



If you aren't lead-based paint free, regulations made a move on residential/child-occupied front - by Lee Wasserman

May 16, 2017 - Design / Build

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If you own, manage, or insure affordable housing, new rules & action levels apply. Currently, in the center of this bullseye, are project-based rental assisted properties.

The Office of Housing and Urban Development (HUD) published a new rule lowering the Department's threshold of lead in the child's blood to match the more protective guidance of the Centers for Disease Control and Prevention (CDC). HUD's new action level for lead in a young child's blood has been lowered from 20 micrograms of lead per deciliter of blood ($\mu\text{g/dL}$) to 5. At the same time, this federal regulatory change, (24 CFR Part 35), is published in the Federal Register. Housing secretary nominee Ben Carson is calling for lead prevention and treatment to become a top priority across the country. Carson says he wants to add neighborhood clinics and says reducing the amount of lead inside your home is no longer enough. Carson told the Senate Banking Committee that he would. "Make lead poisoning a priority." Carson said, "Lead poisoning can't be treated, so the clinics would need to focus on prevention, providing more ways for people to test their homes for lead, especially those who live in a house built before 1978 which are considered high-risk for having lead paint." You can read the full article [here](#).

The above major change, coupled with HUD Notice H 2016-10: Reminder of requirements pertaining to lead-based paint inspection and disclosure forms, and notification of upcoming inspections, which was issued on October 3rd, 2016, sends a clear message to me and if you own, manage, or insure pre-1978 residential property or child-occupied facilities, I hope a clear message to you. HUD's rule will cover about 3 million HUD assisted housing units built before 1978, the year lead-based paint was banned for residential use. Of these homes, about 500,000 are estimated to have children under age six residing in them. One out of every six HUD assisted units could have a child residing under six, whose blood lead level could be above $5\mu\text{g/dL}$, which is half the blood lead level of what we used to identify.

HUD Notice H 2016-10 (10/3/2016) impacts two entities, directly. All HUD Real Estate Assessment Center (REAC) inspectors and all project-based rental assisted property owners, managers and maybe their insurance carriers will be impacted by this notice. REAC inspectors are now required to

ask five basic questions, as well as request and collect copies of all previously regulated lead based paint compliance documentation.

Any, “no,” response and inability to provide the required and requested documentation will document to the local HUD field office, HUD Office of Healthy Homes, and Lead Hazard Control, your compliance with the federal regulatory HUD Lead Safe Housing Rule (24 CFR Part 35). It will also document, a property level of compliance. Evidence of compliance becomes critical when HUD and CDC lower the blood lead level of a child to 5ug/dl and maybe even lower if your property is not certified lead-based paint free complex wide!

I also believe other associated consequences might occur. With the lowering of the CDC blood lead level, more children will be identified as being poisoned. The more children are being identified as poisoned, the more challenging and tighter the insurance market to protect against such risk will become. Premiums and deductibles will go way up, if insurable at all.

If you own, manage, or insure property that is pre-1978 or pre-1960, I strongly advise you to update your lead-based paint risk assessment reevaluations if they have not been done in the prior two years as required by 24 CFR Part 35, have properly documented compliance with any existing lead hazard control plan, and have been actively providing your lead-based paint disclosure's with proper lead information and documented signatures included.

If you are in need of assistance or guidance because of the maze and volume of lead regulations, I strongly suggest someone who fully understands HUD's lead safe housing rule and its compliance requirements, who is experienced with how to create and institute a HUD acceptable lead hazard control plan, and is familiar with lead litigation risks and how to manage them most appropriately. As the REAC inspector will share during their next visits, you have been advised!

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