



Memo

To: Each Member of the OHA Board of Commissioners
From: Barry W. Long, Capital Improvements Director
Date: June 12, 2004
Re: OHA Policy Statement for Lead Safe Environment Procedures (M 1280)

RECOMMENDATION

The Housing Authority of the City of Omaha (hereinafter "OHA") Staff recommends that the Board of Commissioners resolve to approve the following policy statement that includes but shall not be limited to the development of Lead Safe Environment Procedures for both public housing and the housing choice voucher (section 8) programs.

POLICY STATEMENT

It is the policy of the Housing Authority of the City of Omaha to comply with the Department of Housing and Urban Development (HUD) Lead Based-Paint Guidelines (LBP Guidelines) and regulatory and statutory requirements for LBP and other lead hazards through the development and implementation of Lead Safe Environment Procedures.

OHA proposes to implement the policy through the development of plans and procedures to require lead testing at all OHA public housing properties and all Section 8 addresses, particularly, soil testing and abatement at the drip-line around the house where paint chips may fall and then get into the soil.

OHA proposes to implement the policy through the development of plans and procedures requiring all children ages 0 thru 6-years of age to be tested prior to moving into OHA public housing or a Section 8 property for blood leads. OHA would further require the same children to be tested annually until they turn six years old.

BACKGROUND

1. OHA has requested the EPA to complete lead soil testing at all public housing properties and has provided the EPA with a list of public housing units by address (the most recent PIC public housing list). EPA has agreed to do this testing at no cost to the OHA. We will continue communication with EPA to get a status report of the testing and copies of the results.

OHA is currently under contract with Professional Environmental (PE) Engineers to complete Lead-Based Paint (LBP) Risk Assessments of all OHA public housing developments. PE will make recommendations and complete an abatement plan for OHA that will include abatement of lead in soil at the drip-line.

2. OHA will schedule meetings with Dave Steinkraus of the Douglas County Health Department to jointly develop procedures for improving the flow of information between the two agencies. Mr. Steinkraus has received the most current list of OHA public housing addresses and is in process of searching County records back to 2000 for EBLs identified while residing at OHA public housing property.

OHA will pursue the possibility of sharing a database with the County Health Department that could be used to import data to the Yardi management software to record and track any OHA or Section 8 resident EBLs identified through the Douglas County screening process.

A search for Section 8 EBLs would require either providing the Health Department with an updated list of landlord properties every month or developing a limited access to the OHA network so that the Health Department could cross check any identified EBLs with the Section 8 addresses and then report to OHA any findings.

3. Blood testing – Legal counsel shall assist OHA in developing a questionnaire that requests information about minor children of applicants and current residents regarding elevated blood lead levels and requests that children 0 to 6-years of age have a blood test for lead. This could be updated annually at the tenant re-certification. Families that refuse to have their children tested would sign a waiver that they refuse to have their children's blood tested for lead.
4. Written procedures shall be developed in concert with Douglas County Health Department to accomplish the above. OHA shall develop written Lead Safe Environmental Procedures with the assistance of licensed and certified environmental professionals.

Recommended By: _____

Endorsed By: _____

OHA Policy Statement for Lead Safe Environment Procedures (M 1280)

The following outline shall be used in the development of the Lead Safe Environment Procedures:

1. **General Lead-Based Paint Notification to All Residents**

Assure the notification of all residents, homebuyers, and applicants that the structure they reside in (or are applying for residence in) was built before 1978 and may contain LBP hazards? (24 CFR §§965.703 and 905.560)

2. **Lead-Based Paint Maintenance Obligation**

Assure that visual inspections for defective paint take place during routine periodic unit inspections? (24 CFR §§965.704 and 905.565)

The procedure shall require:

- a. Covering the removal of defective paint spots
- b. Treatment of defective paint within a reasonable period of time

3. **Units and Housing Authority Owned or Operated Child Care Facilities (CCFs) Related to Children With Elevated Blood Lead (EBL) Levels**

Implement LBP requirements regarding units and CCFs related to children identified as having an EBL (24 CFR §§965.706 and 905.570)

4. **Lead-Based Paint Risk Assessment**

Have a "professional" LBP Risk Assessment performed on any of the OHA's pre-1980 family developments

For those public housing developments that have been assessed and lead dust and soil hazards have been identified, the OHA shall implement in-place management procedures, as prescribed in the Lead-Based Paint Risk Assessment Protocol (Notice PIH 92-25, (PHA) June 25, 1992 and PIH 92-28, (PHA) July 2, 1992)

5. **Testing for the Presence of Lead-Based Paint Hazards**

Assure that testing for the presence of LBP hazards in all pre-1978 family developments (24 CFR §§968.110 (k) and 905.555) shall include:

- a. Random sampling is to be performed in accordance with the current LBP regulations (i.e., testing of all intact, non-intact interior and exterior painted surfaces)
- b. The standard to use to identify a LBP hazard is 1.0 mg/cm² or 0.5% by weight, or the local standard if it is more stringent than the Federal standard
- c. The recommendations for the number of units to be tested, as outlined in the Interim Guidelines, be followed
- d. Units/CCFs are to be tested within 5 days of health community notification
- e. A family with an EBL child(ren) is to be relocated when full abatement cannot be accomplished within 14 days of hazard identification
- f. Final inspections and clearance testing are to be performed after unit/CCF abatement
- g. A trained (qualified) inspector is to be used to perform initial and clearance testing as outlined in the Interim LBP Guidelines
- h. When testing is performed, test results and substrate condition records are to be maintained on **each**:
 1. development
 2. unit
 3. common area
 4. exterior building surface
 5. HA-owned or operated CCF
- g. A certificate of insurance is to be obtained prior to the start of testing that covers the hazards involved in LBP testing and insures both the OHA and its contractors

6. Testing for the Presence LBP Hazards in Units Proposed for the Housing Development Acquisition Program

For pre-1978 properties that are proposed for acquisition (with or without rehabilitation), the OHA shall establish a procedure that ensures that testing for the presence of LBP hazards is performed during the property appraisal process (24 CFR §§941.208 (h) and 905.533)

The procedure shall ensure that an estimate of cost of abatement is established for a proposed acquisition at the time of the appraisal for acquisition cost comparison purposes

The procedure shall specify that:

- a. Random sampling is to be performed in accordance with the current LBP regulations (i.e., testing of all intact, non-intact interior and exterior painted surfaces)
- b. The standard to use to identify a LBP hazard is 1.0 mg/ cm² or 0.5% by weight, or the local standard if it is more stringent than the Federal standard
3. The recommendations for the number of units to be tested in multi-unit structures, as outlined in the Interim Guidelines, shall be followed

7. Notification of Positive Test Results:

Establish procedure that ensures the timely notification of **all** residents, homebuyers, and applicants to the HA that the property has been tested and that LBP hazards were found (24 CFR §§965.703 and 905.560)

The OHA shall certify that in each pre-1978 development tested, **all** current residents and homebuyers have received a notice stating that the property in which they reside has been tested and does contain LBP hazards and maintain a signed resident/applicant receipt of the required notification

8. Abatement of Lead-Based Paint Hazards

Establish procedures that address LBP abatement (24 CFR §§968.110 (k), 941.208 (h), 905.555, and 905.553)

9. Resident Protection During LBP Abatement

Establish procedures that provide for the protection of tenants during LBP abatement (24 CFR §§965.707 and 905.570(d)(3))

Procedures shall address the following:

- a. Development of an abatement plan
- b. Coordination of abatement work with other modernization or rehabilitation work
- c. Pre-abatement, during abatement, and post abatement testing
- d. Use of acceptable abatement strategies only
- e. Containment of lead abatement debris
- f. Visual inspection (final cleanup) procedure to used after abatement
- g. Clearance wipe-testing procedure to use after visual inspections are performed
- h. Clearance standards (200 ug/ft. for floors, 500 ug/ft. for window sills, and 800 ug/ft. for window wells (stools)) to be met for re-occupancy after abatement
- i. Obtaining a certificate of insurance prior to the start of abatement that covers the hazards involved in LBP abatement and insures both OHA and its contractors

10. Worker Protection During LBP Abatement

Establish worker protection procedures for:

- a. Supervisor and worker training
- b. Engineering and work practice controls
- c. Use of respirators
- d. Protective clothing
- e. Personal hygiene facilities
- f. Physical examinations
- g. Blood lead monitoring
- h. Exposure monitoring of airborne dust
- i. Record keeping

11. Disposal of LBP Waste

Abatement projects that qualify as small waste generators, as defined by the EPA shall comply with the following:

- a. Obtain an EPA ID number for abatement projects that generate a large amount of hazardous waste (1,000 kilograms of waste per month)
- b. Testing construction debris using the Toxicity Characteristic Leaching Procedure (TCLP).
- c. Disposal of hazardous waste at a licensed hazardous waste disposal facility
- d. Complete and maintain a Uniform Hazardous Waste Manifest for all large-amount waste disposal at hazardous waste disposal facilities