

PHILADELPHIA HOUSING AUTHORITY

OPENING DOORS TO OPPORTUNITIES

**STANDARD OPERATING PROCEDURES
FOR THE LEAD SAFE HOUSING RULE
AND LEAD DISCLOSURE RULE**

Introduction

The Department of Housing and Urban Development (HUD) has updated the Lead-Based Paint Poisoning Prevention in Certain Residential Structures regulations to conform to recent Center for Disease Control guidelines regarding Elevated Blood Lead Levels in children under the age of six (6) years. PHA has adopted the following procedures to support enforcement of the provisions of the updated Lead Safe Housing Rule (LSHR) as it relates to Elevated Blood Lead Levels in children less than six (6) years of age. See Title 24 CFR Part 35, et seq.

General Requirements

1. **Lead Disclosure and Pamphlet:** Owners of Dwelling Units participating in tenant-based housing assistance/ Housing Choice Voucher program (HCV) and project-based assistance (UBV), must provide a completed lead disclosure form and the Protect Your Family from Lead in Your Home pamphlet to every household upon leasing a unit. Owners can retrieve a printable copy of the "Protect Your Family" pamphlet from the PHA website <http://www.pha.phila.gov/lead-information/lead-prevention-resources>

The form and the pamphlet will be available in translation, per PHA's Limited English Proficiency policy.

2. All project-based voucher applicant households with children under six (6) years of age must complete the Family Notification of Lead Based Paint form and must also provide lead test results issued by a physician for all children aged 2 to 6 years, dated within the last 10 months at the time of screening

Key Terms

Abatement: Any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of "permanent"). Abatement includes the removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or a fixture painted with lead-based paint, and the removal or permanent covering of soil-lead hazards, and includes all preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

Certified: Able to perform such activities as risk assessment, lead-based paint inspection, abatement supervision, or renovation by having completed a lead-based paint certification program authorized by the Environmental Protection Agency (EPA), in accordance with 40 CFR Part 745, subpart Q, or by the EPA, in accordance with 40 CFR part 745, subparts E or L.

Clearance examination: An activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples.

Common area: A portion of a residential property that is available for use by occupants of more than one dwelling unit. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, on-site day care facilities, garages and boundary fences

Deteriorated paint: Any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

Dwelling unit: A single-family dwelling, including attached structures such as porches and stoops or a housing unit in a structure that contains more than one separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of one or more persons.

Elevated Blood Lead Level (EBLL): A confirmed concentration of lead in whole blood of a child under age six (6) equal to or greater than the concentration in the most recent guidance published by the U.S. Department of Health and Human Services (HHS), which recommends the threshold at which an environmental investigation must be conducted.

Encapsulation: The application of a covering or coating that acts as a barrier between the lead-based paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent. See definition of Permanent

Environmental Investigation: The process of determining the source of lead exposure for a child under age six (6) with an elevated blood lead level, consisting of administration of a questionnaire, comprehensive environmental sampling, case management, and other measures, in accordance with Chapter 16 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. Note – a Risk assessment is a component of the Environmental Investigation.

Evaluation: A risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint, or an environmental investigation.

Expected to reside: The actual knowledge that a child under age six (6) will reside in a dwelling unit. For example, if a resident woman is known to be pregnant, there is actual knowledge that a child will reside in the dwelling unit.

Hazard reduction: Measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

HCV Lead Based Paint Coordinator: responsible lead based paint monitoring for Philadelphia Housing Authority's (PHA's) Leased Housing Program. Also monitors landlord compliance with all lead based paint requirements to ensure the health and safety of all program participants.

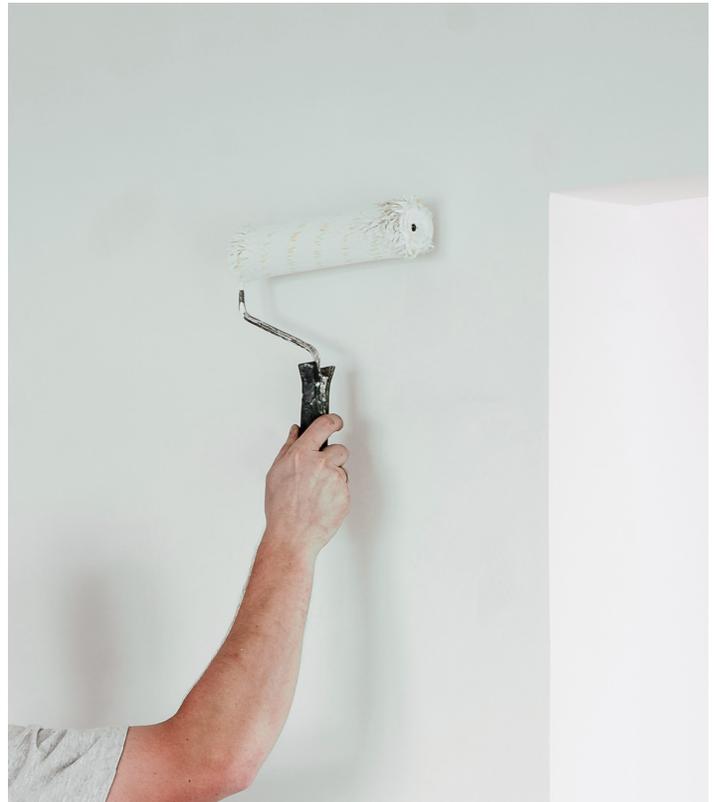
Interim controls: A set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs. See HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 11: Interim Controls.

Lead-based paint: Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead-based paint hazard: Any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Multi-unit Property: a residential property containing two or more dwelling units. For the purposes of the LSHR, all buildings with assisted units or servicing those buildings (e.g., garages, toolsheds, etc.) associated with the property are covered by the requirements.

Owner: A person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who



possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

Permanent: An expected design life of at least 20 years.

Risk assessment: An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards and the provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards. See HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 5: Risk Assessment and Re-evaluation.

Visual assessment: Looking for, as applicable, deteriorated paint, visible surface dust, debris, and residue as part of a risk assessment or clearance examination, or the completion or failure of a hazard reduction measure. A visual assessment alone is not considered an environmental investigation or risk assessment.

Zero-bedroom dwelling: Any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

LSHR Procedures for Tenant-Based Rental Assistance (HCV)

1. Notification of EBLL minor(s)

If PHA receives notification of an EBLL minor(s) at HCV program unit from the Philadelphia Department of Public Health or from a medical professional an **Environmental Investigation** must be completed at the unit.

If the reported minor(s) does not reside in the unit but the tenant is familiar with the minor(s), the household must provide verification documentation that the minor does not live or reside in the unit. Acceptable verification documentation includes, but is not limited to:

- Medical documentation listing minor(s) address
- School records listing minor(s) address
- Notarized statement attesting to the new address
- Self-certification form attesting to the new address or to no knowledge of minor's address

However, an **Environmental Investigation** must be scheduled and completed for the unit even if verified that the minor does not reside in the unit – steps 2 through 4 below must be followed, including **Abatement** of the unit if warranted.

If the reported minor(s) is not familiar to the tenant the head of household must provide a notarized statement attesting that they are not familiar with the minor(s) and the minor(s) do not reside in their unit.

2. Environmental Investigation:

- a. The HCV Lead Based Paint Coordinator will conduct or assign to an outside vendor the task of completing an Environmental Investigation and receipt of the final report within 15 calendar days of receiving notification of EBLL.

An Environmental Investigation is not required if:

- The property was constructed after January 1, 1978.
- The property is a Zero-Bedroom Dwelling Unit.
- The property is designated senior housing or designated exclusively for people with disabilities UNLESS a child under six (6) years old resides or is Expected to Reside at the property.
- The property has been found to be free of Lead-Based Paint after inspection.
- The property had Lead-Based Paint that was identified, removed and passed a Clearance Examination.
- The property is unoccupied and will be demolished, as long as it remains unoccupied until demolition.

- b. HCV's Lead Based Paint Coordinator will contact and inform both the Owner and tenant of the need to complete an Environmental Investigation and that failure to allow access to the unit will result in termination of the Housing Assistance Payments (HAP) contract and abatement.

- i. If timely access is not granted HCV will execute the following actions will be taken, as applicable:
- HAP will be abated if access is not granted after 1st attempt
 - Voucher may be terminated
 - Transfer voucher will be issued to relocate the client
 - Abatement notice will be sent to client and owner informing them of their non-compliance with the current lead procedures
- i. HCV Lead Based Paint Coordinator will provide the environmental investigation report to the Owner as soon as possible and within no more than one (1) business day of receipt.
- ii. Owners must provide notice to the tenant that an Evaluation for the presence of Lead-Based Paint was conducted within 15 calendar days of receiving the final report.

- e. Owner must then provide documentation to the HCV Lead-Based Paint Coordinator that notice of lead evaluation was provided to residents within 10 business days of providing the notice.

3. Lead Hazard Reduction Activities (Interim Controls and/or Abatement)

a. Single Dwelling unit(s)

If Environmental Investigation shows presence of lead-based paint hazards in the unit, Owner must conduct **hazard reduction** and receive **Clearance examination** within 30 calendar days of receiving environmental investigation report.

If the Owner fails to conduct lead hazard reduction activities and achieve clearance within 30 calendar days, the unit may be abated or terminated from the HCV Program. HCV may provide the household with a transfer voucher, if necessitated by the degree of lead hazard reduction required. Unit will also be flagged by HCV to prevent another household from moving in until clearance has been achieved.

b. Multi-Unit Property

If Environmental Investigation shows presence of lead-based paint hazards, Owner must conduct **hazard reduction** and receive **Clearance examination** within 30 calendar days of receiving environmental investigation report.

Additionally, if Environmental Investigation shows presence of lead-based paint hazards, Owner must conduct Risk Assessments of other units and common areas of the building. Risk Assessments need only be conducted in units where a child under six (6) years of age resides or is expected to reside on the day that lead hazard reduction of the problem unit is complete.

Owner must complete Risk Assessments within 30 calendar days of receipt of the environmental investigation report when testing 20 such units or fewer; and within 60 calendar days when testing more than 20 such units.

Owners must post notices in the building's common area that Risk Assessment(s) for the presence of Lead-Based Paint were conducted within 30 calendar days of receiving final environmental investigation report.

- i. Notices must also be individually distributed by the owner to heads of household whose units are adjacent to the units receiving Risk Assessments.
 - ii. The owner must send a copy of the notice that was posted/distributed to the HCV Lead-Based Paint Coordinator.
- c. If Risk Assessments in other units from identify lead-based paint hazards, Owner must conduct Interim Controls or Abatement on affected units and common areas, and receive clearance report within 30 calendar days of completion of the Risk Assessments.
- i. i.If more than 20 units are affected, Interim Controls and Abatement may be completed within 90 calendar days of completion of Risk Assessments if the lead hazard reduction work would disturb painted surfaces that total more than the de Minimus threshold. See 24 CFR 35.1350(d).
- d. Owners must provide notice to residents that lead hazard reduction activities have been completed within 15 calendar days of completion of Interim Controls or Abatement.
- e. Owners must provide documentation to HCV Lead-



Based Paint Coordinator that notice of lead hazard reduction activities was provided to residents within 10 business days of providing the notice.

If the Owner fails to conduct lead hazard reduction activities and achieve clearance within 30 calendar days, the unit(s) may be abated or terminated from the HCV Program. HCV may provide the household(s) with transfer vouchers, if necessitated by the degree of lead hazard reduction required. Unit(s) will also be flagged by HCV to prevent household(s) from moving in until clearance has been achieved.

4. Owner Notification to PHA of Lead Hazard Reduction Activities (Interim Control or Abatement Completion):
 - a. Owners must provide documentation to the HCV Lead-Based Paint Coordinator that Interim Controls or Abatement have been completed within 10 business days of receipt of clearance report.
 - i. If Clearance is not received within the correction period (30 days), voucher issuance for the client shall immediately follow the correction period and the HAP contract will be terminated.
 - ii. The HCV program will ensure that no future HAP contracts will be issued to the unit in question until owner provides a sufficient clearance report.
 - b. Owner: Provide notice to occupants of the unit describing the result of the Clearance Examination.

LSHR Procedures for Project-Based Rental Assistance (UBV)

1. Notification of EBLL minor(s)

If PHA receives notification of an EBLL minor(s) at an HCV program unit from the Philadelphia Department of Public Health or from a medical professional an **Environmental Investigation** must be completed at the unit.

If the reported minor(s) does not reside in the unit, the household must provide verification documentation that the minor does not live or reside in the unit. Acceptable verification documentation includes, but is not limited to:

- Medical documentation listing minor(s) address
- School records listing minor(s) address
- Notarized statement attesting to the new address
- Self-certification form attesting to the new address or to no knowledge of minor's address

However, an **Environmental Investigation** must be scheduled and completed for the unit even if verified that the minor does not reside in the unit – steps 2 through 5 below must be followed, including **Abatement** of the unit if warranted.

If the reported minor(s) is **not** familiar to the tenant the head of household must provide a notarized statement attesting that they are not familiar with the minor(s) and the minor(s) do not reside in their unit.

2. Environmental Investigation

- a. The HCV Lead-Based Paint Coordinator will contact the Owner of the subject unit and inform them of the need to conduct an Environmental Investigation at the Project Based site. The Owner must ensure the completion of an Environmental Investigation by a certified party and obtain a final report within 15 calendar days of receiving notification of EBLL.

An Environmental Investigation is not required if:

- The property was constructed after January 1, 1978.
- The property is a Zero-Bedroom Dwelling Unit.
- The property is designated senior housing or designated exclusively for people with disabilities UNLESS a child under six (6) years old resides or is Expected to Reside at the property.
- The property has been found to be free of Lead-Based Paint after inspection.
- The property had Lead-Based Paint that was identified, removed and passed a Clearance Examination.
- The property is unoccupied and will be demolished, as long as it remains unoccupied until demolition.

- i. Owner must inform tenant and HCV Lead Based Paint Coordinator of the scheduled Environmental Investigation date and time.
- ii. Owner must provide completed Environmental Investigation report to HCV Lead Based Paint Coordinator within 15 calendar days of receipt of EBLL notification from PHA. Failure to provide will result in termination of the Housing Assistance Payments (HAP) contract and abatement.
- iii. Owner must provide notice to residents that an Evaluation for the presence of Lead-Based Paint was conducted within 15 calendar days of receiving the final report.
- iv. Owner must provide documentation to HCV Lead-Based Paint Coordinator that notice of lead evaluation was provided to residents within 10 business days of providing the notice.
- v. Owner must provide the Environmental Investigation report to HCV Lead Based Paint Coordinator within one (1) business day of receipt.
- vi. Owner must provide documentation to HCV Lead-Based Paint Coordinator indicating that an Environmental Investigation was completed within 10 business days of receiving final report.

3. Risk Assessment of Additional Units & Common Areas:

If the Environmental Investigation shows the presence of lead-based paint hazards, the Owner must conduct Risk Assessments of other units and common areas of the building.

- i. Risk Assessments need only be conducted in units where a child under six (6) years of age resides or is expected to reside on the day that lead hazard reduction of the problem unit is complete.
- ii. The Owner must complete Risk Assessments within 30 calendar days of receipt of the environmental investigation report when testing 20 such units or fewer; complete Risk Assessments within 60 calendar days when testing more than 20 such units.
- iii. Owner must post notices in the building's common area that Risk Assessment(s) for the presence of Lead-Based Paint were conducted within 30 calendar days of receiving final environmental investigation report. Notices must also be

individually distributed by the owner to heads of household whose units are adjacent to the units receiving Risk Assessments.

- iv. The owner must send a copy of the notice that was posted/distributed to the HCV Lead-Based Paint Coordinator.
- v. Owner must provide documentation HCV Lead-Based Paint Coordinator that Risk Assessments of other units and common areas were conducted within 10 business days of completion.
- vi. If Risk Assessments in other units from identify lead-based paint hazards, Owner must conduct hazard reduction on affected units and common areas, and receive clearance examination within 30 calendar days of completion of the Risk Assessments. If more than 20 units are affected, hazard reduction may be completed within 90 calendar days of completion of Risk Assessments if the Hazard Reduction work would disturb painted surfaces that total more than the De Minimus threshold. See 24 CFR 35.1350(d). See also Appendix J.
- vii. Owner must provide documentation HCV Lead-Based Paint Coordinator that lead hazard reduction was completed and clearance report(s) received within 10 business days of receiving clearance examination(s).

4. Lead Hazard Reduction Activities (Interim Controls and/or Abatement)

- a. If Environmental Investigation shows presence of lead-based paint hazards in the unit, Owner must conduct hazard reduction and receive Clearance examination within 30 calendar days of receiving environmental investigation report.

If the Owner fails to conduct lead hazard reduction activities and achieve clearance within 30 calendar days, the unit may be abated or HAP contract for the building may be terminated from the HCV Program.

- UBV households affected will be relocated to a compliant unit.
 - The HCV program will ensure that no future HAP contracts will be issued to the unit(s) in question until owner provides a sufficient clearance report.
- b. If Risk Assessments in additional units (step 3) identify lead-based paint hazards, Owner must conduct Interim Controls or Abatement on affected units and common



areas, and receive clearance report within 30 calendar days of completion of the Risk Assessments.

- c. If more than 20 units are affected, Interim Controls and Abatement may be completed within 90 calendar days of completion of Risk Assessments if the Hazard Reduction work would disturb painted surfaces that total more than the De Minimus threshold - see 24 CFR 35.1350(d).
- d. Owner must provide notice to residents that lead hazard reduction activities have been completed within 15 calendar days of completion of Interim Controls or Abatement.
- e. Owner: Provide documentation to HCV Lead-Based Paint Coordinator that notice of lead hazard reduction activities was provided to residents within 10 business day of providing the notice.

3. Owner Notification to PHA of Lead Hazard Reduction Activities (Interim Control or Abatement Completion):

- a. Owner: Provide documentation to HCV Lead-Based Paint Coordinator that Interim Controls or Abatement have been completed within 10 business days of receipt of clearance report.
 - i. If Clearance is not received within the correction period (30 days), voucher issuance for the client shall immediately follow the correction period and the HAP contract will be terminated.
 - ii. The HCV program will ensure that no future HAP contracts will be issued to the unit in question until owner provides a sufficient clearance report
- b. Owner must provide notice to occupants of the unit describing the result of the Clearance Examination

HCV

The table below summarizes the timelines for environmental investigations, lead hazard reduction work and clearance when PHA learns a child has an EBLL in tenant based voucher (HCV) program unit.

Activity	Timeframe	Responsible Party
Environmental investigation at HCV unit	Within 15 calendar days after verification of the EBLL	PHA
Provide notice to tenant of presence of Lead Based Paint in unit	Within 15 calendar days of receiving results Environmental Investigation	Owner
Provide PHA copy of notice sent to tenant.	Within 10 business days of providing the notice to tenant	Owner
Lead Hazard Reduction Activities	Within 30 calendar days of receiving the results of the environmental investigation from PHA	Owner
Owner Notification to PHA of Lead Hazard Reduction Activities	Within 10 business days of receipt of clearance report.	Owner

Project Based

The table below summarizes the responsibilities and timelines for environmental investigations, lead hazard reduction work and clearance when PHA learns a child has an EBLL in project based voucher (UBV) program unit.

Activity	Timeframe	Responsible Party
Environmental investigation at HCV unit	Within 15 calendar days after verification of the EBLL	PHA
Provide notice to tenant of presence of Lead Based Paint in unit	Within 15 calendar days of receiving results Environmental Investigation	Owner
Provide PHA copy of notice sent to tenant.	Within 10 business days of providing the notice to tenant	Owner
Risk Assessment of Additional Units & Common Areas	Within 30 calendar days of receipt of the environmental investigation report when testing 20 such units or fewer; complete Risk Assessments within 60 calendar days when testing more than 20 such units.	Owner
Lead Hazard Reduction Activities	Within 30 calendar days of receiving the results of the environmental investigation;	Owner
Owner Notification to PHA of Lead Hazard Reduction Activities	Within 10 business days of receipt of clearance report.	Owner

