

**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”
Lead Safe Housing Rule (2539-0009)**

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 April 30, 2020.

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,¹ 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.² 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

¹ 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/.

² 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.³

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.

³ 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.

- requiring respondents to report information to the agency more than quarterly; **NA**
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; **NA**

- requiring respondents to submit more than an original and two copies of any document; **NA**
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **NA**
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study; **NA**
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **NA**
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or **NA**

requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law. **NA**

8. Public Input on Information Collection Requirements

On March 24, 2020, HUD invited comments from the public through May 26, 2020, regarding this information collection request (Notice of Proposed Information Collection: Comment Request; 85 Federal Register 16648). 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. The Privacy Act of 1974 provided privacy protection to respondents. There are no assurances of confidentiality provided.

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 infrequent case of a child with an EIBLL, which can become more 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 \$13.84 per hour, the labor rate for delivery of notices is rated at \$11.15 per hour, and the labor rate for startup (learning and preparing), processing notices as well as processing cases of children with an EBLL is valued at \$17.33 per hour. (These labor rates are based on the most recent quarter for which data are available from the Department of Labor’s Bureau of Labor Statistics’ (BLS’) Occupational Employment Statistics hourly wages tables for Secretaries and Administrative Assistants, Except Legal, Medical, and Executive, in the real estate industry, specifically for May 2019, the most recent month for which its data are available, and on BLS’ Employment Cost Index Historical Listing, to escalate the wages from then to the most recent quarter for which its data are available in the listing, i.e., from January to March 2020.⁴)

For the administration of the resident questionnaire of the family of a child with an EBLL, 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 rated at \$36.10, based on the questionnaire being administered by an Environmental Scientist or Specialist, in line with the HUD Guidelines’ chapter on EBLs having an environmental professional perform the environmental investigation in response to the EBLL case. The same wage calculation methodology used above is used here.⁵ The revised hour burden estimates are presented in Exhibit 1. (Note that the Hourly Cost per Response estimates are calculated from the respective Annual Costs divided by Annual Burden Hours, and reflect the cost of various materials and, sometimes, contributions of labor from more than one labor category, so they do not match the rate for any individual labor category.)

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
Requirements for Lead-Based Paint Hazards in Federally Owned Residential Properties and Housing Receiving Federal Assistance	62,295.00	18.76305	1,168,844.20	0.13999045	163,627.03	\$15.85	\$2,593,488.43
Total or Average	62,295.00	18.76305	1,168,844.20	0.13999045	163,627.03	\$15.85	\$2,593,488.43

⁴ Within the Administrative Assistants occupational title (BLS occupational series number 43-6014), the three functions above (in short – filing documents, delivering documents, and processing notices) are performed by individuals at the 25th, 10th, and 50th percentiles of the wage distribution, respectively. See the statistics and listing webpages at www.bls.gov/oes/current/oes436014.htm and www.bls.gov/web/eci/echistrynaics.pdf, respectively.

⁵ Within the Environmental Scientists and Specialists, Including Health occupational title (BLS occupational series number 19-2041), the questionnaire-administering function above is performed by individuals at the 50th percentile of the wage distribution. See the statistics and listing webpages at www.bls.gov/oes/current/oes192041.htm and www.bls.gov/web/eci/echistrynaics.pdf, respectively.

13. Cost Burden Estimate

As noted above, HUD has 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 decrease 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).