local Health Departments

For the Housing Choice Voucher program, the regulations require that the PHA attempt to obtain from the public health department, at least quarterly, the names and/or addresses of EIBLL children less than six years old living in its area of jurisdiction (§35.1225(f)). For privacy and legal reasons, however, the health department may deny this request. Some health departments may only be able to provide address information. If PHAs encounter this situation, there are several options to consider when working with local health departments. The best option should be selected following consultation with the local health department. These options include:

1. The PHA may request that the health department limit the information to property addresses and inspection dates only, and not include any information about the identity of the child or family.
2. The PHA may send the health department a list of its covered addresses, and request that the health department staff either: 1) match these addresses to its list of EIBLLs themselves or 2) notify the PHA of matches on a case-by case basis. The LSHR requires that PHAs report an updated list of addresses receiving assistance to the health department on a quarterly basis, unless the health department requests to not receive the list.
3. PHAs may contact HUD's Office of Office of Healthy Homes and Lead Hazard Control, which is a "public health agency" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). See the March 9, 2004, HUD-CDC memo at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead). This memo may be provided to the health department freely.

To document its compliance with the LSHR, the PHA should maintain records of attempts to obtain EIBLL information and share the addresses of families receiving Housing Choice Vouchers with the public health department (§35.1225).

### **6.3. Risk Assessments and Hazard Reduction in Housing Choice Voucher, Moderate Rehabilitation, Project-Based Voucher and Public Housing Units with an EIBLL Child**

For both Housing Choice Voucher-assisted (§35.1225) and public housing units (§35.1130), a risk assessment must be completed by the PHA within 15 days of notification that a child less than six years of age living in an assisted unit has an EIBLL. The PHA pays for the risk assessment, unless a risk assessment or an environmental investigation is performed by the health department. A risk assessment is not required if: 1) the public health department has already conducted an evaluation of the unit, 2) the unit has been found to be free of lead by a certified lead-based paint inspector, or 3) if a risk assessment was conducted between the date the child's blood was sampled and the date of receipt of the EIBLL notification.

When otherwise required to perform a risk assessment, the PHA must conduct the evaluation even if the EIBLL child is no longer living in the unit. The only exception is the case of a Housing Choice Voucher unit in which no assisted family is currently living. The PHA should track units that do not complete the steps of risk assessment, repairs, successful clearance and resident notifications as a precaution against future poisonings. This tracking is necessary since no assisted family, with or without children, may use the unit until such repairs have been made and clearance has been achieved (§35.1225).



When the risk assessment has been completed, the PHA should notify the owner of the results and require the owner to control all lead hazards identified in the risk assessment report within 30 days of the owner's receipt of the report (§35.1130(c) for PH and §35.1225(c) for the Housing Choice Voucher Program). The owner must pay the cost of lead hazard reduction activities, including clearance examinations, before the family is allowed back into the home or work area. Hazard reduction is complete when until the unit has achieved clearance and the owner certifies to the PHA that work was done in compliance with the LSHR.

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## **7. EXEMPTIONS TO THE LEAD SAFE HOUSING RULE AND DISTURBING *DE MINIMIS* AMOUNTS OF PAINT**

### **7.1. Exemptions.**

The LSHR applies to most housing constructed before January 1, 1978 that is federally assisted or being disposed of by a federal agency. Exceptions include zero-bedroom units, and housing designated for the elderly or disabled, unless a child under age six resides or is expected to reside there. Specific exemptions can be found in the regulations at §35.115.

Elderly Waiver of Relocation: During work that will disturb lead-based paint in units not designated as housing for the elderly but occupied only by elderly residents, where temporary relocation would otherwise be required by the LSHR, the PHA or other owner may consider offering the elderly waiver of relocation option. A sample form for this purpose is attached as Appendix 2. This option is not available if a child under six resides in the unit, or spends a significant amount there. (See LSHR Interpretive Guidance Question J24, at [www.hud.gov/offices/lead/leadsaferule/](http://www.hud.gov/offices/lead/leadsaferule/).)

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## **8. LEAD DISCLOSURE RULE: 24 CFR Part 35, Subpart A, and 40 CFR part 745, Subpart F**

The Lead Disclosure Rule (the same rule issued by both HUD and EPA) applies to both federally-assisted and private housing built before January 1, 1978, except for zero-bedroom dwellings, or housing designated for the elderly or persons with disabilities (unless a child less than six is expected to live such designated housing). The Lead Disclosure Rule applies to both rentals and sales, and applies regardless of whether or a child resides or will reside in the unit.

### **8.1. Public Housing**

Under the Lead Disclosure Rule, the PHA is considered the owner of public housing. As such, the PHA is required to conduct the lead disclosure provisions assigned to the owner. These requirements usually are all contained within the sample Lead Disclosure Form, but are itemized below for reference:

- a. Before the prospective tenant becomes obligated under the lease, or when the rent or lease conditions change and the owner has new information about lead-based paint or its hazards, the PHA provides:
  - i. The Lead Warning Statement for leases (§35.92(b)(1)), within or attached to the lease;
  - ii. A disclosure statement, also within or attached to the lease, disclosing the presence of any known lead-based paint and/or lead-based paint hazards in the unit, common areas servicing the unit, and exterior areas, or an indication that the owner has no knowledge of the presence of lead-based paint and/or lead-based paint hazards. The statement must also include a list of any records or reports available to the owner and verification that these records or reports have been made available to the tenant;
  - iii. The EPA-approved lead-hazard information pamphlet “Protect Your Family From Lead in Your Home,” dated 2003 or later, in the language of the lease (available at the OHHLHC website listed in Section 8.5); and,
  - iv. Acknowledgement of receipt of the lead disclosure statement and the lead information pamphlet, and certification of accuracy of statements, signed and dated by the PHA, any leasing agent of the PHA, and the prospective tenant.
- b. The PHA should retain a copy of the lead disclosure form and lead warning statement for at least 3 years.

## **8.2 Housing Choice Voucher, Moderate Rehabilitation, and Project-Based Vouchers**

To comply with the Lead Disclosure Rule, the PHA and rental housing owners have specific requirements:

- a. Before the prospective tenant becomes obligated under the lease, or when the rent or lease conditions change and the owner has new information about lead-based paint or its hazards:
  - i. The owner signs and provides the Lead Disclosure Form for leases and other statements and acknowledgements to the tenant for signature, and makes any records or reports available to the tenant, just as with Public Housing, Section 8.1, above).
  - ii. The tenant attaches a copy of the completed lead disclosure statement to the HUD-52517, Request for Tenancy Approval.
- b. The PHA ensures:
  - i. The tenant attaches a copy of the completed lead disclosure statement to the HUD-52517.
  - ii. Acknowledgement of receipt of the lead disclosure statement and the lead information pamphlet, with certification of accuracy of statements, signed and dated by the prospective tenant and owner.

## **8.3 Homeownership Voucher Program**

In the case of home sales through the Housing Choice Homeownership Voucher programs, additional lead disclosure requirements related to the sale of property apply, including the requirement that sellers allow the buyer an opportunity to conduct a lead-based paint inspection

and/or risk assessment before becoming obligated under the sales contract. The regulations require that buyers be allowed at least ten days to perform this evaluation. This time period may be negotiated to a shorter time frame to expedite the sale.

#### **8.4. Shared Enforcement of the Lead Disclosure Rule**

Both HUD and EPA share enforcement of the Lead Disclosure Rule. Under a 1997 Memorandum of Understanding (MOU) and its implementing guidance, HUD has initial responsibility for enforcement of the Lead Disclosure Rule for all sites receiving HUD assistance. This assistance includes all HUD programs including conventional public housing, project-based rental assistance, tenant based rental assistance, and HUD grants such as HOME and CDBG. Guidance to the MOU provides that if, during the course of an enforcement investigation, EPA becomes aware of HUD assistance, EPA will refer these sites to HUD for enforcement.

All PHAs and owners that receive HUD assistance must be in compliance with both the Lead Safe Housing Rule and the Lead Disclosure Rule. The Department fully supports that policy and will take enforcement action, if necessary, to ensure compliance. If EPA initiates an inspection for compliance with the Lead Disclosure Rule and/or issues a document request, HUD recommends that the PHA or owner notify EPA that the property receives HUD assistance and request that EPA temporarily suspend the investigation to allow for notification to HUD. EPA may, in some cases, issue a subpoena if the entity is perceived as uncooperative and refuses all inspections. Subpoenas normally offer the PHA or owner a reasonable time period to comply, and during this time, the PHA and/or owner should consult with legal counsel and HUD.

The OHHLHC and the Office of General Counsel are parties to the MOU with EPA and are available to provide technical assistance regarding the regulations and EPA inspections. For more information, contact Walter Wynn, Director, Office of Compliance Assistance and Enforcement, OHHLHC, 202-402-7586 or John Shumway, Office of General Counsel, 202-402-5190.

#### **8.5. Disclosure Documents Available from the Web**

The Lead Disclosure Rule, the Disclosure Forms for lease and sale (including the Lead Warning Statement) and required pamphlet, "Protect Your Family from Lead in Your Home," can be downloaded from the Office of Healthy Homes and Lead Hazard Control's website at [www.hud.gov/offices/lead/](http://www.hud.gov/offices/lead/). The Disclosure Form and pamphlet are available at that site in English and Spanish. The pamphlet is also available in Arabic, Russian, Somali and Vietnamese at that website.

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### **9. ADDITIONAL INFORMATION**

HUD's Office of Healthy Homes and Lead Hazard Control posts lead regulations, fact sheets, interpretive guidance, sample forms, and pamphlets at [www.hud.gov/offices/lead/](http://www.hud.gov/offices/lead/). This website provides direct links to the Lead Disclosure Rule, the Lead Safe Housing Rule, and the **HUD**

**Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing** at [www.hud.gov/offices/lead/guidelines/hudguidelines/](http://www.hud.gov/offices/lead/guidelines/hudguidelines/).

The [\*Housing Choice Voucher Guidebook\*](#), number 7420.10G, contains information about lead-paint requirements in Chapter 10, “Housing Quality Standards.”

*Building Blocks for Primary Prevention: Protecting Children from Lead-Based Paint Hazards.* Atlanta: CDC, 2005, available on CDC’s website at: [www.cdc.gov/nceh/lead/publications/Building\\_Blocks\\_for\\_Primary\\_Prevention.pdf](http://www.cdc.gov/nceh/lead/publications/Building_Blocks_for_Primary_Prevention.pdf).

To receive printed information or for questions on lead-based paint and lead-based paint regulations, contact the National Lead Information Clearinghouse (NLIC) at 1-800-424-LEAD or visit its web page at: [www.epa.gov/lead/pubs/leadpbed.htm#nlic](http://www.epa.gov/lead/pubs/leadpbed.htm#nlic). For questions about HUD’s Lead Safe Housing Rule, call 202-402-7698 and leave a message, or e-mail [lead\\_regulations@hud.gov](mailto:lead_regulations@hud.gov).

Please refer all additional questions to Clamentine Melvin, Program Liaison Specialist for lead issues in the Office of Field Operations, or Kate Anderson in the Office of Policy, Program and Legislative Initiatives.

For assistance on issues regarding EPA compliance inspections and the EPA-HUD MOU, contact Walter Wynn with the Office of Healthy Homes and Lead Hazard Control, or John Shumway, with the Office of General Counsel.

**Appendix 1: Applicability of Major LSHR Requirements to PIH Programs**

Row	Action	Mod Rehab ≤\$5000	Mod Rehab >\$5,000	Homeowner- ship Voucher	Public Housing	Housing Choice Voucher
1.	Lead Hazard Information Pamphlet	35.710(b)	35.710(b)	35.1010(b)	35.1110(b)	35.1210(b)
2.	Visual Assessment for deteriorated paint at initial move-in and annual assessment	35.720(a)(1)	N/A	35.1015(a)	N/A	35.1215(a)(1)
3.	Paint Stabilization resulting from Visual Assessment and clearance if above de minimis amounts (see 35.1340(g) and 35.1350(d))	35.720(a)(2)	N/A	35.1015(b)	N/A	35.1215(b)
4.	Lead-Based Paint Inspection of all target units and quality review of pre-2000 lead-based paint inspection reports	N/A	N/A	N/A	35.1115(a) and 35.165(a)	N/A
5.	Risk Assessment (not related to EIBLL child)	N/A	all target units 35.715(a)	N/A	If lead-based paint found by lead-based paint inspection (item 4 above), or no lead-based paint inspection has been performed 35.1115(b)	N/A
6.	Interim Controls resulting from Risk Assessment (Row 5, above)	N/A	37.715(b)	N/A	All hazards not yet abated 35.1120(b)	N/A
7.	Abatement of all lead-based paint and lead-based paint hazards found by Inspection (Rows 4 and 5 above) and Risk Assessment (Row 5 above)	N/A	N/A	N/A	35.1120(a)	N/A
8.	Clearance report following activities above de minimis amounts (see Rows 3 and 9) provided to tenant	35.720(a)(3)	N/A	35.1015(d)	See Row 9 below	35.1215(c)

Row	Action	Mod Rehab ≤\$5000	Mod Rehab >\$5,000	Homeowner- ship Voucher	Public Housing	Housing Choice Voucher
9.	Notice of Evaluation and hazard reduction (including results of clearance exam) in accordance with 35.125	35.710(a)	35.710(a)	35.1110(a); Whole-unit clearance required after abatement 35.1330(a); Worksite-only clearance allowed after maintenance 35.1355(a)(6)	35.1210(a); Worksite-only clearance allowed after maintenance 35.1355(a)(6)	
10.	Option to presume paint is lead-based paint, or test non-intact paint	35.120(d)	35.120(a), (c) and (d)	35.120(d)	35.120(b)	35.120(d)
11.	Ongoing maintenance, and occupant provided with written notice to report deteriorated paint, in accordance with 35.1355(a)	35.720(b)	35.715(c)	35.1015(c)	35.1120(c)	35.1220
12.	Reevaluation in accordance with 35.1355(b)	35.720(b)	35.715(c)	N/A	35.1120(c)	N/A
13.	Procedure for response to EIBLL children	35.715(d)(4) and 35.730	35.720(c) and 35.730	N/A	35.113	35.1225
14.	Reporting of EIBLL to public health department	35.730(e)	35.730(e)	N/A	35.1130(e)	35.1225(e)
15.	Reporting of EIBLL to local Field Office	N/A	N/A	N/A	35.1130(e)	N/A
16.	Quarterly request for EIBLL case information from, and report of HCV units to, public health department	N/A	N/A	N/A	N/A	35.1225(f)

**Appendix 2**  
**Elderly Waiver for Relocation – Sample Form**

*The following sample certification reflects policies that could be adopted for an elderly waiver provision. No policy should be adopted without consideration by legal counsel.*

**OUR PROGRAM**  
**STREET ADDRESS**  
**CITY, STATE, ZIP**  
**PHONE**

I/We, \_\_\_\_\_, the undersigned, *[Check one choice below.]*

- \_\_\_\_\_ choose to relocate to another unit while work by [the Housing Authority of \_\_\_\_\_] is being performed.
- \_\_\_\_\_ choose to remain in my home while work by [the Housing Authority of \_\_\_\_\_] is being performed.

If I/we choose to remain in my/our home, I/we certify that I/we have made this choice having read and understood the following:

1. I am — or, if I am married, either my spouse or I is at least 62 years old.
2. No children under age six or women of childbearing age currently live in the home or spend significant amounts of time in the home.
3. My/our home was built before 1978.
4. I/we have received the pamphlet “Protecting Your Family from Lead in Your Home” and I am aware of the health hazards that are posed by lead-based paint.
5. I/we have been given a description of work that will be done in my home and understand that during the course of the work, lead hazards may be created in or outside the work area. These hazards will be fixed before the job is considered complete.
6. No member of my household will enter the work area while work is being performed.
7. I/we understand that allowing children under age six or women of childbearing age to visit my home while work is being done may pose a risk to their health.
8. I/we agree to hold the Housing Authority of [\_\_\_\_\_] harmless for any damages due to lead poisoning that occur on these premises during the course of the work.

Signed:

\_\_\_\_\_  
Name    Date

\_\_\_\_\_  
Name    Date

**Appendix 3:  
Sample Discussion Guide for EIBLL Follow-Up**

This spreadsheet may be used as a discussion guide when PIH field office staff follow up with PHAs that have submitted the name of an EIBLL-poisoned child to the field office pursuant to 24 CFR 35.1130(e)											
Contact Information						Risk Assessment			Hazard Reduction		
Date FO received EIBLL notification from PHA	PHA Name	Date of Blood Test resulting in EIBLL	Date of follow-up call to PHA	HUD Staff Contact	PHA Contact Name	Date PHA notified of EIBLL*	Date of Risk Assessment	RA completed in 15 days? (Y/N)**	Hazard Reduction required? (Y/N)	Date Hazard Reduction Completed	Hazard Reduction and clearance completed within 30 days? (Y/N)***

\* Date of verification if notification came from source other than medical health care provider or public health department. Notification must come from or be verified by public health agency or medical health care provider. See 24 CFR 35.1130(a) and (b).  
 \*\* Risk assessment is considered complete when the PHA receives the risk assessment report. See 24 CFR 35.1130(a). Also, see 24 CFR 35.1130(f) regarding other units in the building.  
 \*\*\* Hazard reduction is considered complete when clearance is achieved. See 24 CFR 35.1130(c).



