

## **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

### **Revision of OMB Approval FR-3482:**

### **“Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally-Owned Residential Properties and Housing Receiving Federal Assistance”**

#### **A. Justification**

##### **1. Authority for Information Collections**

Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992, amended the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822 *et seq.*) and set forth new requirements concerning lead-based paint hazard notification, evaluation and reduction for Federally-owned residential properties and for housing receiving Federal assistance. On September 15, 1999, HUD promulgated regulations at 24 CFR Part 35, Subparts B – R, also known as the Lead Safe Housing Rule, to implement Sections 1012 and 1013. HUD received approval for the paperwork requirements of the Lead Safe Housing Rule in Information Collection Request (ICR) No. FR-3482 (OMB Control No. 2539-0009, August 26, 1999), which was submitted with the final rule. The approval of the current collection expires September 30, 2019.

At this time, HUD requests a revision of this collection. In December 2016, HUD amended the Lead Safe Housing Rule to address children under age 6 with an elevated blood lead level living in certain HUD-assisted housing, in addition to those with an environmental intervention blood lead level previously covered by the Lead Safe Housing Rule; these terms are discussed in paragraph 2c, below.

##### **2. Requirements**

For this revision request, almost all of the same Lead Safe Housing Rule requirements pertain to the paperwork burden as before: provision of a pamphlet on lead poisoning prevention to tenants and purchasers, provision of a notice to occupants on the results of hazard evaluation and hazard reduction activities, special reporting requirements for a child with an elevated blood lead level (changed from the previous reporting requirements for an environmental intervention blood lead level) residing in the unit, and record keeping and periodic summary reporting requirements. These requirements were previously described and are repeated in the following paragraphs, except for the revision of paragraph 2c to focus on elevated blood lead levels rather than environmental intervention blood lead levels.

**a. Lead Hazard Information Pamphlet.** The Lead Safe Housing Rule requires a designated party (i.e., residential property owner, housing agency, Federal grantee, tribally designated housing entity or participating jurisdiction, as applicable) to distribute the lead hazard information pamphlet entitled, “Protect Your Family From Lead in Your Home,” developed by HUD, the Environmental Protection Agency (EPA), and the Consumer Product Safety

Commission,<sup>1</sup> to all purchasers and occupants of pre-1978 housing receiving Federal assistance. This is a statutory requirement (§ 302(a)(1)(A) of the Lead-Based Paint Poisoning Prevention Act). The provider and recipient of the pamphlet are stipulated in the relevant subpart of the rule, based upon the type of assistance provided. The rule does not require that the pamphlet be provided if one has already been provided in compliance with the lead-based paint disclosure regulation (at 24 CFR part 35, subpart A), issued jointly by HUD and EPA in 1996, to implement Section 1018 of Title X (42 U.S.C. 4852d).

**b. Notice of Evaluation, Hazard Reduction, and Clearance Activities.** The Lead Safe Housing Rule requires the provision of notice to occupants of pre-1978 housing receiving Federal assistance describing the nature and scope of any evaluation or hazard reduction activities undertaken. This is a statutory requirement (§ 302(a)(1)(F) of the Lead-Based Paint Poisoning Prevention Act). For multifamily properties, the rule provides owners an option of whether to distribute such notices to dwelling units or to post them in centrally located places within the property. For this burden estimate HUD is assuming that 25 percent of the multifamily units receive notices through direct distribution and 75 percent receive notice through central posting.

**c. Child with an Elevated Blood Lead Level.** For four types of housing assistance programs, the Lead Safe Housing Rule requires additional evaluation and hazard reduction activities be conducted when a child under 6 years old is identified as having a blood lead level above a specified amount. The term “elevated blood lead level” (EBLL) is defined in the amended rule.<sup>2</sup> As part of these activities, the designated party is required to report the name and address of a child with an EBLL to the HUD Field Office and the HUD Office of Lead Hazard Control and Healthy Homes, and, if the case was originally reported to the owner by a source other than the public health department, to that health department. The purpose of this requirement is to assure that HUD is informed of cases of children with EBLLs so it can monitor compliance with this Rule, and so that health departments are informed of such cases and can perform follow-up investigations and case management. As part of the environmental investigation to characterize possible lead hazards in the housing unit of a child with an EBLL and elsewhere, the designated party administers a resident questionnaire, as described in paragraph 3c.

**d. Recordkeeping and Periodic Summary Reporting Requirements.** Under the Lead Safe Housing Rule, designated parties are responsible for keeping a copy of each notice, evaluation, clearance, or abatement report for at least three years. If ongoing lead-based paint maintenance and/or reevaluation is required, such records must be kept and made available for HUD review until at least three years after such ongoing activities are no longer required. In order to ensure proper use of housing assistance funds, the HUD funding offices collect

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<sup>1</sup> The pamphlet is currently available in English, Spanish, Vietnamese, Russian, Arabic, and Somali, at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/enforcement/disclosure/](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/disclosure/).

<sup>2</sup> 24 CFR 35.110. EBLL - “a confirmed concentration of lead in whole blood of a child under age 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) on recommending that an environmental intervention be conducted. (When HHS changes the value, HUD will publish a notice in the Federal Register, with the opportunity for public comment, on its intent to apply the changed value to this part, and, after considering comments, publish a notice on its applying the changed value to this part.)”

summary information on performance of lead hazard evaluations and, if hazards are identified, lead hazard reduction actions. Owners and managers may keep records in whatever format they prefer, and so there is no requirement for electronic collection of data by HUD.

### 3. Methods for Conducting Information Collections

The methods for conducting the required information collections are described below:

**a. Notice of Evaluation, Hazard Reduction, and Clearance Activities.** The notification requirements of 42 U.S.C. 4822(a)(1)(F) do not specify the manner in which the notices must be distributed. The rule provides the option of “posting and maintaining it in centrally located common areas” or “distributing it to each occupied dwelling unit affected.” (24 CFR 35.125(c)(4)).

**b. Hazard Reduction Plan.** The rent adjustment requests submitted by multifamily rental property owners for reimbursement under the Department’s Section 8 programs are not automated. Because the hazard reduction plan is part of an owner’s rent adjustment request, the plan will be submitted in the same format as the rest of the rent adjustment request. The rule does not specify how the certification requirement for owners who do not need a rent adjustment to complete lead hazard reduction activities must be provided to the Department. Typically, such certifications are written by the Department and signed by the property owner.

**c. Child with an Environmental Intervention Blood Lead Level (EIBLL).** Again, with the requirement that a residential property owner, PHA or Federal grantee report the address of a child residing in housing assisted by a covered program who is identified as having an EIBLL to the State or local health agency, HUD did not specify how reports shall be made. HUD intended to leave format and distribution up to the property owners, PHAs and Federal grantees, depending upon their electronic capabilities and those of the State or local health agency in their community. The resident questionnaire is used in the interview of the family of the child with an EIBLL. As described in chapter 16 on EIBLLs in the HUD Guidelines for the Evaluation of Lead-Based Paint Hazards in Housing, the interviewer may use the CDC checklist or the HUD questionnaire in the chapter, or an equivalent questionnaire, such as that used by the public health department.<sup>3</sup>

**d. Summary Information on Performance of Lead Hazard Evaluation and Reduction Actions.** Under their individual assistance programs, the Department’s offices that provide assistance for target housing are responsible for ensuring that the requirements of the rule for lead hazard evaluation and, if hazards are identified, hazard reduction, are met. Again, HUD did not specify in the rule how reports shall be made. Typically, the reporting on lead actions is through the Department’s program reporting systems.

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<sup>3</sup> [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/lbp/hudguidelines](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines). The CDC checklist is titled Guidelines for Questions to Ask Regarding a Child’s Environmental History, and the HUD questionnaire, Resident Questionnaire for Investigation of Children with Elevated Blood Lead Levels (EBL).

#### **4. Nonduplication**

The Lead Safe Housing Rule repealed and replaced all of HUD's previous (i.e., pre-1999) lead-based paint requirements (including the collection of information) for the disposition of federally-owned housing and for housing receiving Federal assistance, thereby eliminating the possibility of duplicate information collections.

#### **5. Burden on Small Entities**

The information collection requirements of the rule do not have a significant impact on residential property owners, PHAs or Federal grantees. Further, the information collection requirements of the proposed rule are not overly burdensome and do not discourage small entities from applying for Federal housing assistance. As indicated below, the Lead Safe Housing Rule has 62,295 respondents, almost all of which are small businesses (the exceptions mainly being the large public housing agencies (PHAs) that own more than 250 public housing units (about 25 percent of (i.e., about 800) PHAs that own public housing) and large residential property ownership businesses that own large, or many moderate-sized, buildings or complexes receiving project-based assistance or housing families receiving tenant-based rental assisted housing (about 1 percent of those owners), and the average burden per respondent is 2.6 hours.

#### **6. Consequences to Federal Program or Policy Activities**

If HUD did not conduct the above-mentioned information collections, it would fail to comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992, specifically, its sections 1012 and 1013. To conduct the information collections with less frequency would directly jeopardize the health and safety of families living in housing receiving Federal assistance. For example, provision of the EPA lead information pamphlet is critical to educating tenants and owner-occupants living in housing constructed before 1978 about the potential dangers of lead-based paint hazards. In HUD-assisted dwelling units where lead-based paint hazard evaluation activities have occurred, tenants must be notified of the outcome of the evaluation as soon as possible in order to ensure their protection from potential hazards. Where a child under 6 years old residing in certain categories of assisted property is identified as having an elevated blood lead level, additional evaluation and hazard reduction activities must be conducted; the reporting ensures that HUD program staff are aware of the case and can provide technical support as needed or requested.

#### **7. Special Circumstances for Information Collections**

There are no special circumstances that would cause the information collection to be conducted in a manner that was contrary to the general information collection guidelines provided by OMB.

## **8. Public Input on Information Collection Requirements**

On September 1, 2016, HUD invited comments from the public through October 31, 2016, regarding this information collection request (Notice of Proposed Information Collection: Comment Request; 81 *Federal Register* 60304). No comments or questions were received.

## **9. Payment or Gifts to Respondents**

HUD will make no payments or gifts to respondents.

## **10. Confidentiality**

No assurance of confidentiality was made in the Lead Safe Housing Rule.

## **11. Collection of Sensitive Information**

No questions of a sensitive nature were posed in the information collections.

## **12. Hour Burden Estimate**

The total number of respondents is 62,295, the number of unique properties covered by the rule (for conservative estimating purposes, the estimate assumes each property is owned by a unique respondent) with varying numbers based on the specific requirement (pamphlet, notice of reevaluation, notice of reduction or clearance, recordkeeping, and EIBLL report). The frequency of response is not always a whole number because there are both single family and multifamily properties. The burden is based on the time to handle a form document that has very few entries, except in the case of a lead-poisoned child, which can become complicated. The hourly labor cost for simply giving someone a pamphlet, putting something in a file or retrieving something from a file and sending summary information from it to the Department is rated at \$10.74 per hour, the labor rate for delivery of notices is rated at \$11.81 per hour, and the labor rate for processing notices as well as cases of lead-poisoned children is valued at \$17.18 per hour. (These labor rates have been escalated by 1.2% from January-March 2016, the calendar quarter in which the previous information collection request was submitted, to July-September 2016, the most recent quarter for which data are available, based on the Bureau of Labor Statistics' Employment Cost Index Historical Listing, since the work is in the real estate and rental and leasing trades (i.e., back office positions in the housing industry.) For the administration of the resident questionnaire of the family of a child with an EBLL, new to this revision of this information collection request, the hour burden conservatively assumes that the longer HUD questionnaire mentioned in paragraph 3c will be used rather than the shorter CDC checklist mentioned there. The hourly labor rate is based on the questionnaire being administered by a health technician, conservatively modeled by using a federal General Schedule-0640-08/6 salary (with the grade conservatively selected at the upper end of the GS-0640-04/08 range of health technician positions advertised in USAJobs.gov on December 13, 2016, and the step being the middle step, conservatively rounded up, of the 10-step General Schedule) of \$27.04 per hour in the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality pay area, (conservatively

selected because of its high locality payment of 24.78% above the base salary for the Rest of the U.S. locality pay area)for 2016. The revised hour burden estimates are presented in Exhibit 1.

### **13. Cost Burden Estimate**

As noted above, HUD has minimally updated and revised the paperwork cost burden estimates. The costs for pamphlets, paper, copies, file folders, and mailing are reflected in the cost burden estimates for each requirement. The revised cost burden estimates are presented in Exhibit 1.

### **14. Costs to the Federal Government**

None; all costs are described in 12 and 13, above.

### **15. Reasons for Program Changes or Adjustments**

This is a revision of a currently approved collection, based on the change in the threshold for taking prompt lead hazard evaluation and, as needed, lead hazard control action in response to a child under age six (6) having a blood lead level above the threshold. This increase is reflected in the cost burden calculations in Exhibit 1.

### **16. Publication of Information Collections**

No reports based on the information collections in the Lead Safe Housing Rule will be published. The program summary information reports will be used for analytical purposes, e.g., assessing the thoroughness of implementation of the Lead Safe Housing Rule, or assessing the fraction of housing that has certain lead hazards, such as deteriorated paint or deteriorated paint known to be lead-based paint (the former of which is presumed, and the latter of which is known, to be a hazard to children), for use in improving program monitoring effectiveness.

### **17. Display of Expiration Date**

HUD expects to fully comply with the requirement to display a valid OMB control number for this information collection.

### **18. Exceptions to the Certification Statement**

HUD expects to fully comply with the Certification for Paperwork Reduction Act Submissions (OMB 83-I).

**[Note: Part B of the ICR Supporting Statement does not apply to this information collection.]**

**EXHIBIT 1. HOUR and COST BURDEN ESTIMATES**

Information Collection	Number of Respondents	Frequency of Response	Responses per Annum	Burden Hours per Response	Annual Burden Hours	Hourly Cost per Response	Annual Cost
Notice of Evaluation	62,295	6.24	388,720.80	0.17	66,082.54	\$14.49	957,536.00
Notice of Reduction	11,052	22.74	251,322.48	0.13	32,671.92	\$15.28	499,226.94
Summary Reporting	62,295	4.00	249,180.00	0.11	27,409.80	\$12.84	351,941.83
Recordkeeping	62,295	4.00	249,180.00	0.085	21,180.30	\$25.88	548,146.16
EBLL Resident Questionnaire	6,887	1.00	6,887	1.00	6,887	\$28.14	193,800.18
EBLL Case Reporting	6,887	3.60	24,793.20	0.56	13,884.19	\$13.51	187,575.41
<b>Total or Average</b>	<b>62,295</b>	<b>18.76</b>	<b>1,170,083.48</b>		<b>168,115.75</b>		<b>\$2,738,226.52</b>

Total Cost \$2,738,226.52  
 Total Hours 168,115.75  
 Total No. of Respondents 62,295  
 Hours per Respondent 2.7  
 Responses per Annum 1,170,083.48