

ALLIANCE FOR HEALTHY HOMES

Protecting Children from Lead and Other Environmental Health Hazards



Lead-Safe Housing Policy Guidance Series Programmatic Opportunities



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INTRODUCTION

As the Federal Strategy for Eliminating Childhood Lead Poisoning emphasizes, ending lead poisoning as a public health problem requires making our housing stock lead-safe. Blood lead screening, case management services for children with elevated blood lead levels (EBLs), and raising public awareness are all important *supporting* strategies, but identifying and treating children after the damage is done is not protective. In the same regard, educating parents is helpful but insufficient as a prevention strategy. Research makes clear that parents lack the power to protect their children if there are serious lead hazards in their home. The only sure way to protect children from lead poisoning is through primary prevention strategies—preventing, identifying, and controlling lead hazards in housing, especially deteriorated lead-based paint and lead dust hazards.

Of the 39 million leaded housing units in the United States, HUD estimates that 25 million pose “significant lead hazards.” Because these units span the full spectrum of risk—from exceedingly low to extremely grave—different measures are needed in different situations to maximize the public health benefits of investments to improve property maintenance and repair. Making our housing stock lead-safe ultimately depends on action by property owners, but government agencies can foster effective action by setting clear standards, offering technical support and assistance, providing subsidies where justified, encouraging improvements in property maintenance and repairs, and enforcing compliance as needed.

The Alliance for Healthy Homes has created this four-part *Lead-Safe Housing Policy Guidance Series* to assist state and local policy makers and government agency staff in establishing a prevention-based framework to advance lead-safe housing. To develop this resource, the Alliance drew upon enlightened approaches that jurisdictions across the country are already pursuing and finding effective. We hope that this Guidance series will be helpful to health and housing practitioners as well as other advocates for children’s health in every city, county, and state—regardless of its current laws or level of political will.

The *Lead-Safe Housing Policy Guidance Series* includes the following four components:

- I. Basic Lead-Safe Housing Standards:** A three-tiered approach to setting clear, workable, and protective standards that define rental property owners’ duties.
- II. Legal Authorities:** The spectrum of legal authorities and enforcement options needed for state and local agencies to implement and enforce lead-safe housing standards.
- III. Programmatic Opportunities:** Effective strategies for state and local agencies to strengthen code enforcement and build technical capacity to expand the supply of lead-safe housing.
- IV. Reference Materials:** Applicable federal law, regulations, and standards, fundamental tenant safeguards, and a glossary of common terms.

PROGRAMMATIC OPPORTUNITIES

Having clear lead-safety standards for rental properties and legal authority to enforce compliance is necessary but not sufficient to protect children from poisoning. Agencies need to use their legal authorities to actually achieve compliance. This requires effective programs and strategies by health departments, code enforcement, and other agencies, and the political will to enforce codes and provide needed resources.

Programmatic Opportunities compiles a variety of programmatic and enforcement policies and procedures state and local agencies can institute to strengthen primary prevention activities. It should be noted that no single jurisdiction employs all these approaches. Agencies should consider which of these strategies offer the best opportunities to advance primary prevention and pursue those judged most promising.

Promising strategies fall into two broad categories: strengthening code enforcement and building technical capacity to expand the supply of lead safe housing.

This document's first component, *Fortify Code Enforcement*, contains policies and procedures agencies can use to make code enforcement more effective. There are many opportunities to strengthen code enforcement to ensure compliance with property maintenance requirements. In addition, there are multiple opportunities for code enforcement to contribute much more meaningfully to preventing and controlling lead hazards in housing. In some cases, modest investments of time and resources can pay high dividends for lead-safe housing.

This section's second component, *Build Technical Capacity*, offers ways agencies can incorporate lead safety tools and training into program activities to maximize effectiveness and outreach. Making housing lead-safe depends on expanding the technical capacity of contractors and trades to safely repair deteriorated paint and guard against the creation of lead dust hazards. In addition to certified lead abatement contractors, many other tradespeople need to understand and follow basic safeguards to control, contain, and clean up lead dust, including painters, remodeling contractors, maintenance staff, and do-it-yourselfers.

We hope that health and housing agency staff, as well as policy makers and advocates for children's health, will consider these strategies to help identify the opportunities to advance primary prevention in their jurisdiction.

A one-page summary of *Programmatic Opportunities* is provided on the next page, followed by detailed descriptions of these strategies.

SUMMARY

Programmatic Opportunities

Fortify Code Enforcement

- Provide a central telephone number to make it easier for tenants to report peeling paint
- Consolidate childhood lead poisoning prevention and code enforcement programs
- Impose fees for code enforcement and dedicate them to support code enforcement and lead hazard control activities
- Develop an early warning system to identify deteriorating properties (e.g., using tax delinquencies and other data as indicators)
- Analyze blood lead and other risk data to identify lead poisoning “hot spots” and proactively screen properties in those areas for lead hazards
- Target enforcement to high-risk properties and/or problem landlords
- Train code inspectors in lead-safe work practices and as lead sampling technicians, risk assessors, and lead inspectors
- Train code inspectors to conduct a visual survey for deteriorated paint and water damage whenever they inspect a pre-1978 property
- Train code inspectors to take dust samples when peeling paint is cited in pre-1960 units
- Refer owners of properties with lead hazards to lead hazard control grant programs
- Report violations of the federal lead hazard disclosure law to HUD and EPA
- Work with HUD and EPA to create effective local CHIP and SEP projects through enforcement of the federal disclosure law
- Send landlords notice of previously identified lead hazards and remind them of their duty to disclose
- Ensure property owners’ full compliance with federal requirements for lead-safety in federally assisted housing
- Educate judges and other court personnel about lead safety
- Influence priorities for CDBG and HOME funds through the Consolidated Plan process

Build Technical Capacity

- Offer low- or no-cost LSWP training to painters, remodelers, building maintenance staff, rental property owners, do-it-yourselfers, and day laborers
- Market LSWP trainings being offered by others in order to reach priority audiences
- Train staff and volunteers of community-based organizations as Lead Sampling Technicians
- Train other service providers to perform visual surveys and collect dust samples during home visits
- Offer free lead dust sampling kits and home hazard assessments upon request
- Inform property owners and contractors who apply for building permits about lead safety
- Establish a free lending “library” for lead-safety equipment, such as HEPA vacuums

PROGRAMMATIC OPPORTUNITIES

State and local agencies can institute a variety of programmatic and enforcement policies and procedures to strengthen primary prevention. The following lists highlight ways that agencies can help prevent and control lead hazards.

FORTIFY CODE ENFORCEMENT

In addition to authorizing code inspections and incorporating lead hazards in the code, state and local governments can provide other support to ensure effective code enforcement.

- ❑ Provide a central telephone number to make it easier for tenants to report peeling paint**
 Tenants are more likely to report peeling paint problems if there is a simple and convenient way to do so. Local agencies can staff a centralized hotline, such as a “311” number, to accept reports and offer automated menu options for non-business hours that include languages appropriate to the population.
- ❑ Consolidate childhood lead poisoning prevention and code enforcement programs** Co-locating the CLPPP and the agency responsible for housing and code enforcement and cross-checking for EBL and code violation data can facilitate collaboration between the traditionally separate activities.
- ❑ Impose fees for code enforcement and dedicate them to support code enforcement and lead hazard control activities** In many cases, lack of sufficient funding lies at the heart of ineffective code enforcement programs. Typically, fines and penalties that government agencies collect revert to the treasury’s general fund. Code enforcement activities that generate revenues sufficient to cover their costs provide a stable, independent source of funding.
- ❑ Develop an early warning system to identify deteriorating properties** Jurisdictions can organize and disseminate readily available information in order to identify at-risk properties. Existing information available for early warning tracking includes: code complaints, tax delinquencies, utility liens, emergency repairs performed by the jurisdiction to address public safety hazards, and property ownership records. The information can be used to monitor whether property owners are complying with obligations and identify early signs of deterioration. A web-based system allows residents, housing consumers, and community groups to access this information.
- ❑ Analyze blood lead and other risk data to identify lead poisoning “hot spots” and proactively screen properties in those areas for lead hazards** State and local agencies should examine multiple lead risk factors geographically. Geographic Information Systems (GIS) software permits powerful consolidation and analysis of multiple risk factors from various data sources, including U.S. Census data, local tax assessor and other housing data, local data on blood lead elevations, and other relevant local factors. Agencies can use analysis of combined housing and health data to identify high-risk neighborhoods in order to direct prevention resources strategically.

- ❑ **Target enforcement to high-risk properties and/or problem landlords** Jurisdictions that implement proactive inspection and enforcement should give first priority to higher-risk neighborhoods and properties meeting known risk criteria and/or landlords with a history of serious code violations.
- ❑ **Train code inspectors in lead-safe work practices and as lead sampling technicians, risk assessors, and lead inspectors** Housing code enforcement officials are in an ideal position to prevent children from becoming poisoned, because their job is to ensure housing meets minimum standards. Jurisdictions can train code inspectors so they fully appreciate the dangers of peeling paint and lead dust and watch out for these hazards. One-day training courses are available from HUD and EPA in lead-safe work practices and lead dust sampling. Alternatively, code inspectors can be trained and certified as lead inspectors or risk assessors.
- ❑ **Train code inspectors to conduct a visual survey for deteriorated paint and water damage whenever they inspect a pre-1978 property** The strong links between water leaks, paint failure, and risk of lead exposure make a visual inspection for deteriorated paint and water damage a valuable tool.
- ❑ **Train code inspectors to take dust samples when peeling paint is cited in pre-1960 units** Dust sampling is a valuable complement to visual inspections and the only way to confirm that lead dust hazards are not present.
- ❑ **Refer owners of properties with lead hazards to lead hazard control grant programs** Although code enforcement and lead hazard control grant programs usually operate independently, their coordinated use can yield effective and profound results, particularly in working with owners of multiple properties. For example, when code enforcement cites a property for violations and orders lead hazard control, the lead hazard control grantee could offer the owner grant assistance to cover a portion of the cost of hazard control repairs in other units.
- ❑ **Report violations of the federal lead hazard disclosure law to HUD and EPA** Federal law requires owners of most pre-1978 properties to disclose information about lead hazards. This law provides significant penalties for violations and authorizes enforcement by HUD, EPA, and DOJ. Health departments and community-based organizations can facilitate enforcement locally by identifying and reporting to EPA and HUD owners of poorly maintained buildings who fail to comply with disclosure requirements.
- ❑ **Work with HUD and EPA to create effective local CHIP and SEP projects through enforcement of the federal disclosure law** Local agencies can work with the federal agencies to develop Children's Health Improvement Projects (CHIPs) or Supplemental Environmental Projects (SEPs) that maximize the contribution of disclosure enforcement settlements to protect children in high-risk communities.
- ❑ **Send owners notice of previously identified lead hazards and remind them of their duty to disclose** Compliance with disclosure requirements can prompt owners to initiate repairs and cause occupants to complain or move if repairs are not made.

- ❑ **Ensure property owners' full compliance with federal requirements for lead-safety in federally assisted housing** HUD's lead-safe housing rule (24 CFR Part 35) establishes detailed requirements to ensure that all pre-1978 properties receiving federal assistance are lead-safe. These requirements apply independently of state and local laws. State and local agencies should report violations in federally assisted housing, including public housing and Section 8 (both vouchers and project-based units) to HUD for federal enforcement.

- ❑ **Educate judges and other court personnel about lead safety** Judges and court personnel who understand the dangers of peeling paint, the nature of lead dust hazards, and the importance of lead-safe work practices will be more vigilant and effective in requiring landlords to promptly and safely correct hazards.

- ❑ **Influence priorities for CDBG and HOME funds through the Consolidated Plan process** Jurisdictions that receive a formula allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership funds have broad discretion in using these block grants. The funds can be used for a wide range of purposes, including housing rehab and lead hazard control, according to priorities set through a participatory planning process that is guided by a Consolidated Plan, which is updated every three to five years. State and local health agencies should ensure that available data on lead poisoning is taken into account in the Consolidated Plan and priority setting process.

BUILD TECHNICAL CAPACITY

Opportunities abound to integrate lead safety tools, safeguards, and principles into other delivery systems and building trades to increase their effectiveness and reach.

- ❑ **Offer low- or no-cost LSWP trainings to painters, remodelers, building maintenance staff, rental property owners, do-it-yourselfers, and day laborers** Health departments, code enforcement agencies, and building departments that sponsor regularly scheduled, low- or no-cost LSWP trainings can help reduce the inadvertent creation of lead dust hazards in the course of routine repair, repainting, and remodeling projects and help make LSWP the prevailing norm. Those who rehabilitate older housing especially need to know how to safely and effectively repair lead-based paint hazards. Another priority audience is day laborers, who often are hired for a low hourly rate and assigned potentially hazardous tasks, such as demolishing and removing dilapidated building components. LSWP can prevent them from creating lead hazards in houses where they work and from tracking lead dust home at the end of the day.

- ❑ **Market LSWP trainings being offered by others in order to reach priority audiences** Pursuant to the agreement with the Attorneys General, the National Paint and Coatings Association is required to deliver 600 free training in lead-safe work practices by 2007, based on the one-day HUD/EPA training course. Local agencies can help organize and promote trainings in their area to ensure that this free resource reaches those who need it most.

Programmatic Opportunities

- ❑ **Train staff and volunteers of community-based organizations as Lead Sampling Technicians (LSTs)** Environmental health services can be provided to communities through programs that train and employ low-income community residents, including parents of lead-poisoned children and children at high risk. The six-hour LST course teaches how to collect lead dust samples, which can be used for screening high-risk properties for hazards, as well as clearance testing.
- ❑ **Train other service providers to perform visual surveys and collect dust samples during home visits** Agency staff who perform in-home services, such as visiting nurses, provide a unique opportunity to efficiently reach pregnant women and new mothers in high-risk communities. Traditional home nursing visits can be enhanced to perform a visual survey for paint deterioration hazards, collect dust samples, demonstrate lead dust reduction measures, discuss lead poisoning risks, and provide referrals to available lead hazard control resources.
- ❑ **Offer free lead dust sampling kits and home hazard assessments upon request** These services can increase the number of properties screened for lead hazards as well as alert residents to dangers.
- ❑ **Inform property owners and contractors who apply for building permits about lead safety** To reach people before they disturb paint, agencies that issue building permits can provide information on lead hazards, lead-safe work practices, the availability of training, and disclosure requirements to applicants for remodeling or renovation permits.
- ❑ **Establish free lending “library” for lead-safety equipment** Local health departments can support lead-safe work practices by establishing a program to loan lead-safety equipment to help property owners minimize lead dust generation during remodeling and repair projects. Equipment may include HEPA vacuums and shrouded planers, scrapers, and sanders.

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