

Owners' Responsibilities and Reporting Requirements Related to Lead-based Paint Hazards in Federally Assisted Units

This letter provides detailed information about owner responsibilities as outlined in Public and Indian Housing Notice *PIH 2017-13*, elevated blood lead level (EBLL) regulation, owner responsibilities, and reporting requirements.

Elevated Blood Lead Level & Lead- Based Paint

On July 13, 2017, the United States Department of Housing & Urban Development (HUD) issued its final rule for the Elevated Blood Lead Level (EBLL) federal regulation.¹ The final rule clarifies that immediate intervention is required by the owner in collaboration with HPD and the Department of Health and Mental Hygiene (DOHMH) if children under six years old who live in assisted units are found to have an EBLL of five micrograms or more per deciliter. This is to ensure that the source of lead exposure, including lead-based paint, is identified and that required hazard reduction methods are completed.

What Property Owners Need to Know About EBLL

HUD outlines owner responsibilities relating to lead-based paint hazards in its notice: Public Indian Housing notice *PIH 2017-13*.² This PIH notice assists in identifying the designated party responsible for each step of the lead-based paint hazard reduction process. According to these guidelines, HPD has determined that owners must:

- Complete lead-based paint hazards reduction for units that have received a Notice of Housing Quality Standards (HQS) Failure from HPD and a Commissioner's Order to Abate (COTA) from DOHMH due to identified lead-based paint hazards in a unit in which a child age under age six resides.
- Conduct lead-based paint risk assessments for all other assisted units in the building that include a child under age six, as well as all public areas in the building.
- Comply with lead-based paint reduction requirements using lead safe work practices for any lead-based paint hazard(s) identified by DOHMH and during risk assessments of other assisted units in the building.
- Notify residents in assisted units of any DOHMH investigation results, risk assessment results, and lead-based paint hazard reduction activities.
- Obtain certification from DOHMH or clearance from a certified EPA lead risk assessor³.
- Submit a completed Lead Based Paint Owner Certification form to HPD by the correction deadline listed on the notice. If HPD does not receive this form by the deadline, Housing Assistance Payments (HAP) will be abated.

¹ <https://www.federalregister.gov/documents/2017/01/13/2017-00261/requirements-for-notification-evaluation-and-reduction-of-lead-based-paint-hazards-in-federally>

² https://www.hud.gov/sites/documents/17-13PIHN_OHHLHC.PDF

³ <https://cfpub.epa.gov/flpp/pub/index.cfm?do=main.firmSearchAbatement>



- Inform HPD of any completion of lead-based paint hazard correction and/or extension granted by DOHMH to resolve the COTA. Submit to HPD any such extension, if this extension is later than the HQS correction deadline. Failure to do so will result in HAP abatement for the unit.
- Retain all documents and provide them to HUD and/or HPD upon request.
- Conduct ongoing maintenance as described in the insert *Correcting Lead-Based Paint Failures in Federally Assisted Rental Units Pursuant to Federal Law (24 CFR Part 35)*, which will accompany the Notice of HQS Failure for lead-based paint hazards.
- Comply with annual Housing Quality Standards (HQS) inspections.

HUD Reporting Requirements for Owners

Owners are responsible for reporting to the HUD Field Office (U.S. Department of Housing and Urban Development, 26 Federal Plaza #3541, New York, NY 10278-0068) **and** the HUD Office of Lead Hazard Control and Healthy Homes (LeadRegulations@hud.gov with copy to DTRlead@hpd.nyc.gov) when:

1. A child under age six living in a subsidized unit is confirmed to have an Elevated Blood Lead Level (EBLL) of five micrograms or more per deciliter. This can be confirmed through a medical professional or receipt of a COTA from DOHMH, and must be reported directly to both HUD offices listed above within five business days of the owner being notified of the confirmed case.
2. Once notified that a child has an EBLL, owners are responsible for documenting that each of the activities mentioned in “What Property Owners Need to Know about EBLL” is conducted. Both HUD offices must be notified within 10 business days of the deadline for each activity.

Notice of Failure for Lead Presumption

If an HQS inspection by HPD identifies a deteriorated paint condition, HPD’s Division of Code Enforcement and/or Division of Tenant Resources will send the owner a Notice of Housing Quality Standards (HQS) Failure for a presumed lead-based paint failure. The notice will include a deadline by which the condition must be corrected, instructions on how to correct the presumed lead-based paint failure using lead safe work practices, and a Lead Based Paint Owner Certification form for the owner to complete and submit to HPD.

HPD’s Division of Code Enforcement conducts inspections of assisted units and public areas in buildings associated with these units, such as hallways, lobbies and building exteriors, as well as the assisted units themselves. These inspections may identify New York City Housing Maintenance Code (HMC) violations, which will result in receipt of two notices from HPD: a Notice of HMC Violation and a Notice of HQS Failure. In these situations, owners must comply with requirements outlined above.

Questions

If you have any questions about your responsibilities as an owner, please contact HPD at DTRlead@hpd.nyc.gov or call (917) 286-4300.