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INSPECTOR GENERAL
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UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT

The Housing Authority of the City of Los Angeles Did Not Adequately Manage Lead-Based Paint in Its Public Housing Units

Audit Report Number: 2024-CH-1003

August 20, 2024

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To: Meena Bavan
Director, Los Angeles Department of Public Housing, 9DPH

From: **//signed//**
Kilah S. White
Assistant Inspector General for Audit, Office of Inspector General, GA

Subject: The Housing Authority of the City of Los Angeles, Los Angeles, CA, Did Not Adequately Manage Lead-Based Paint in Its Public Housing Units

Attached is the U.S. Department of Housing and Urban Development (HUD), Office of Inspector General's (OIG) final results of our audit of the Housing Authority of the City of Los Angeles' oversight of lead-based paint in its public housing.

HUD Handbook 2000.06, REV-4, sets specific timeframes for management decisions on recommended corrective actions. For each recommendation without a management decision, please respond and provide status reports in accordance with the HUD Handbook. Please furnish us copies of any correspondence or directives issued because of the audit.

The Inspector General Act, as amended, requires that OIG post its reports on the OIG website. Accordingly, this report will be posted at <https://www.hudoig.gov>.

If you have any questions or comments about this report, please do not hesitate to call Kelly Anderson, Audit Director, at (312) 913-8499.

Highlights

The Housing Authority of the City of Los Angeles Did Not Adequately Manage Lead-Based Paint in Its Public Housing Units | 2024-CH-1003

What We Audited and Why

We audited the Housing Authority of the City of Los Angeles' management of lead-based paint and lead-based paint hazards in its public housing units. We selected the Authority based on our assessment of the risks of lead-based paint in public housing agencies' (PHA) housing developments, including the age of buildings, the number of units, household demographics, and reported cases of childhood lead poisoning.

The U.S. Department of Housing and Urban Development's (HUD) Lead Safe Housing Rule (LSHR) established specific actions or procedures that PHAs are required to perform in relation to hazard reduction¹ for lead-based paint and lead-based paint hazards. The LSHR applies to target housing, which is defined as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless a child under 6 years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.² PHAs are required to have lead-based paint inspections to identify the presence of lead-based paint in their public housing developments.³ If lead-based paint is identified in an inspection, a lead-based paint risk assessment is required⁴ to determine whether the lead-based paint presents a hazard.

The Authority is one of the first established and largest PHAs in the country with about 6,300 public housing units, the majority of which were constructed before 1978, the oldest having been constructed in 1941.

In a prior audit, we found that HUD generally did not monitor whether PHAs had implemented lead-based paint hazard reduction and documented the activities at their public housing developments. This condition creates a heightened risk that PHAs will not identify or address lead-based paint hazards in a timely manner, placing individuals and families at increased risk of exposure to lead-based paint hazards. The audit objectives were to determine whether the Authority (1) complied with HUD's requirements for children with elevated blood lead levels (EBLL) and (2) adequately managed lead-based paint and lead-based paint hazards in its public housing units.

¹ Measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two. "Interim controls" are measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including but not limited to specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring, etc. "Lead abatement" is an activity designed to permanently eliminate or remove lead-based paint and lead-based paint hazards.

² 24 CFR (Code of Federal Regulations) 35.110

³ 24 CFR 35.1115(a)

⁴ 24 CFR 35.1115(b)

What We Found

The Authority appropriately managed a case of a child with an EBLL. It also maintained lead-based paint inspection reports for the 69 units reviewed. However, the Authority did not adequately manage lead-based paint and lead-based paint hazards in its public housing units. Specifically, for all 69 units reviewed, the Authority did not complete visual assessments in a timely manner. The Authority also did not conduct risk assessments and reevaluations for lead-based paint stabilization projects at 5 of the 10 developments reviewed, which included work at approximately 200 buildings. These issues occurred because the Authority (1) misapplied HUD's waiver of the requirement for physical inspections during the coronavirus 2019 pandemic to visual assessments and (2) misinterpreted HUD's requirements for visual assessments. The Authority also used standard treatments⁵ for remediating lead-based paint hazards; however, that method for remediating lead-based paint hazards does not apply to public housing, and it incorrectly believed that work performed was for lead maintenance in preparation for exterior painting rather than hazard reduction. Further, the Authority lacked adequate policies, procedures, and controls to ensure that it appropriately managed its housing units that contained lead-based paint. As a result, households that participated in the Authority's program were at an increased risk of exposure to lead-based paint hazards, particularly families with children under 6 years of age.

What We Recommend

We recommend that the Director of the Los Angeles Office of Public Housing require the Authority to (1) implement adequate procedures and controls to ensure that visual assessments for lead-based paint are completed at least every 12 months; (2) implement adequate procedures and controls to ensure that risk assessments and reevaluations are conducted in accordance with HUD's requirements; (3) obtain lead-based paint risk assessments and applicable reevaluations for its developments as applicable; and (4) coordinate with HUD's Office of Lead Hazard Control and Healthy Homes to obtain training for the Authority's employees on the management of lead-based paint, including the requirements for visual assessments, risk assessments, reevaluations, and hazard reduction.

⁵ Standard treatments are a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.

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Background and Objectives

In the United States, there are approximately a half million children aged 1-5 with blood lead levels above the reference level at which the Centers for Disease Control and Prevention (CDC) recommends that public health actions be initiated. According to the CDC, protecting children from exposure to lead is important to lifelong good health. Lead-based paint and lead-contaminated dust are some of the most hazardous sources of lead for children in the United States, and no safe blood lead level in children has been identified. The effects of lead exposure can cause adverse effects, such as damage to the brain and nervous system, slowed growth and development, and learning and behavioral problems. Even low levels of lead in the blood have been shown to affect intelligence, the ability to pay attention, and academic achievement. The effects of lead exposure cannot be corrected or reversed.

The U.S. Consumer Product Safety Commission issued a ban on lead-containing paint to reduce the risk of lead poisoning in children who may ingest paint chips or peelings. The ban took effect in 1978 and applied to products manufactured on and after February 27, 1978. The United States Congress found that pre-1980 housing stock contained more than 3 million tons of lead in the form of lead-based paint and passed legislation to evaluate lead-based paint hazards in the Nation's housing stock and reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the Federal Government.

Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single-family houses to highrise apartments. Nationwide, there are approximately 970,000 households residing in public housing developments that are managed by about 3,300 public housing agencies (PHA). PHAs own and operate the public housing developments⁶ in which such residents reside. The PHAs are required to manage and operate their housing developments in compliance with all applicable HUD and other Federal regulations.

Lead-Based Paint Laws and Regulations

The Residential Lead Based Paint Hazard Reduction Act of 1992 established the national goal to eliminate lead-based paint hazards in housing as quickly as possible and required HUD to establish or update procedures to eliminate, as far as practicable, the hazards of lead-based paint. Section 1018 of the Act, also known as the Lead Disclosure Rule, directed HUD and the Environmental Protection Agency (EPA) to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978.⁷ In 1999, HUD published the Lead Safe Housing Rule (LSHR)⁸ to implement the requirements of the Lead-Based Paint Poisoning Prevention Act, as amended,

⁶ A public housing development, also known as an asset management project or a project, is a property or collection of properties assisted under Section 9 of the United States Housing Act of 1937. A public housing development may consist of several buildings or properties, containing multiple units. These buildings or properties may be in different physical locations.

⁷ Under the Lead Disclosure Rule, PHAs must provide to prospective tenants any known information concerning lead-based paint and lead-based paint hazards, including any supporting records or reports. Additionally, an EPA-approved information pamphlet on identifying and controlling lead-based paint hazards must be provided.

⁸ Lead Disclosure Rule at 24 CFR part 35, subpart A, and LSHR at 24 CFR part 35, subparts B through R, as cited in appendix C

and the Lead-Based Paint Hazard Reduction Act of 1992 to eliminate lead-based paint hazards, as far as practicable, in certain HUD-assisted properties.

PHAs are required to abate lead-based paint hazards or enact interim controls and ongoing maintenance within 90 days for units with a child under 6 years of age or 1 year for other units.⁹ Interim controls are measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including but not limited to specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring, etc. Public housing units with lead-based paint are required to have visual assessments conducted to identify deteriorated lead-based paint every 12 months and when the unit turns over, meaning that it has been vacated and a new tenant has moved in.¹⁰ If deteriorated paint is discovered during the visual assessment, the PHA is required to have a lead-based paint risk assessment to determine whether a lead hazard is present and to determine the appropriate remediation methods to be used to address the hazard.¹¹ The PHA is required to remediate any hazards that were identified in the risk assessment. Further, after lead hazard remediation, PHAs are required to conduct reevaluations¹² at specific intervals¹³ to ensure that the remediation is not failing and to ensure that no further hazards have occurred.

The LSHR established additional requirements for instances of a child under 6 years of age with an elevated blood lead level (EBLL).¹⁴ These requirements¹⁵ include (1) reporting confirmed EBLL cases to the local HUD public housing field office and the HUD Office of Lead Hazard Control and Healthy Homes within 5 business days of being notified by a public health department or medical health care provider; (2) completing an environmental investigation¹⁶ of the unit, within 15 calendar days of notification, to identify the source of lead exposure and lead-based paint hazards; and (3) addressing any lead-based paint hazards identified in the unit by the environmental investigation within 30 calendar days after receiving the environmental investigation report or relocating the household. See figure 1 below.

⁹ 24 CFR 35.1120(a) and 24 CFR 35.1120(b)

¹⁰ 24 CFR 35.1355(a)(2)

¹¹ 24 CFR 35.1330(a)(1) and 24 CFR 35.1120(b)

¹² 24 CFR 35.1355(b)(1)

¹³ 24 CFR 35.1355(b)(4)

¹⁴ HUD defines EBLL as a child under 6 years of age with blood lead levels equal to or greater than 5 micrograms per deciliter of blood.

¹⁵ 24 CFR 35.1130

¹⁶ An environmental investigation is the process of determining the source of lead exposure for a child under age 6 with an EBLL. The environmental investigation is required within 15 calendar days after notification by a public health department or other medical health care provider that a child of less than 6 years of age living in a dwelling unit has been identified as having an EBLL.

Figure 1. Illustration of HUD’s lead-based paint requirements for public housing.

HUD’s lead-based paint requirements for public housing

Target housing	Units with lead-based paint
<ul style="list-style-type: none"> Lead-based paint inspection to identify the presence of lead-based paint If lead-based paint is identified, complete a lead-based paint risk assessment to determine whether the lead-based paint presents a hazard. 	<ul style="list-style-type: none"> Visual assessment every 12 months and at unit turnover Reevaluations required unless no lead-based paint hazards identified Hazard identified reevaluations every 2 years until two consecutive without a hazard
Units with confirmed EBLL and children under 6 years of age	Units without lead-based paint
<ul style="list-style-type: none"> Report EBLL to HUD within 5 business days of confirmation. Environmental investigation within 15 calendar days of notification 	<ul style="list-style-type: none"> All lead-based paint identified, abated, and clearance achieved Lead-based paint inspection showing no lead-based paint

According to HUD’s Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, units that have had a lead-based paint inspection that did not identify the presence of lead-based paint are identified as “lead free,” and further action is not required. Units that have had a lead-based paint inspection that identified lead-based paint that does not present a hazard and is currently being treated with interim controls and ongoing maintenance are identified as “lead safe.”

Prior HUD OIG Audit Work on Lead-Based Paint in Public Housing

In October 2022, the Office of Inspector General (OIG) issued an audit report regarding HUD’s oversight of lead-based paint hazard remediation in public housing.¹⁷ The audit identified that HUD did not have a plan to manage lead-based paint and lead-based paint hazards in public housing. HUD generally did not monitor whether PHAs had implemented lead-based paint hazard reduction and documented the activities at their public housing developments. These weaknesses occurred because HUD relied on PHAs to implement their own methods to achieve lead-safe housing, which should have included implementing lead-based paint hazard reduction. Further, instead of monitoring PHAs for compliance with the lead-based paint hazard reduction procedures in the LSHR, HUD relied on PHAs’ annual certifications of compliance. One of the recommendations in the audit report was for HUD to implement adequate procedures and controls to ensure that PHAs appropriately identify and control lead-based paint and eliminate lead-based paint hazards in public housing. HUD closed the recommendation in September 2023 by implementing guidance that defined the roles and responsibilities of HUD headquarters and field

¹⁷ HUD’s Oversight of Lead-Based Paint Remediation in Public Housing, 2023-CH-0001, October 11, 2022

office staff, provided examples of PHA noncompliance with the LSHR, and established a protocol for addressing PHA noncompliance and corresponding follow up procedures. We have not assessed the effectiveness of HUD's actions to close the recommendation, which would cover HUD's oversight of lead-based paint in PHAs after the scope of this audit.

Housing Authority of the City of Los Angeles

The Housing Authority of the City of Los Angeles is one of the first established and largest PHAs in the country. The Authority was established in 1938 and had about 6,300 public housing units in 14 large public housing developments. The units were mostly constructed before 1978, the oldest having been constructed in 1941. The Authority annually certifies that it will comply with HUD's lead-based paint requirements.

The audit objectives were to determine whether the Authority (1) complied with HUD's requirements for children with EBLLs and (2) adequately managed lead-based paint and lead-based paint hazards in its public housing units.

To assess PHAs' management of lead-based paint and lead hazards in public housing units, we focused on the following six areas:

1. reporting and management of potential EBLL cases;
2. lead-free determinations;
3. lead inspection and risk assessment reports;
4. abatement or interim controls, which include visual assessments and hazard reduction;
5. risk assessment and reevaluations, and
6. lead disclosures.

Results of Audit

Overall Assessment of the Authority's Management of Lead-Based Paint

We assessed the Authority's management of lead-based paint in the following six areas and identified exceptions in two areas, as noted in the table below.

Review areas	Instances of noncompliance identified?	Details of assessment
Reporting and management of potential EBLL cases	No*	The Authority appropriately managed a case of a child with an EBLL.
Lead-free determinations	No	The Authority had support for the lead-free status for six of the six units reviewed.
Lead inspection and risk assessment reports	No*	The Authority conducted lead-based paint inspections and risk assessments for its properties in the 1990s.
Abatement or interim controls, which include visual assessments and related hazard reduction	Yes	For all 69 units reviewed, the Authority did not complete visual assessments in a timely manner.
Risk assessments and reevaluations	Yes	The Authority also did not conduct risk assessments and reevaluations for lead-based paint stabilization projects at five developments.
Lead disclosures	No	For all 69 units reviewed, the Authority provided lead disclosure to tenants.

Additional details of the exceptions or caveats (*) identified in the six areas are discussed in the following sections.

The Authority Did Not Adequately Manage Lead-Based Paint and Lead-Based Paint Hazards in Its Housing Units

The Authority appropriately managed a case of a child with an EBLL. It also maintained lead-based paint inspection reports for the 69 units reviewed. However, the Authority did not adequately manage lead-based paint and lead-based paint hazards in its public housing units. Specifically, the Authority did not complete visual assessments in a timely manner and conduct required risk assessments and reevaluations. The issues occurred because the Authority (1) misapplied HUD's waiver of the requirement for physical inspections during the coronavirus 2019 (COVID-19) pandemic to visual assessments and (2) misinterpreted HUD's requirements for visual assessments. It also used a method for remediating lead-based paint that did not apply to public housing and incorrectly believed that work performed was for lead maintenance in preparation for exterior painting rather than hazard reduction. The Authority also lacked adequate policies, procedures, and controls to ensure that it appropriately managed its housing units that contained lead-based paint. As a result, households that participated in the Authority's program were at an increased risk of exposure to lead-based paint hazards, particularly families with children under 6 years of age.

The Authority Appropriately Conducted an Environmental Investigation for a Case of a Child With an EBLL

One of the Authority's tenants reported a case of a child with an EBLL to the Authority during our audit scope. Due to the State's privacy laws,¹⁸ physicians and public health departments do not report or provide medical information to the Authority. Therefore, as an alternative to confirming the child's EBLL with the public health department or medical provider as required by the LSHR, the Authority had to obtain information from the household to assist in confirming that the child had an EBLL. We determined that the Authority properly reported the confirmed case to HUD.

HUD's requirements for units that contain a child with a confirmed EBLL include obtaining an environmental investigation¹⁹ of the unit to identify the source of lead exposure and lead-based paint hazards and addressing any lead-based paint hazards identified by the environmental investigation within 30 days or relocating the household as appropriate. We determined that the Authority appropriately conducted an environmental investigation, which determined that the unit and common areas were not the source of the child's lead poisoning.

The Authority Maintained Lead-Based Paint Inspection Reports for Its Properties

The Authority conducted lead-based paint inspections for its properties in the 1990s, before the LSHR was published in 1999. When the lead-based paint inspection identified lead-based paint, the Authority conducted risk assessments. Although the lead-based paint inspection and risk assessment reports did not contain all of the elements that would have been required under the LSHR, HUD does not require

¹⁸ HUD's Office of Lead Hazard Control and Healthy Homes is aware of the lack of reporting and has been working toward a resolution with the State.

¹⁹ An environmental investigation is a specialized risk assessment that includes comprehensive environmental testing, a questionnaire, and other measures with the purpose of determining the source of lead exposure for a child under age 6 with an EBLL.

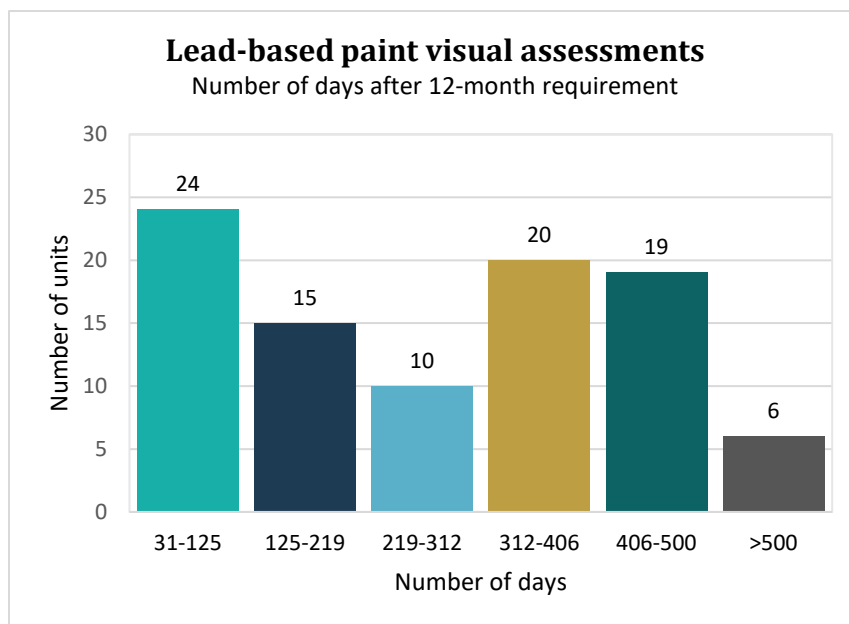
PHAs to reperform the lead-based paint inspections or risk assessments conducted before the implementation of the LSHR and considers previously performed inspections and risk assessments as acceptable for meeting its requirements under certain conditions.²⁰ However, the LSHR requires a PHA to obtain an updated risk assessment based on circumstances, such as the identification of lead-based paint hazards, that would trigger the need for a current risk assessment.

The Authority Did Not Perform Visual Assessments in a Timely Manner

The Authority did not perform visual assessments for units that contained lead-based paint within the required 12-month timeframe.²¹ Of the 4,951 units identified by the Authority as having lead-based paint, we statistically selected a sample of 69 units. Of the 69 units reviewed, the Authority did not perform visual assessments for all of the units in a timely manner.²² For these 69 units, during the period January 2018 through December 2022, we identified 94 instances in which the 12-month visual assessments were not timely because some of the units had untimely visual assessments in more than one 12-month period in the 4-year range. The number of days for the late completion of the 94 visual assessments ranged from 31 to more than 500 days after the 12-month requirement.²³

Figure 2 below shows the number of days that the Authority took after the 12-month requirement to perform visual assessments for the 94 instances in the 69 units.

Figure 2. Number of days to perform visual assessments



²⁰ 24 CFR 35.165

²¹ Regulations at 24 CFR 35.1355(a)(2) require visual assessments for deteriorated paint, bare soil, and the failure of any hazard reduction measures at unit turnover and at least once every 12 months.

²² Some of the units had late assessments during more than one timeframe, but all 69 units had at least one untimely inspection that did not meet the 12-month requirement during the audit scope.

²³ See appendix B for details regarding the untimely visual assessments.

The Authority Misapplied HUD’s Waiver of the Requirement for Physical Inspections to Visual Assessments

The Authority combined the lead-based paint visual assessments with its annual²⁴ physical inspections²⁵ of its public housing units. According to the Authority, it had stopped performing unit inspections during the COVID-19 pandemic due to HUD’s waiver and State and local restrictions. In July 2020, HUD issued a waiver temporarily pausing the requirement for physical condition inspections due to the pandemic. However, HUD had not issued a waiver pausing the requirement that PHAs perform lead-based paint visual assessments during the pandemic. Therefore, when the Authority applied HUD’s waiver, it stopped performing both the unit inspections and visual assessments. HUD’s Los Angeles Office of Public Housing was not aware that the Authority had applied HUD’s waiver to the requirement for visual assessments.

Of the 69 units with untimely visual assessments, 68 appeared to be impacted by the Authority’s misapplying the waiver for its lead-based paint visual assessments, resulting in untimely visual assessments during the pandemic. Based on the results of our statistical sample of 69 of the Authority’s 4,951 units and projecting those results to the universe of the Authority’s units during the timeframe when the Authority exercised HUD’s waiver, we estimate that at least 4,762 units (nearly 96 percent)²⁶ did not have lead-based paint visual assessments performed in the required timeframe during the COVID-19 pandemic.²⁷

The Authority Misinterpreted HUD’s Requirements for Visual Assessments

During our review period of January 2018 through December 2022, we found that 26 of the 69 units had an untimely visual assessment completed before or after the pandemic.²⁸ Therefore, the Authority’s misapplication of HUD’s waiver was not the only reason for the untimely visual assessments. The Authority performed visual assessments for the 26 units 31 to 283 days after the 12-month requirement. Based on our results of the 26 untimely visual assessments that occurred outside the pandemic, we estimate that 1,428 (nearly 29 percent) of the Authority’s units were not visually assessed in a timely manner in periods outside the COVID-19 pandemic.

As previously mentioned, the Authority combined the lead-based paint visual assessments with its annual physical inspections of its public housing units. According to HUD’s requirements, visual assessments must be performed every 12 months.²⁹ However, the Authority misinterpreted the 12-month requirement for visual assessments to mean annually, which, according to the Authority, it interpreted to mean that a visual assessment can occur on any date during a calendar year.³⁰ Thus, a visual assessment can occur in March 2022, and the next assessment could occur in December of 2023. The Authority’s lead-based paint policy and operations and maintenance manual repeats the Authority’s

²⁴ 24 CFR 5.705

²⁵ Physical conditions inspections ensure that buildings and units are safe and habitable and that components inside and outside the unit are functionally adequate and operable. The lead-based paint visual assessment is an assessment to specifically identify deteriorated lead-based paint and other potential lead-based paint hazards.

²⁶ The statistical projections adjust for a margin of error. See the Scope and Methodology section for details regarding the statistical projections.

²⁷ Late or missing inspections covering periods in 2020 or 2021

²⁸ Late or missing inspections covering periods in 2019 or 2022

²⁹ 24 CFR 35.1355(a)(2)

³⁰ 42 U.S.C. (United States Code) 1437d(f)(3)

misinterpretation of HUD’s time requirement by requiring annual visual assessments instead of every 12 months. Therefore, implementing the Authority’s policy can result in visual assessments being performed outside the 12-month requirement. As a result of the Authority’s misinterpretation of HUD’s requirements, lead-based paint hazards may not have been identified in a timely manner, and individuals and families living in the Authority’s public housing were at increased risk of exposure to lead-based paint hazards, particularly families with children under 6 years of age. HUD’s Los Angeles Office of Public Housing was not aware that the Authority had misinterpreted HUD’s visual assessment requirements. Additionally, the Authority had not contacted HUD to obtain clarification regarding those requirements.

The Authority Did Not Perform Risk Assessments and Reevaluations

The Authority did not conduct risk assessments and reevaluations required by the LSHR. According to HUD’s requirements, if a PHA discovers deteriorated lead-based paint during the visual assessment or other evaluation, the PHA is required to obtain a lead-based paint risk assessment. That risk assessment must determine whether a lead hazard is present and identify the appropriate remediation methods to address the hazard.³¹ The PHA is required to remediate any hazards that were identified in the risk assessment and conduct reevaluations³² at specific intervals³³ after remediation work has been completed to ensure that (1) the interim control methods used to remedy the hazards have not failed and (2) there are no additional lead hazards.³⁴

Risk Assessments Were Not Completed

When we reviewed the Authority’s files for the 69 units and 10 associated developments, we identified multiple projects to stabilize³⁵ flaking and peeling lead-based paint at 5 of those 10 housing developments. The Authority was required³⁶ to conduct a risk assessment before having lead-based paint stabilization work performed at each development because only those interim control methods identified as acceptable methods in a current risk³⁷ assessment report must be used to control identified hazards.³⁸ However, we determined that the Authority did not conduct risk assessments related to the stabilization projects.

The following table identifies the development, including the number of associated buildings, the work description, and the completion date for the Authority’s lead-based paint stabilization projects.

Number of developments	Development	Number of buildings	Work description	Year work completed
1	Avalon Gardens	14	Stabilize loose and flaking exterior lead-based paint.	2016

³¹ 24 CFR 35.1330(a)(1) and 24 CFR 35.1120(b)

³² 24 CFR 35.1355(b)(1)

³³ 24 CFR 35.1355(b)(4)

³⁴ 24 CFR 35.1355 (b)(1)

³⁵ Paint stabilization reduces exposure to deteriorated paint on exterior and interior surfaces through repairs, safe paint removal, and repainting.

³⁶ 24 CFR 35.1330(a)(1) and 24 CFR 35.1120(b)

³⁷ 24 CFR 35.165(b)(1)

³⁸ According to HUD’s requirements at 24 CFR 35 110, loose and flaking lead-based paint are hazards.

	Development	Number of buildings	Work description	Year work completed
2	Estrada Courts	25	Stabilize loose and flaking exterior lead-based paint.	2017
3	Gonzague Village	73	Stabilize loose and flaking exterior lead-based paint on roof components (eaves, fascia, rafters).	2018
			Stabilize loose and flaking lead-based paint on exterior siding.	2018
4	William Mead Homes	24	Interior and exterior lead-based paint stabilization on windows	2022
5	Pueblo Del Rio	7	Asbestos removal or lead-based paint stabilization on eaves and fascia	2021
		49	Stabilize loose and flaking exterior lead-based paint.	2021
		8	Stabilize loose and flaking exterior lead-based paint.	2020

The Authority provided documentation, including inspections and clearance reports for the developments, showing that the Authority had the work areas inspected to determine whether lead-based paint and asbestos were present before conducting the work. The inspection reports identified that lead-based paint was present and, in some instances, was in poor and deteriorated condition, meaning that lead-based paint hazards were present. The Authority also provided documentation showing that the hazards had been remediated using lead-safe work practices and that clearance reports were obtained. However, those inspections were not risk assessments because they did not (1) determine whether lead-based paint hazards were present, which is the main purpose of a risk assessment, and (2) include a list of appropriate interim controls or abatement methods to control the hazards.³⁹ The Authority also provided documentation showing that the latest comprehensive⁴⁰ risk assessments⁴¹ performed at these five housing developments were conducted in 1995, nearly 30 years ago.

Neither the Authority’s lead-based paint policy nor its lead-based paint operation and maintenance plan included details regarding conducting lead-based paint risk assessments. When we asked the Authority why it did not perform risk assessments related to the work, the Authority stated that the lead-based paint stabilization work at the five developments was for “beautification and maintenance” purposes rather than addressing lead hazards. Further, according to the Authority, since the work was for planned painting rather than to address specific lead hazards, the Authority did not need risk assessments because

³⁹ 40 CFR 745.227(d)(11)

⁴⁰ Comprehensive risk assessments are risk assessments that would cover the entire development and would be conducted using unit sampling rather than applying to an individual unit or dwelling structure.

⁴¹ The risk assessments completed in 1995 predated the LSHR and did not include all of the elements that would be required for a risk assessment completed under the current rule.

it was conducting interim controls using standard treatments as outlined in HUD's guidelines.⁴² However, while HUD's regulations at 24 CFR (Code of Federal Regulations) 35.1330(a)(1) allow paint stabilization using standard treatments without the use of a risk assessment for other HUD programs, it is not permitted for public housing under the LSHR.⁴³ Therefore, the exemption from the risk assessment for paint stabilization work using standard treatments did not apply to the public housing program, and the Authority was required to perform risk assessments.

Further, based on our review of the Authority's records, lead-based paint hazards were identified and present at the developments, and the scope of work for the projects included stabilizing flaking and peeling paint, which would have required a risk assessment to determine acceptable methods to control the lead-based paint hazards.⁴⁴ The Authority stated that stabilizing loose and flaking paint was a generic term that the Authority used and that the paint was cracked rather than flaking; therefore, the work performed at the development was not to address lead hazards. However, according to the LSHR, cracked paint is considered deteriorated paint, which is classified as a lead-based paint hazard.⁴⁵

Further, the Authority stated that in some cases, it did not always address flaking and peeling paint on building exteriors that it deemed inaccessible to tenants until the buildings were scheduled to be painted. However, flaking and peeling paint can fall, making flakes and chips accessible and potentially contaminating soil. Additionally, the LSHR does not list an exemption for deteriorated paint that is out of reach. A risk assessment performed by a certified risk assessor should have been conducted to substantiate whether a hazard was present. Therefore, if the Authority did not recognize deteriorated paint on exteriors as potential hazards, there was a risk that its other developments may have unidentified lead-based paint hazards.

HUD's Los Angeles Office of Public Housing was not aware that the Authority did not have an adequate understanding of HUD's requirements for lead-based paint risk assessments in public housing. Further, as previously mentioned, the Authority had not completed comprehensive risk assessments for most of its developments in nearly 30 years. As a result, households that participated in the Authority's program were at an increased risk of prolonged exposure to lead-based paint hazards, particularly families with children under 6 years of age. Additionally, since the Authority did not complete risk assessments, it is unknown whether the control methods used would have been considered acceptable methods to control the lead-based paint hazards.

Reevaluations Were Not Completed

The Authority did not complete lead-based paint reevaluations after the stabilization work was performed at the five developments. Neither the Authority's lead-based paint policy nor its lead-based paint operation and maintenance plan included details regarding conducting lead-based paint reevaluations. Reevaluations are different from visual assessments because they involve additional testing techniques and must be conducted by a certified risk assessor.⁴⁶ Figure 3 below describes the purpose of visual assessments and reevaluations in the management of lead-based paint.

⁴² HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing

⁴³ The LSHR allows the use of standard treatments for programs under subparts F, H, K, and M, whereas public housing is under subpart L.

⁴⁴ 24 CFR 35.1330(a)(1)

⁴⁵ 24 CFR 35.110

⁴⁶ 24 CFR 35.1355(b)(2)

Figure 3:

Visual assessments and reevaluations

Visual assessment:	Reevaluation:
a process of looking at the interior and exterior of a unit to identify deteriorated lead-based paint and other lead-based paint hazards.	ensures that the interim control methods used for hazard reduction remain intact and that no new lead-based paint hazards have occurred.
<ul style="list-style-type: none">• Required for units that have lead-based paint• Conducted every 12 months and unit turnover	<ul style="list-style-type: none">• Conducted at specific intervals after hazard reduction based on the use of standard treatments• Includes a visual assessment and limited dust and soil sampling• Conducted by a certified risk assessor

Regarding the reevaluations, the Authority stated that although it was aware of HUD’s requirement for reevaluations, it did not perform them because it believed the work was ongoing lead-safe maintenance rather than lead-hazard correction after a risk assessment. However, as previously mentioned, the scope of work for the projects included stabilizing loose and flaking lead-based paint, which would mean that the projects constituted hazard reduction. Additionally, the work was conducted as standard treatments without a risk assessment because the Authority misinterpreted the requirements and did not perform the risk assessment. However, reevaluations are also required whenever standard treatments are used to control lead hazards. Therefore, we determined that the Authority did not have a sufficient understanding of HUD’s requirements because it did not conduct the reevaluations as required after hazard reduction and because of its improper use of standard treatments. HUD’s Los Angeles Office of Public Housing was not aware that the Authority did not have an adequate understanding of HUD’s requirements for lead-based paint reevaluations.

As a result of the Authority’s not performing reevaluations, the Authority may have failed to detect additional lead-based paint hazards or premature failure of hazard controls, thereby placing households that participated in the Authority’s program at an increased and prolonged risk of exposure to lead-based paint hazards.

Conclusion

The Authority did not complete visual assessments in a timely manner because it (1) misapplied HUD’s waiver of the requirement for physical inspections during the pandemic to visual assessments and (2) misinterpreted HUD’s requirements for visual assessments. Additionally, the Authority did not conduct required risk assessments and reevaluations because it (1) used a method for remediating lead-based paint that did not apply to public housing and (2) incorrectly believed that work performed was for lead maintenance in preparation for exterior painting rather than hazard reduction. The Authority also lacked sufficient policies, procedures, and controls to ensure that it appropriately managed its housing units that contained lead-based paint. Therefore, the Authority needs to improve its management of lead-based paint and lead-based paint hazards in its housing units to better protect households from the risks

associated with lead-based paint. If the Authority does not improve, individuals and families living in the Authority's public housing, including those with children under 6 years of age, will continue to be at increased and prolonged risk of exposure to lead-based paint hazards.

Recommendations

We recommend that the Director of the Los Angeles Office of Public Housing require the Authority to

- 1A. Implement procedures and controls to ensure that visual assessments for lead-based paint are completed at least every 12 months.
- 1B. Implement procedures and controls to ensure that risk assessments and reevaluations are conducted in accordance with HUD's requirements.
- 1C. Obtain lead-based paint risk assessments for the five developments for which hazard reduction work was completed and perform the required reevaluations.
- 1D. Determine whether the remaining five developments (Imperial Courts, Mar Vista Gardens, Nickerson Gardens, Ramona Gardens, and Rancho San Pedro) have deteriorated paint and if so, obtain lead-based paint risk assessments and reevaluations when applicable.⁴⁷
- 1E. Coordinate with HUD's Office of Lead Hazard Control and Healthy Homes to obtain training for the Authority's employees responsible for managing lead-based paint on the management of lead-based paint, including the requirements for visual assessments, risk assessments, reevaluations, and hazard reduction.

⁴⁷ Risk assessments had not been conducted on these developments in nearly 30 years. The Authority said it did not always address exterior paint deterioration on inaccessible areas of its buildings.

Scope and Methodology

We performed our work between January and November 2023 at our offices in Los Angeles, CA, Chicago, IL, Columbus, OH, and Detroit, MI. Our review generally covered the period January 1, 2020, through December 31, 2022, but we expanded this period as necessary.⁴⁸

To accomplish our audit objective, we had discussions with the Authority's and HUD's management officials and staff. In addition, we reviewed

- 42 U.S.C. (United States Code) 63, 63(a) and 1437d, the Lead Disclosure Rule and LSHR at 24 CFR part 35,⁴⁹ EPA requirements at 40 CFR part 745, HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, HUD's Office of Public and Indian Housing (PIH) notices, information from HUD's EBLL tracker, and information maintained in HUD's Inventory Management System-PIH Information Center.
- The Authority's policies and procedures for managing lead-based paint, a list of public housing units, service work orders, lead-based paint inspection and risk assessment reports, lead-based paint maintenance and remediation records, lead-based paint clearance reports, lead-based paint disclosures, unit inspection reports, and records related to EBLL cases.

The Authority provided a list of developments that contained lead-based paint and a log of units in each development. We created a log of units that contained lead-based paint at the Authority. Further, we performed data validation tests on the list and removed any duplicates as well as units that were in developments that were actively undergoing redevelopment. The final log of units with lead-based paint contained 4,985 units to include in our statistical universe.

We statistically selected 69 units from a population of 4,951 units with lead-based paint for which to review documentation to determine whether the units had appropriate lead-based paint inspections and whether the Authority had properly disclosed lead-based paint to tenants, completed any required lead-based paint risk assessments, appropriately remediated any known lead-based paint hazards in the required timeframes, completed required reevaluations, and appropriately completed visual assessments. We statistically projected the results for the 69 units to the population of 4,951 units. For 6 of 34 units purported to be lead free, we reviewed the Authority's documentation to support the lead-free status.

To determine whether the Authority completed timely visual assessments, we established baselines. For instance, for the 2019 assessment, we used the completion date of the 2018 visual assessment as the baseline. Using the date of the 2018 visual assessment, we calculated a 12-month timeframe. If the 2019 inspection fell outside that timeframe, we calculated the untimeliness beginning on the first date of the following month. We performed this determination for each visual assessment using the previous visual assessment as the baseline.

⁴⁸ We expanded our scope for the visual assessment review to January 1, 2018, to consider the impacts of the pandemic. We also expanded our scope to capture the most recent lead-based inspection and risk assessments.

⁴⁹ Appendix C lists the Federal requirements relevant to the finding.

To distinguish between the visual assessments that were impacted and not impacted by the COVID-19 pandemic, we used the dates of the State of California’s statewide stay-at-home order, which was enacted March 19, 2020, and lifted effective June 15, 2021. Therefore, we considered visual assessments that were late or missing in 2020 and 2021 as the pandemic period and visual assessments that were late or missing in 2019 and 2022 as the non-pandemic period.

Methodology for Projections

We employed a stratified random sample of 69 units for review among the universe of the Authority’s 4,951 units with lead-based paint. We primarily used the public housing development that each unit was associated with to design the 17 strata. We detail the sample counts per stratum and sampling weights in the sample design table below.

Stratum label	Frame count	Sample count	Probability of selection	Sampling weight
Avalon Gardens	164	2	0.02667	82.00
Estrada Courts1	109	2	0.02667	54.50
Estrada Courts2	106	2	0.02667	53.00
Estrada Courts3	89	2	0.02667	44.50
Estrada Courts4	109	2	0.02667	54.50
Gonzague Village	184	2	0.02667	92.00
Imperial Courts	480	6	0.08000	80.00
Mar Vista Gardens	599	8	0.10667	74.88
Nickerson Gardens	1,063	15	0.20000	70.87
Pueblo del Rio1	132	2	0.02667	66.00
Pueblo del Rio2	125	2	0.02667	62.50
Pueblo del Rio3	140	2	0.02667	70.00
Pueblo del Rio4	130	2	0.02667	65.00
Pueblo del Rio5	133	2	0.02667	66.50
Ramona Gardens	496	7	0.09333	70.86
Rancho San Pedro	478	6	0.08000	79.67
William Mead Homes	414	5	0.06667	82.80
Total	4,951	69		

We computed the percentage and number of counts of units with lead-based paint for the Authority inspected with deficiencies based on the sampling results, and we extended this result to the population using the `surveyfreq`⁵⁰ procedure provided by SAS®. We estimated the lower confidence interval using a Gaussian⁵¹ sampling distribution, which is appropriate for error rates in this range. We extended these percentages to the 4,951 records in the universe to get the total universe count of units with lead-based paint with a deficiency.

The basic estimation calculations are as follows:

$$Percent_{LCL} = pct - t_{\alpha/2} SE_{\%}$$

$$Universe\ Count_{LCL} = N * Percent_{LCL}$$

$Percent_{LCL}$	= percentage of sampling units after deducting a margin of error
$Universe\ Count_{LCL}$	= total number of sampling units in the universe after deducting a margin of error
N	= total number of sampling units in the sampl
pct	= weighted percentage of sampling units with the error in the sampling frame
$SE_{\%}$	= standard error per unit, as applies to projecting proportions
$t_{\alpha/2}$	= student's - t for projecting a one-sided confidence interval for a sample of this size

Our findings with mathematical demonstrations are as follows:

Percentage-Count Projection Results: Units With Untimely Visual Assessment During COVID-19

At the Authority, we found that 68 of 69 units with lead-based paint did not have a timely visual assessment conducted during COVID-19. This amounts to a weighted average of 98.57 percent. Including a statistical margin of error, we can say, with a one-sided confidence interval of 95 percent, that there was a deficiency in at least 96.19 percent of the units tested. Extending this percentage to the universe of 4,951 records, at least 4,762 units of the Authority had a deficiency for the attribute tested; however, this count could be higher.

Percentage calculation:	$98.57\% - (1.676 \times 1.42\%) \approx 96.19\%_{LCL}$
Total records projection:	$4,951 \times (98.57\% - (1.676 \times 1.42\%)) \approx 4,762_{LCL}$

Percentage-Count Projection Results: Units With Untimely Visual Assessment Not During COVID-19

At the Authority, we found that 26 of 69 units with lead-based paint did not have a timely visual assessment conducted for periods outside COVID-19. This amounts to a weighted average of 38.10 percent. Including a statistical margin of error, we can say, with a one-sided confidence interval of 95 percent, that there was a deficiency in at least 28.85 percent of the units tested. Extending this

⁵⁰ The `surveyfreq` procedure produces a one-way to n-way frequency and crosstabulation tables from sample survey data. These tables include estimates of population totals, population proportions, and their standard errors. Confidence limits, coefficients of variation, and design effects are also available. The procedure provides a variety of options to customize the table display.

⁵¹ In statistics, a normal distribution or “Gaussian” distribution is a type of continuous probability distribution for a real-valued random variable.

percentage to the universe of 4,951 records, at least 1,428 units of the Authority had a deficiency for the attribute tested; however, this count could be higher.

$$\begin{aligned} \text{Percentage Calculation:} & \quad 38.10\% - (1.673 \times 5.53\%) \approx 28.85\%_{LCL} \\ \text{Total Records Projection:} & \quad 4,951 \times (38.10\% - (1.673 \times 5.53\%)) \approx 1428_{LCL} \end{aligned}$$

For properties with lead-based paint that have deteriorated paint, HUD requires that a lead-based paint risk assessment be performed and any identified lead-based paint hazards identified be remediated. Where remediation work was performed, HUD requires periodic reevaluations every 2 years. We reviewed documentation related to eight remediation projects and determined that the Authority did not perform the lead-based paint risk assessment before conducting the projects and did not perform the reevaluations after the projects were completed.

We conducted the audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective(s). We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendixes


Appendix A – Auditee Comments and OIG’s Evaluation

Ref to OIG Evaluation – Auditee Comments

 **Comment 1 >**

 **Comment 2 >**

 **Comment 3 >**


HACLA
Build HOPE: Investing in People and Place

June 17, 2024

Kelly Anderson, Audit Director
Rental Assistance and Safe and Affordable Housing Audit Division
Office of Inspector General
U.S. Department of Housing and Urban Development
451 7th Street, SW, Washington, DC, 20410

RE: OIG’s Review of the Housing Authority of the City of Los Angeles’ Management of Lead Based Paint in Public Housing

Dear Ms. Anderson,

The Housing Authority of the City of Los Angeles (HACLA) received your review of HACLA’s management of Lead Based Paint (LBP) of our public housing sites. We are submitting this letter in response to your findings and recommendations.

Throughout your review, we have reiterated that HACLA prioritizes the mitigation of LBP and LBP hazards in our public housing units and keeping our tenants safe. As such, you acknowledged that HACLA conducted an environmental investigation for a case of child with an Elevated Blood Lead Levels (EBLL) appropriately. In fact, during the review period requested by OIG, HACLA experienced only a single EBLL case, and upon investigation, it was determined that the unit and common areas were not the source of the child’s EBLL.

Currently, HACLA has extensive internal controls and procedures in place to ensure all required regulations in the management of LBP and LBP hazards in our public housing units are met. Additionally, LBP as defined by HUD, refers to paint or surface coatings with lead levels at or above 1.0 mg/cm² or 0.5% by weight, or 5,000 ppm. HACLA cites and follows the more stringent Chapter 11 of the Los Angeles Department of Health and Human Services Safety Code, which sets XRF readings at 0.7 mg/cm² or higher for lead positivity.

It is also relevant to note that HACLA, along with all PHAs, continues to struggle with the limited federal funding provided for capital projects and the maintenance of its public housing portfolio. HACLA’s public housing units are well over 70 years old, with a substantial backlog of deferred capital needs that are severely underfunded. HACLA is also in the process of prioritizing which public housing developments to redevelop; at this time, Jordan Downs, Rose Hills, William Mead Homes, and Rancho San Pedro are in various stages of redevelopment.

The Authority Did Not Adequately Manage Lead-Based Paint and Lead-Based Paint Hazards in Its Housing Units

Most public housing authorities (PHAs) incorporate visual assessments of LBP in units with their annual Uniform Physical Condition Standards (UPCS) inspection (now National Standards for the

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Physical Inspection of Real Estate (NSPIRE)). However, with the onset of the COVID pandemic in March 2020, these unit inspections were suspended in compliance with public health mandates. Specifically, the City of Los Angeles's "Safer at Home" ordinance, which took effect March 17, 2020, effectively stopped unit inspections. Moreover, on July 2, 2020, through Public and Indian Housing (PIH) Notice 2020-13 waiver PH-12, HUD waived the requirement that PHAs must inspect each public housing site during Calendar Year (CY) 2020. As such, only emergency work orders could be conducted during this period.

 **Comment 3 >**

Additionally, HUD did not release PIH Notice 2021-14 until May 4, 2021, which clarified that certain waivers, such as PH-12, was not being extended through CY 2021. This meant that there was a period of 15 ½ months (CY 2020 and a few months into CY 2021) of no inspections (or "assessments") that are included in your non-compliance of every 12-months visual assessments. To expect that during this period any PHA could or should have followed a rigid 12-month requirement to conduct "visual assessments", including that PHAs were following strict pandemic era guidance from state and local authorities, is unreasonable.

 **Comment 3 >**

Once the PIH Notice 2021-14 was released, we reached out to our third-party inspection contractor to reset the inspections schedule to inspect over 6,300 units in a 6-month timeframe. The narrative provided by OIG gives the impression that HACLA (and all other PHAs in similar situations) had a disregard of their responsibilities to conduct such assessments during this time. Rather, we aimed at protecting our tenants from an unknown and extremely contagious unprecedented virus, with no available vaccination. Additionally, tenants overwhelmingly did not want HACLA staff, inspectors, or non-household members in their units for fear of a COVID infection.

 **Comment 4 >**

We would also like to point out, as shared previously with OIG during the audit and expanded on below, while 24 CFR 35.1355(a)(2) is the source of the verbiage "every 12-months," all other HUD sources for guidance and training on implementing 24 CFR Part 35 use the term "annually". HACLA has always interpreted "annually" to provide a certain degree of flexibility, which is an operational need. It is not uncommon for variables beyond HACLA's control to affect our ability to conduct inspections precisely every 12 months.

 **Comment 5 >**

Outside of the 15 ½ months Covid impacted window, inspections did take place annually and usually within a 14-months of the prior inspection. The statement of "therefore the pandemic was not the sole reason for untimely inspections" is unfair and suggests a disregard for the need to conduct LBP assessments. That is not the case here. For many of these inspections conducted at about 14-months, there were delays out of HACLA's control caused by conditions such as only a minor being present in the unit at the time of the inspection, residents refusing entry, illness, loose dog, on-going legal issues with the resident, or extensive unit damage in the case of fire unit(s). We would also like to note that as a regular practice while maintenance staff is in units to address work orders, informal visual assessments and mitigation as necessary/appropriate of surfaces with LBP is occurring in accordance with LBP lead safe work practices. We are deeply committed to implementing requirements as set forth by HUD and ensuring that our tenants live in safe housing. For this reason, we continue to take exception to the suggestion that interpreting "12-months" to be equivalent to "annually" places our residents at risk.

 **Comment 6 >**

The Authority Appropriately Conducted an Environmental Investigation for a Case of a Child with an EBLL

Thank you for acknowledging that HACLA conducted an environmental investigation appropriately in the case of a child with an Elevated Blood Lead Levels (EBLL). HACLA recognizes the critical importance of promptly addressing all potential cases of EBLLs that may arise within its housing

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developments. To ensure a swift and professional response in every instance, HACLA has invested significant resources into training housing management and maintenance personnel on the proper protocols for handling EBLL situations. HACLA's Environmental Services Unit is staffed with certified California Department of Public Health (CDPH) Inspector Assessors (IA) that specialize in LBP identification, hazards, and remediation. Additionally, HACLA has contracted with experienced Environmental Consultants who hold CDPH IA certifications, providing a group of lead-certified professionals who can rapidly respond to and assess potential EBLL cases and can recommend and implement the necessary mitigation measures in accordance with all LBP and LBP hazards regulations.

With the support of HACLA's trained personnel, as well as the implementation of HACLA's comprehensive LBP Operations and Maintenance (O&M) Plan, HACLA is able to effectively manage LBP risks and ensure that all painted surfaces, not just those containing lead, are consistently maintained in an intact condition. This proactive approach helps to prevent the development of LBP hazards and significantly reduces the risk of EBLL occurrences within our communities. In fact, during the review period requested by OIG, HACLA experienced only a single EBLL case, and upon investigation, it was determined that the unit and common areas were not the source of the child's poisoning.

The absence of EBLL cases in HACLA's housing developments should serve as a testament to the organization's diligent lead-safe maintenance practices, rigorous protocols, and extensive educational efforts. By prioritizing the health and safety of their residents, HACLA has demonstrated a commitment to eliminating LBP hazards and ensuring a lead-safe living environment for all who reside in their housing communities.

 **Comment 7 >**

The Authority Maintained Lead-Based Paint Inspection Reports for Its Properties

As required, HACLA conducted the LBP Inspections of its housing developments and maintains its historic records. In addition to historical information, HACLA conducts LBP inspections prior to renovation activities or construction projects. LBP inspections are also performed on a select number of units after they become vacant. For any new or current LBP inspections, HACLA contracts the services of third-party environmental consultants, with certified CDPH IA's conducting the inspection.

The inspections are an essential step in identifying the presence of LBP within HACLA's housing developments. The information obtained from the LBP inspections and corresponding assessments is utilized by HACLA to effectively carry out maintenance, remediation, or hazard reduction activities if required. HACLA ensures that in-house and contracted trained and certified personnel adhere to lead safe work practices in accordance with relevant regulations, codes, ordinances, and governing authority standards, including HACLA policies, whether it involves maintenance, interim controls, or abatement.

The findings from these LBP inspections are also documented and provided to HACLA's residents, informing them of any LBP identified within their development.

Furthermore, an annual summary table of known LBPs per housing development is also shared with the property's management staff with the ultimate goal of minimizing and/or eliminating the risk of lead exposure for both residents and HACLA employees.

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 **Comment 3 >**

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The Authority Misapplied HUD's Waiver of the Requirement for Physical Inspections to Visual Assessments

As mentioned earlier and reiterated here, HUD waived the requirement for UPCS inspections during the pandemic, which caused thousands of deaths and disrupted even the most basic of routines. Our compliance with applicable mandates restricted our entry into dwelling units to address emergency work orders only. We aimed at protecting our tenants from an unknown and extremely contagious virus, with no available vaccination at that time.

The assertion that HUD intended PHAs to go into units to conduct visual LBP "assessments" during this period while they also waived the need to conduct "inspections" is counter to the plain understanding of the waiver at that time. Additionally, tenants overwhelmingly did not want anyone in their units and the City of Los Angeles had a "Safer at Home" ordinance that restricted HACLA from entering units.

The Authority Misinterpreted HUD's Requirements for Visual Assessments

The pre-COVID and post-COVID dates presented by OIG in this section only establishes the COVID period as March 2020 through December 2020. The City of Los Angeles's "Safer at Home" ordinance, which took effect March 17, 2020, effectively stopped unit inspections prior to the HUD COVID waivers. It was not until May 4, 2021, that HUD released PIH Notice 2021-14 which clarified that certain waivers (the July 2, 2020, PIH Notice 2020-13 waiver PH-12 regarding Annual Self Inspection of Public Housing units in CY 2020) were not being extended through CY 2021. Once HUD notified PHAs that the waiver would not extend to CY 2021 in May 2021, HACLA immediately contacted our third-party vendor to schedule inspections of over 6,300 units in a 6-month window. This mid-year 2021 notice from HUD made all our CY 2021 inspections late when compared to a strict 12-month schedule. Additionally, third party vendors had capacity issues since other PHAs were contacting them to conduct inspections.

 **Comment 3 >**

 **Comment 5>**

As mentioned earlier and reiterated here, there were and will continue to be delays out of HACLA's control caused by various and unforeseen issues such as only a minor in the unit, refusing entry, illness, loose dog, vacancy due to extensive damage, and legal issues. We continue to be deeply committed to implementing requirements as set forth by HUD and ensuring that our tenants live in safe housing.

 **Comments 8 and 4>**

Additionally, in the guidance provided by HUD in its own training material regarding visual assessments, the term annual/annually has been used instead of the rigid "12-month" timeframe. For example, under the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition) Chapter 6: Ongoing Lead-Safe Maintenance it states (yellow highlight added):

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2. **Visual assessments.** Periodic visual assessments should be conducted to identify deteriorated paint, unusual amounts of visible dust, paint-related debris, and structural or other problems that may be causing some of those conditions. Visual assessments must be trained by individuals trained in performing them. Training in performing visual assessments is available on line on the HUD lead website, and in certain EPA lead safety courses, such as the risk assessment certification training. Also, the visual assessment should identify bare soil.

Visual assessments should be conducted at the following times:

- ✦ Whenever the owner receives a resident complaint regarding paint deterioration or other potential lead hazard in a dwelling unit or common area.
- ✦ Whenever the dwelling turns over or becomes vacant.
- ✦ Whenever significant damage occurs (i.e., flooding, vandalism, fire).
- ✦ **At least once every year.**

Comment 4 >

Additionally, HUD training material continue using the term **"annually"**. The chart below is still found on the HUD Exchange Lead Safe Housing Rule Toolkit (yellow highlight added):

Public Housing Summary of Lead-Based Paint Requirements

	Conventional Public Housing (Subparts A, C, L & M)
Lead-based paint in pre-1961 public housing	PHAs are required to provide Pre-1961 Year Family Support (PFS) services, and available goods and services to residents with special needs, when the lease renewal or changed terms, either when the lease is renewed or the lease is terminated. PHAs are required to be accessible.
Emergency	See Lead-based paint in pre-1961 public housing and Lead-based paint in pre-1961 public housing.
Assessment and Remediation	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.
Pre-Remediation Education (PRA) Requirements	PHAs must provide PRA to tenants in pre-1961 public housing in accordance with HUD's PRA Toolkit and HUD's PRA Toolkit for tenants in pre-1961 public housing.
Lead Evaluation	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.
Lead-based Remediation	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.
Cleanliness and Maintenance	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.
Ongoing Maintenance	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.
Periodic Re-evaluation	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.
EBL Requirements	PHAs must conduct lead-based paint assessments and remediate lead-based paint and lead-based paint hazards in pre-1961 public housing.

Comment 4 >

It is impossible from an operational perspective to ensure visual assessments and inspections always occur within 12 months due to many conditions and unforeseen issues as mentioned earlier. We believe that the intent of the "at least once every year" language is to provide PHAs the needed flexibility to mitigate operational issues. If OIG is asserting that the language in 24 CFR 35.1355(a)(2) stating that

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visual assessments are to be done “every 12-months” is not to be disputed, then OIG needs to confer with HUD’s Office of Healthy Home in making changes to guidelines and training materials for consistency. But again, we reiterate that flexibility is needed.

The Authority Did Not Perform Risk Assessments and Reevaluations

Although OIG states that HACLA misinterpreted the need for risk assessments and reevaluations for the projects below, it is important to acknowledge that HACLA follows HUD’s guidelines for risk assessments and reevaluations. We kept our tenants safe by implementing extensive safeguards and following stringent monitoring and environmental clearances for these projects, as needed. Additionally, OIG stated that HACLA’s O&M Plan did not include the requirements for risk assessments and reevaluations. Under HACLA’s O&M Plan Section 6.0 Regulatory Requirements it states:

“All work shall be performed in compliance with all applicable regulations, codes, ordinances, standards of governing authorities including applicable HACLA policies. All work shall comply with, but not limited, to pertinent laws, rules, and regulations existing at the time of the work including HUD: Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, which includes HUD guidelines for risk assessment and reevaluations.”

HACLA’s O&M Plan did reference the HUD Guidelines, which includes the requirement for risk assessments and a reevaluation process. Regardless, HACLA has since updated the O&M Plan to include details on conducting LBP risk assessments and reevaluations.

1. Risk Assessments Were Not Completed

HACLA’s O&M Plan clearly establishes that all work must comply with relevant laws, rules, guidelines, and regulations, including the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The original HACLA O&M Plan referenced the HUD Guidelines and at the time of the request for review, it did not go into the specifics of the risk assessment and reevaluation process outlined within it. HACLA has since updated the O&M Plan to include details on conducting LBP risk assessments and reevaluations.

The projects below were related to on-going lead-safe maintenance work in correlation with exterior surface preparations for paint. The work associated with these projects was performed to ensure that surfaces to be painted could withstand washing, priming, and painting to prevent any lead hazards.

Hazardous material inspections were performed prior to the start of these projects. These inspections provided HACLA with information identifying hazardous materials prior to disturbing any building components. The information obtained from these inspections was utilized by HACLA to effectively carry out maintenance, remediation, or hazard reduction activities. While the inspection studies were very comprehensive in nature and included specifics on the LBP’s, its conditions, as well as recommendations for handling LBP procedures, it did not follow the exact risk assessment approach. In addition to the inspection studies, HACLA also created and provided to its in-house and/or contracted trained and certified personnel either specifications and/or work plans to use with each specific project. These comprehensive documents help serve each project by providing step by step methods for remediation or hazard reduction activities, including but not limited to, description of work, lead-safe work practices per task, containment set up, monitoring, work safe practices, waste disposal, and clearances. By having these inspections and associated documents created, HACLA provides its in-house and/or contracted

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trained and certified personnel the information and guidance needed to safely and efficiently address any hazardous materials, thereby mitigating potential risks to its housing community.

Number of Developments	Development	Number of Buildings	Work Description	Year Work Completed
1	Avalon Gardens	14	Stabilize loose and flaking exterior lead-based paint.	2016
2	Estrada Courts	25	Stabilize loose and flaking exterior lead-based paint.	2017
3	Gonzague Village	73	Stabilize loose and flaking exterior lead-based paint on roof components (eaves, fascia, rafters).	2018
			Stabilize loose and flaking lead-based paint on exterior siding.	2018
5	Pueblo Del Rio	49	Stabilize loose and flaking exterior lead-based paint.	2021
		8	Stabilize loose and flaking exterior lead-based paint.	2020

 **Comment 13** >

HACLA also followed the HUD Guidelines for the Evaluation and Control of LBP Hazards in Housing (2012 Edition) Chapter 5: Risk Assessment and Reevaluation: Property owners have the option to forgo conducting a risk assessment or other type of evaluation on their property and instead assume that all painted surfaces contain LBP and that all potential lead hazards are present. This assumption means the owner must treat the property as if hazardous LBP, lead dust, and lead-contaminated soil are all present. By making this assumption, the owner takes on the responsibility of following strict lead-safe work practices whenever performing work that will disturb the painted surfaces. Under this approach, the owner must also adhere to a clearance examination if the areas disturbed are above the de minimis amounts as outlined in Chapter 8: Resident Protection and Worksite Preparation: under the HUD Guidelines. While this assumption-based method may be more labor-intensive and expensive in the short term due to the lead-safe work practices, it provides the owner with the assurance that they are fully addressing any potential lead hazards in the most cautious and responsible way and keeping tenants safe.

 **Comment 14** >

The staff performing the exterior paint preparations for these projects included certified CDPH supervisors and workers. The work was overseen by a third-party certified environmental consultant. Workers who entered the work areas wore protective coveralls with integral head and foot coverings, gloves, boots, hard hats, goggles, and half-face, negative pressure, air-purifying respirators (APRs) equipped with HEPA filters.

Lead safe work practices such as using 6.0-mil, flame-retardant, polyethylene sheeting over all openings in the work area and drop floors and the use of amended water for dust control, were followed.

Waste materials were immediately placed into properly labeled disposal polyethylene bags, sealed, and placed into secondary labeled polyethylene bags. The waste bags were wet-wiped and initially transferred into a properly labeled locked disposal container for waste characterization.

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Upon completion of the removal, the work areas were then cleaned using HEPA vacuuming and wet-wiping techniques. The third-party certified environmental consultant took perimeter lead air samples and visually verified that the paint preparation scope of work was completed, and no visible debris remained.

 **Comment 14 >**

For those projects that may have disturbed paint above the de minimis amounts clearance sampling was performed by either collecting exterior wipes and/or soil samples. All sample results were below surface dust and soil criteria as regulated by CDPH under Title 17 of the California Code of Regulations, Division 1, Chapter 8, Article 1, § 35035 and Title 17 of the California Code of Regulations, Division 1, Chapter 8, Article 1, § 35036.

 **Comment 15 >**

Finally, to clarify a statement made in OIG's audit report that "the Authority stated that in some cases, it did not always address flaking and peeling paint on building exteriors that it deemed inaccessible to tenants until the buildings were scheduled to be painted", HACLA recognizes the critical importance of promptly addressing any paints that are in non-intact conditions within its housing developments. HACLA assumes all paints that are in non-intact condition as LBP's unless proven otherwise by analytical testing. In-house and contracted third-party consultants certified as CDPH IA's review past surveys, risk assessments, and sampling inspections to confirm the presence of LBP. If needed, additional sampling and/or risk assessments are performed by a certified CDPH IA. Remediation and/or further evaluation may be required based on the findings of the inspection. Projects may have intervals between the initial evaluation, planning process and the actual start date for remediation or implementation. However, flaking and peeling paint is addressed regardless of the accessibility, as well as already planned/scheduled projects.

Number of Developments	Development	Number of Buildings	Work Description	Year Work Completed
4	William Mead Homes	24	Interior and exterior lead-based paint stabilization on windows.	2022

 **Comment 16 >**

William Mead Homes - Since the windows were coated in LBP and some windows contained asbestos-containing glazing, trained certified abatement contractors were used in order to perform the repairs. Paint on the windows were in good condition at the time of repairs. Lead safe work practices including personal protection was used throughout the project. The majority of the work consisted of replacing window handles and window cranks. A third-party certified environmental consultant provided project oversight and air monitoring services during the repair activities. Once an area was repaired the third-party certified environmental consultant visually verified that the scope of work was completed, and that the work areas were visibly cleared of any debris.

 **Comment 14 >**

Number of Developments	Development	Number of Buildings	Work Description	Year Work Completed
5	Pueblo Del Rio	7	Asbestos removal-lead-based paint stabilization on eaves and fascia.	2021

 **Comment 17 >**

Pueblo Del Rio – This project was in conjunction with a roof replacement project. The original roof overhangs which are not visible nor exposed to the elements are painted with LBP. These

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original overhangs are enclosed within wood materials that are painted with non-LBPs. The wood enclosure painted with non-lead-based paints had sections with damaged fascia (weather/termites) that were removed and replaced exposing the original roof overhang. The exposed fascia was stabilized if needed and re-enclosed.

 **Comment 14 >**

Staff performing the fascia stabilization and re-enclosure included certified CDPH supervisors and workers. The work was overseen by a third-party certified environmental consultant. Workers who entered the work areas wore protective coveralls with integral head and foot coverings, gloves, boots, hard hats, goggles, and half-face, negative pressure, APRs equipped with HEPA filters.

 **Comment 14 >**

Lead safe work practices such as using 6.0-mil, flame-retardant, polyethylene sheeting over all openings in the work area and drop floors and the use of airless or Hudson sprayers with amended water for dust control.

 **Comment 14 >**

Waste materials were immediately placed into properly labeled disposal polyethylene bags, sealed, and placed into secondary labeled polyethylene bags. The waste bags were wet-wiped and initially transferred into a properly labeled locked disposal container for waste characterization. Upon completion of the removal, the work areas were detail cleaned using HEPA vacuuming and wet-wiping techniques. The third-party certified environmental consultant took perimeter lead air samples, visually verified that the lead removal scope of work was completed, and no visible debris remained.

 **Comment 14 >**

Clearance sampling was performed by collecting exterior wipe samples. All sample results were below surface dust and soil criteria as regulated by CDPH under Title 17 of the California Code of Regulations, Division 1, Chapter 8, Article 1, § 35035.

2. Reevaluations Were Not Completed

 **Comment 9 >**

HACLA's O&M Plan clearly establishes that all work must comply with relevant laws, rules, guidelines, and regulations, including the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The original HACLA O&M Plan referenced the HUD Guidelines and at the time of the request for review, it did not go into the specifics of the risk assessment and reevaluation process outlined within it. However, HACLA's O&M Plan did reference that the HUD guidelines would be adhered to, which includes the requirement for risk assessments and a reevaluation process. Regardless, HACLA has since updated its O&M Plan to include details on conducting LBP risk assessments and reevaluations.

 **Comment 10 >**

 **Comment 12 >**

Hazardous material inspections were performed prior to the start of these projects. These inspections provided HACLA with information identifying hazardous materials prior to disturbing any building components. The information obtained from these inspections was utilized by HACLA to effectively carry out maintenance, remediation or hazard reduction activities. While the inspection studies were comprehensive in nature and included specifics on the LBP's, its conditions, as well as recommendations for handling procedures, it did not follow the exact risk assessment approach and subsequent reevaluation. In addition to the inspection studies, HACLA also created and provided to its in-house and/or contracted trained and certified personnel either specifications and/or work plans to go with each specific project. These comprehensive documents help serve each project by providing step by step methods for remediation or hazard reduction activities, including but not limited to, description of work, lead-safe work practices per task, containment set up, monitoring, safety practices, waste disposal and clearances. By having these inspections and associated documents created, HACLA provides its in-house and/or contracted trained and certified personnel the information and guidance needed to safely and

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efficiently address any hazardous materials, thereby mitigating potential risks to its housing community.

HACLA also followed the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition) Chapter 5: Risk Assessment and Reevaluation: Section A. Evaluation Options, Subsection 6. Bypassing Evaluation, and the Option to Presume. These Guidelines provide property owners the option of not conducting a risk assessment or other evaluation and, instead, presuming that all painted surfaces are coated with LBP and all possible lead hazards exist in the unit, including hazardous paint, dust, and soil. If the presumption option is taken, the owner should conduct all work that disturbs paint (and soil, if applicable) using lead-safe work practices above the de minimis amounts as described in Chapter 8 of the same HUD Guidelines and obtain a clearance examination.

The HUD Guidelines are issued pursuant to Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is often referred to as Title X.

Recommendations

1A. Implement procedures and controls to ensure that visual assessments for lead-based paint are completed at least every 12 months.

HACLA will continue to conduct annual inspection of its public housing dwelling units in accordance with 24 CFR 5.707. Such inspections require the use of the NSPIRE protocol which encompasses the assessment of LBP surfaces. While we will make every effort to maintain a twelve-month window for subsequent inspections per unit, the reality of being able to do so will be dependent on numerous factors, including, but not limited to: resident unit access issues, Capital Fund projects schedules, third party inspection contractor's staffing schedules, REAC inspection schedules, and other factors listed throughout this audit response.

As alluded to in earlier comments, what would benefit PHAs more than having to respond to semantic interpretation between the use of "twelve months" versus "annually" in complementary if not overlapping regulations, would be for HUD to provide a definite guidance that takes into account the following issues faced by PHAs in operating their public housing programs: inconsistent operating subsidy funding levels; staff challenges; tenant interference; and the requirements of 24 CFR 5.707.

It is hard to accept that HUD expects PHAs to have no flexibility in how they schedule maintenance or inspections to satisfy inconsistencies in regulatory use of language.

1B. Implement procedures and controls to ensure that risk assessments and reevaluations are conducted in accordance with HUD's requirements.

HACLA will continue to implement adequate procedures and controls to ensure risk assessments and reevaluations are conducted as required by HUD. Details concerning LBP risk assessments and reevaluations have already been incorporated into HACLA's updated LBP O&M Plan. During the process of this review, HACLA has performed risk assessments at multiple sites for select projects. Prior to the start of these projects, a risk assessment was performed by a third-party environmental consultant certified as a CDPH IA. Reevaluations shall follow the applicable provisions of the LSHR (24 CFR 35.1355 (b)(4)) for reevaluation at least every two years.

Additionally, HACLA, supported by its skilled site management and maintenance staff, along with its detailed LBP O&M Plan, will continue to consistently and efficiently manage LBP hazards to ensure

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 **Comment 10 >**

 **Comment 19 >**

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all painted surfaces are well-maintained. Through continuous research and comprehensive studies, HACLA will continue to offer remediation methods and hazard reduction strategies to its trained personnel, minimizing risks to its housing community.

1C. Obtain a lead-based paint risk assessments for five developments for which hazard reduction work was completed and perform the required reevaluations.

As previously discussed, and reiterated here, details concerning LBP risk assessments and reevaluations have already been incorporated into HACLA's updated LBP O&M Plan. During the process of this review, HACLA has already performed risk assessments at multiple sites for select projects. Specifically, HACLA has already completed the risk assessment of the 25 buildings at the Estrada Courts public housing development. The risk assessment was performed by a third-party environmental consultant certified as a CDPH IA. The reevaluation of Estrada Courts and its 25 buildings shall follow the applicable provisions of the LSHR (24 CFR 35.1355 (b)(4)) for reevaluation at least every two years. We will conduct the risk assessment and reevaluations for the remaining 4 properties.

1D. Determine whether the remaining five developments (Imperial Courts, Mar Vista Gardens, Nickerson Gardens, Ramona Gardens, and Rancho San Pedro) have deteriorated paint and if so, obtain lead-based paint risk assessments and reevaluations when applicable.

HACLA is committed to ensure the safety of its housing communities and has done so by adhering to the most stringent methods and procedures. HACLA is firmly committed to providing for the safety and wellbeing of its public housing communities. This includes the focus on proper condition and maintenance of paint throughout HACLA's housing developments. This includes the Imperial Courts, Mar Vista Gardens, Nickerson Gardens, Ramona Gardens, and Rancho San Pedro public housing developments. Additionally, we continue to apply for grants to remediate LBP in public housing, including applying for a FY2024 Housing-Related Hazards & LBP Capital Fund Program grant for exterior painting at Ramona Gardens. We will also begin the exterior painting of Imperial Courts in CY 2024, including any required evaluation and LBP remediation, as needed.

1E. Coordinate with HUD's Office of Lead Hazard Control and Healthy Homes to obtain training for the Authority's employees responsible for managing lead-based paint on the management of lead-based paint, including the requirements for visual assessments, risk assessments, reevaluations, and hazard reduction.

HACLA will work with HUD to obtain additional training for staff on the management of LBP, including the requirements for visual assessments, risk assessments, reevaluations, and hazard reduction. HACLA will continue to work closely with HUD to ensure these requirements are met. HACLA has also added additional information regarding the specifics of risk assessments and reevaluations to HACLA's O&M Plan as well as continued annual lead awareness training to our site staff to ensure hazards are reduced and/or eliminated.

The on-site investigation process of risk assessments is currently ongoing. In the event that LBP hazards are discovered, measures are taken to mitigate these hazards through remediation or hazard reduction activities. Additionally, a reevaluation may be necessary after the completion of remediation or hazard reduction. These reevaluations will adhere to the relevant provisions of the LSHR (24 CFR 35.1355 (b)(4)) and will be conducted at least every two years.

HACLA would like to thank OIG for its commitment to the management of LBP and LBP hazards in public housing and your review and recommendations. We have been and remain committed to the importance

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 **Comment 10 >**

 **Comment 19 >**

 **Comment 20 >**

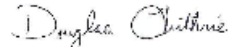
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of following all regulations on LBP and LBP hazard mitigation and will continue to adhere to these requirements and keep our tenants safe. We do hope that the OIG can take a leadership role in the coordination of efforts by the different HUD offices (PIH and Lead Hazard Control and Healthy Homes) to make the necessary changes to competing regulatory language and subsequent training material so there is clear, proactive guidance in the timing for annual visual assessments.

Sincerely,



Doug Guthrie
President and CEO

Housing Authority of the City of Los Angeles

2600 Wilshire Blvd., Los Angeles, CA 90057 ☎ 833-HACI A-4-U ✉ info@hacla.org 🌐 hacla.org

OIG Evaluation of Auditee Comments

- General Comment The Authority provided comments that stated that it takes the management of lead-based paint very seriously and believes it has sufficient procedures and controls in place to manage lead-based paint in its housing developments. However, the Authority took exception with the following two issues in the report (1) untimely visual assessments due to the impact of the COVID-19 pandemic and discrepancies in HUD’s guidance for the timing of visual inspections and (2) the lack of risk assessments and related evaluations for lead-based paint stabilization work. As stated in the audit report, HUD did not waive the requirement to complete visual inspections during the COVID-19 pandemic. Further, HUD requirements at 24 CFR 35.1355(a)(2) clearly established the requirement that “a visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measures shall be performed at unit turnover and every twelve months.” If the Authority was unsure and needed guidance based on its reading of HUD’s guidebooks, general guidance, and other trainings we encourage HUD and the Authority to work together during the recommended technical assistance to discuss both HUD’s requirements how the requirements can be better presented. For all other issues and recommendations cited in the report, the Authority generally agreed and cited areas where they were improving their policies or controls. We commend the Authority for the work that it has completed thus far to address the issues cited in this report and it should continue to work with HUD to ensure that the recommendations are fully addressed.
- Comment 1 The Authority stated that it currently has extensive internal controls and procedures in place to manage LBP and LBP hazards in their public housing units meet as required by HUD regulations. Our audit initially identified that the Authority’s internal controls and procedures for managing LBP were not sufficient, and the Authority took steps to enhance those controls and procedures, including developing specifics related to LBP and LBP hazards. We commend for taking these actions. The Authority should work with HUD to ensure that updates to the Authority’s policies, procedures, and practices sufficiently address the issues cited in the audit report and the associated recommendations.
- Comment 2 The Authority stated that it is relevant that it continues to struggle with the limited federal funding provided for capital projects and the maintenance of its public housing portfolio and that its units have a substantial backlog of differed capital needs that are severely underfunded.
- We acknowledge the challenges that the Authority faces in managing aging housing stock, which includes addressing lead-based paint.
- Comment 3 The Authority asserts that most PHAs incorporate visual assessments of lead-based paint in units with their annual uniform physical conditions (UPCS) inspections. With the onset of the COVID pandemic, those inspections were suspended. Moreover,

through Notice PIH 2020-13, HUD waived the requirement that PHAs must inspect each public housing site during calendar year 2020. To expect that during that period any PHA could or should have followed a rigid 12-month requirement to conduct visual assessments is unreasonable.

We acknowledge that the COVID-19 pandemic presented challenges. We acknowledge that a PHA may perform required visual assessments for lead-based paint as part of the annual UPCS inspection; however, the twelve-month requirement for lead-based paint visual assessments must still be met under HUD's requirements.

HUD did not waive the requirement for lead-based paint visual assessments. UPCS inspections are applicable to all public housing units; however, lead-based paint visual assessments are applicable to units that were built before 1978 with known lead-based paint.

Comment 4

The Authority stated that while 24 CFR 35.1355(a)(2) says lead-based paint visual assessments must occur "every 12 months," other HUD guidance and training use the term "annually". The Authority has always interpreted "annually" to provide a certain degree of flexibility, which is an operational need. It is not uncommon for variables beyond the Authority's control to affect its ability to conduct inspections precisely every 12 months.

The Code of Federal Regulations (CFR) is the official legal print publication containing the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. HUD requirements at 24 CFR 35.1355(a)(2) established a requirement that visual assessments for deteriorated paint, bare soil, and the failure of any hazard reduction measures must be conducted "at unit turnover and every twelve months". HUD's guidebooks, general guidance, and other trainings generally clarifies its requirements. If there is conflicting guidance, the Authority should have consulted with HUD. As stated in the audit report, HUD's Los Angeles Office of Public Housing was not aware that the Authority had misinterpreted HUD's visual assessment requirements. Further, we acknowledge that visual assessments may not always occur on the same date every year. Therefore, we conservatively only reported instances where visual assessments were conducted more than 30 days after the 12-month requirement.

Comment 5

The Authority asserts that the statement, "therefore, the pandemic was not the sole reason for untimely inspections' is unfair and suggests a disregard for the need to conduct lead-based paint assessments. For many inspections conducted about 14-months, there were delays outside of the Authority's control. The Authority also noted that as a regular practice while maintenance staff are in units to address work orders, informal visual assessments and mitigation as necessary is occurring.

The report states that the pandemic was not the only reason for untimely inspections and mentions the Authority's practice of performing visual assessments

of lead-based paint during the annual inspections, which can result in untimely visual assessments due to differing required timeframes for those required activities. Further, the Authority did not provide documentation showing that its maintenance staff performed lead-based paint visual assessments while addressing work orders and had mitigated deteriorated lead-based paint, as needed.

Comment 6

The Authority stated that it is deeply committed to implementing requirements as set forth by HUD and ensuring that its tenants live in safe housing. For that reason, the Authority continues to take exception to the suggestion that interpreting “12-months’ to be equivalent to “annually” places its tenants at risk.

We commend the Authority’s commitment to implement HUD’s requirements. As stated in the audit report, for units that contain lead-based paint, HUD requires the performance of visual assessments every 12 months. If the required visual assessment is not conducted in the timeframe prescribed by HUD, there is a risk that lead-based paint hazards may go unidentified for longer periods of time, thus placing residents at risk.

Comment 7

The Authority stated the absence of EBLL cases in its housing developments should serve as a testament to the organization’s diligent lead-safe maintenance practices, rigorous protocols, and extensive educational efforts. The report acknowledges that the Authority had only one reported case of a child with an EBLL during our audit period. However, it states that the Authority did not adequately manage lead-based paint and lead-based paint hazards in its housing units. The Authority’s mismanagement of lead-based paint presents a risk of exposure to lead-based paint hazards, particularly families with children under 6 years of age. Further, due to the State’s privacy laws, physicians and public health departments do not report or provide medical information regarding EBLs to the Authority. Therefore, the Authority should implement the recommendations in this report to improve its management of lead-based paint in its housing developments.

Comment 8

The Authority stated that the guidance provided by HUD in its own training material, regarding visual assessments, the term annual-annually has been used instead of the rigid 12-month timeframe. For example, HUD’s Guidelines for the Evaluation and Control of Lead-Based Paint Hazards states that visual assessment should be conducted at least once a year.

We acknowledge that HUD’s Guidelines for the Evaluation and Control of Lead-Based Paint Hazards state that visual assessment should be conducted at least once a year. However, the preface to those guidelines state that where the guidelines differ from a more stringent or protective Federal, State, or local regulation, the more stringent regulation must be followed. Further, the Authority should have sought clarification if the Authority was unsure about the requirement for visual assessments.

Comment 9

The Authority asserts that we stated that the Authority’s plan did not include requirements for risk assessment and reevaluations. However, its plan stated that all work must be performed in accordance with all applicable regulations,

ordinances, and standards, including its own policies. Further, it states that all work must comply with all pertinent laws, rules, and regulations including HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards.

We acknowledge the Authority's plan refers to applicable guidance. However, as stated in the audit report, neither the Authority's lead-based paint policy nor its lead-based paint operation and maintenance plan included details regarding conducting lead-based paint risk assessments. Specifically, the plan did not identify the requirement for when risk assessments or reevaluations were required or procedures and controls for how the Authority would ensure that it met those requirements. Further, as stated in the audit report, the Authority did not comply with HUD requirements when it did not conduct risk assessments or reevaluations for projects involving the stabilization of lead-based paint. Therefore, as recommended in 1B, of this audit report, the Authority should implement procedures and controls to ensure that risk assessments and reevaluations are conducted in accordance with HUD's requirements.

Comment 10 The Authority stated that it had updated its plan to include details for conducting lead-based paint risk assessments and evaluations. We commend the Authority for taking steps to improve its management of lead-based paint in its housing developments. The Authority should work with HUD to ensure that the policy and process updates are sufficient to address the issues and recommendations cited in the audit report.

Comment 11 The Authority asserts that the projects referenced in the report were related to ongoing maintenance work in correlation with exterior surface preparations for paint.

The scope of work on documentation prepared by the Authority's lead oversight contractors for the projects stated that the work was to stabilize loose and flaking lead-based paint. Loose and flaking lead-based paint are considered lead-hazards, therefore, even if the work was occurring as part of a larger capital project, based on the documentation, we determined that the work was hazard reduction and that risk assessments should have been conducted.

Comment 12 The Authority stated that the inspections did not follow the risk assessment approach. We agree with the Authority's statement. HUD regulations at 24 CFR 35.1330(a)(1) required a risk assessment. Therefore, the Authority should work with HUD to address the issues and recommendations cited in the audit report related to risk assessments to ensure compliance with HUD's requirements.

Comment 13 The Authority stated that it followed HUD's Guidelines for the Control and Evaluation of Lead-Based Paint Hazards in Housing. Property owners have the option to forgo conducting a risk assessment or other type of evaluation and instead assume that all painted surfaces contain lead and that all potential lead hazards are present.

We disagree with the Authority's statement. HUD's Guidelines for the Control and Evaluation of Lead-Based Paint Hazards in Housing states that a property owner has a choice of evaluation options, except where regulations limit or determine the choice. HUD's regulations at 24 CFR 35.1330(a)(1), require a risk assessment for public housing properties.

Comment 14 The Authority stated that staff performing the exterior paint preparations for the projects included certified supervisors and workers. Further, in conducting the work, the workers followed lead safe work practices. For the projects that may have disturbed paint above the de minimis amounts, clearance sampling was performed.

We acknowledge that the work was conducted in accordance with lead-safe work practices and that clearance was obtained as stated in the audit report. We commend the Authority for following HUD's requirements for lead-safe work practices and clearance.

Comment 15 The Authority stated to clarify a statement made in OIG's audit report that "The Authority stated that in some cases, it did not always address flaking and peeling paint on building exteriors that it deemed inaccessible to tenants until the building were scheduled to be painted." Flaking and peeling paint is addressed regardless of the accessibility, as well as already planned/scheduled projects.

The report acknowledges that according to the Authority, it addressed flaking and peeling paint that it deemed inaccessible to tenants. However, if the Authority waits until its buildings are scheduled to be painted, the deteriorated paint may not be addressed in the timeframe required by the LSHR.

Comment 16 For William Mead Homes, the Authority stated that paint on the windows were in good condition at the time of the repairs. Further, according to the Authority, majority of the work consisted of replacing window handles and cranks.

We disagree with the Authority's statements. According to the inspection conducted before the beginning of the project, lead-based paint identified on at least one window and one windowsill was in poor condition and several other windows and window sills had lead-based paint that was categorized as fair. Further, the work description for the project on the Authority's lead oversight contractor's documentation provided by the Authority included the stabilization of lead-based paint; therefore, a risk assessment was required. A risk assessment would have determined whether the lead-based paint present on the windows constituted lead-based paint on a friction surface which is a hazard and identified the appropriate methods of hazard reduction.

Comment 17 For Pueblo Del Rio, the Authority stated that the project was in conjunction with a roof replacement project. The original roof overhangs which are not visible nor exposed to the elements are painted with lead-based paint. However, the original overhangs are enclosed within wood materials that are painted with non-lead-based paints. The wood enclosure painted with non-lead-based paint had sections with

damaged fascia that were removed and replaced exposing the original wood overhang.

During the audit, the Authority provided documentation from its lead oversight contractor that stated that the project included scraping and stabilization of lead-based paint on the eaves and fascia of the impacted buildings. Further, the Authority also provided an asbestos and lead inspection report which listed where the enclosures had failed and chipping and peeling lead-based paint was exposed. The report also included a picture. Therefore, we determined that the project included hazard remediation, and thus a risk assessment should have been performed.

Comment 18 The Authority stated that it would continue to conduct annual inspections of its public housing dwelling units in accordance with 24 CFR part 5.707. While it will make every effort to maintain a 12-month window for subsequent inspections, the reality of being able to do so depends on numerous factors. Further, the Authority asserted that what would benefit PHAs more than having to respond to semantic interpretation between the use of “twelve months’ versus “annually” in complementary if not overlapping regulations, would be for HUD to take into account issues faces by PHAs.

HUD regulations at 24 CFR part 5.707 pertain to annual self-inspections of all public housing units. HUD’s regulations that apply to housing built before 1978 that contain lead-based paint is 24 CFR part 35. HUD regulations at 24 CFR part 5.707 refers to 24 CFR 5.703 for the maintenance of units and 24 CFR 5.703 refers to 24 CFR part 35. Therefore, the regulations are not overlapping. The Authority should work with HUD to address the issue cited in the audit report related to the timing of its lead-based paint visual assessments.

Comment 19 The Authority stated that during our review, it has performed risk assessments at multiple sites for select projects. Prior to the start of those projects, a risk assessment was performed by a third-party environmental consultant and reevaluations shall follow the applicable provisions of the LSHR.

We commend the taking actions to address the issues and associated recommendations 1B through 1D regarding the performance of risks assessments and reevaluations for its developments, as applicable. The Authority should work with HUD to ensure that the risk assessments and reevaluations are sufficient to address the recommendations in this report and meet the requirements of the LSHR.

Comment 20 The Authority asserted that it is committed to ensuring the safety of its housing communities and has done so by adhering to the most stringent methods and procedures. We commend the Authority’s commitment to ensure the safety of its housing communities. The Authority should work with HUD to implement the recommendations in this audit report.

Comment 21

The Authority stated that it would work with HUD to obtain additional training for staff on the management of lead-based paint, including the requirements for visual assessments, risk assessments, reevaluations, and hazard reduction. The Authority will continue to work with HUD to ensure that those requirements are met.

We commend the Authority for its agreement to work with HUD to obtain training on the management of lead-based paint and for continuing to work with HUD to ensure compliance with HUD's requirements.

Appendix B – Summary of OIG Review of Visual Assessments’ Timeliness

Sample number	Untimely visual assessment during COVID-19	Days late COVID-19	Untimely visual assessment not during COVID-19	Days late not during COVID-19	Complied with requirements? Y-N
1	X	305			N
2	X	305			N
3	X	232			N
4	X	483			N
5	X	262			N
6	X	987			N
7	X	483			N
8	X	109	X	237	N
9	X	491			N
10	X	408	X	196	N
11	X	128	X	109	N
12	X	282			N
13	X	382	X	154	N
14	X	382	X	154	N
15	X	111			N
16	X	68			N
17	X	133	X	127	N
18	X	158	X	177	N
19	X	497			N
20	X	395	X	40	N
21	X	486			N
22	X	488	X	77	N
23	X	465	X	77	N
24	X	465	X	68	N
25	X	347	X	54	N
26	X	380	X	137	N
27	X	401			N
28	X	354			N

Sample number	Untimely visual assessment during COVID-19	Days late COVID-19	Untimely visual assessment not during COVID-19	Days late not during COVID-19	Complied with requirements? Y-N
29	X	354	X	45	N
30	X	193	X	45	N
31	X	444			N
32	X	475			N
33	X	167			N
34	X	444			N
35			X	44	N
36	X	401			N
37	X	141			N
38	X	356	X	52	N
39	X	104			N
40	X	104			N
41	X	104			N
42	X	537			N
43	X	429			N
44	X	409	X	47	N
45	X	387			N
46	X	516			N
47	X	516			N
48	X	516			N
49	X	500			N
50	X	379	X	31	N
51	X	531			N
52	X	148	X	283	N
53	X	148			N
54	X	392			N
55	X	374	X	37	N
56	X	380	X	41	N
57	X	380	X	36	N
58	X	380	X	41	N

Sample number	Untimely visual assessment during COVID-19	Days late COVID-19	Untimely visual assessment not during COVID-19	Days late not during COVID-19	Complied with requirements? Y-N
59	X	277			N
60	X	449			N
61	X	457			N
62	X	367	X	270	N
63	X	457			N
64	X	272	X	83	N
65	X	387			N
66	X	387			N
67	X	83			N
68	X	449			N
69	X	133			N
Totals	68		26		69⁵²

⁵² This column counts the units that had an untimely visual assessment during or outside COVID-19 or both, indicating that visual assessments were not completed in a timely manner for the unit.

Appendix C – Federal Requirements

The United States Code at 42 U.S.C. 1437d(f)(1) states that each contract for contributions for a PHA must require that the agency maintain its public housing in a condition that complies with standards, which meet or exceed the housing quality standards established under paragraph (2).

The United States Code at 42 U.S.C. 1437d(f)(2) states that the HUD Secretary must establish housing quality standards under this paragraph, which ensure that public housing dwelling units are safe and habitable. Such standards should include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings.

HUD’s regulations at 24 CFR 5.705 state that any entity responsible for conducting a physical inspection of HUD housing, to determine compliance with this subpart, must inspect such HUD housing annually in accordance with HUD-prescribed physical inspection procedures. The inspection must be conducted annually unless the program regulations governing the housing provide otherwise or unless HUD has provided otherwise by notice.⁵³

HUD’s regulations at 24 CFR 35.110 define abatement as any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards. (See the definition of “permanent.”) Abatement includes the removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards.

HUD’s regulations at 24 CFR 35.110 define deteriorated paint as any interior or exterior paint or other coating that is peeling, chipping, chalking, or cracking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

HUD’s regulations at 24 CFR 35.110 define interim controls as a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include but are not limited to repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

HUD’s regulations at 24 CFR 35.110 define a lead-based paint hazard as any condition that causes exposure to lead from dust-lead hazards; soil-lead hazards; or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces and that would result in adverse human health effects.

HUD’s regulations at 24 CFR 35.110 define a risk assessment as (1) an onsite investigation to determine the existence, nature, severity, and location of lead-based paint hazards and (2) the provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

⁵³ This regulation was effective during our audit scope. The language at 24 CFR 5.705 was updated in 2023 to include an alternate inspection schedule.

HUD's regulations at 24 CFR 35.110 define a reevaluation as a visual assessment of painted surfaces and limited dust and soil sampling conducted periodically following lead-based paint hazard reduction where lead-based paint is still present.

HUD's regulations at 24 CFR 35.110 define standard treatments as a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.

HUD's regulations at 24 CFR 35.110 define target housing as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless a child of less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

HUD's regulations at 24 CFR 35.115(a) state that subparts B through R of this part do not apply to the following: (1) a residential property for which construction was completed on or after January 1, 1978, or in the case of jurisdictions that banned the sale or residential use of lead-containing paint before 1978, an earlier date as HUD may designate; (2) a zero-bedroom dwelling unit, including a single-room-occupancy dwelling unit; (3) housing for the elderly or a residential property designated exclusively for persons with disabilities, except this exemption should not apply if a child less than 6 years of age resides or is expected to reside in the dwelling unit (see definitions of "housing for the elderly" and "expected to reside" in 24 CFR 35.110); (4) residential property found not to have lead-based paint by a lead-based paint inspection conducted in accordance with section 35.1320(a) (results of additional test(s) by a certified lead-based paint inspector may be used to confirm or refute a previous finding); and (5) residential property in which all lead-based paint has been identified and removed and clearance has been achieved in accordance with 40 CFR 745.227(b)(e) before September 15, 2000, or in accordance with sections 35.1320, 35.1325, and 35.1340 on or after September 15, 2000. This exemption does not apply to residential property where enclosure or encapsulation has been used as a method of abatement.

HUD's regulations at 24 CFR 35.165 (b)(1) state that a risk assessment must be no more than 12 months old to be considered current.

HUD's regulations at 24 CFR 35.175 state that the designated party, as specified in subparts C, D, and F through M of this part, should keep a copy of each notice, evaluation, and clearance or abatement report required by subparts C, D, and F through M of this part for at least 3 years. Those records applicable to a portion of a residential property, for which ongoing lead-based paint maintenance, reevaluation activities, or both are required, must be kept and made available for HUD's review until at least 3 years after such activities are no longer required.

HUD's regulations at 24 CFR 35.1115 (b) state that if a lead-based paint inspection has found the presence of lead-based paint or if no lead-based paint inspection has been conducted, the PHA must conduct a risk assessment according to the following schedule, unless a risk assessment that meets the conditions of section 35.165(b) has already been completed.

HUD's regulations at 24 CFR 35.1120(a) state that each PHA must, in accordance with section 35.1325, abate all lead-based paint and lead-based paint hazards identified in the evaluations conducted under 24 CFR 35.1115. The PHA should abate lead-based paint and lead-based paint hazards in accordance with 24 CFR 35.1325 during physical improvements conducted under modernization.

HUD's regulations at 24 CFR 35.1120(b) state that in all housing for which abatement of all lead-based paint and lead-based paint hazards required in paragraph (a) of this section has not yet occurred, each PHA must conduct interim controls, in accordance with 24 CFR 35.1330, of the lead-based paint hazards identified in the most recent risk assessment. (1) Interim controls of dwelling units in which any child who is less than 6 years of age resides and common areas servicing those dwelling units must be completed within 90 days of the evaluation under 24 CFR 35.1330. If a unit becomes newly occupied by a family with a child of less than 6 years of age or such child moves into a unit, interim controls must be completed within 90 days after the new occupancy or move-in if they have not already been completed. (2) Interim controls in dwelling units not occupied by families with one or more children of less than 6 years of age, common areas servicing those units, and the remaining portions of the residential property must be completed no later than 12 months after completion of the evaluation conducted under 24 CFR 35.1115.

HUD's regulations at 24 CFR 35.1120(c) state that the PHA must incorporate ongoing lead-based paint maintenance and reevaluation activities into regular building operations in accordance with section 35.1355.

HUD's regulations at 24 CFR 35.1310 state that further guidance information regarding evaluation and hazard reduction activities described in this subpart is found in the following: (a) The HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.

HUD's regulations at 24 CFR 35.1320(b)(1) state that risk assessments and lead-hazard screens must be performed in accordance with methods and standards established either by a State or tribal program authorized by EPA or by EPA at 40 CFR 745.227(c), (d), and (h) and paragraph (b)(2) of this section.

EPA's regulations at 40 CFR 745.227(d)(1) state that a risk assessment must be conducted only by a person certified by EPA as a risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.

EPA's regulations at 40 CFR 745.227(d)(11) state that the certified risk assessor must prepare a risk assessment report, which must include the following information: (i) date of assessment; (ii) address of each building; (iii) date of construction of buildings; (iv) apartment number (if applicable); (v) name, address, and telephone number of each owner of each building; (vi) name, signature, and certification of the certified risk assessor conducting the assessment; (vii) name, address, and telephone number of the certified firm employing each certified risk assessor if applicable; (viii) name, address, and telephone number of each recognized laboratory conducting analysis of collected samples; (ix) results of the visual inspection; (x) testing method and sampling procedure for paint analysis employed; (xi) specific locations of each painted component tested for the presence of lead; (xii) all data collected from onsite testing, including quality control data and if used, the serial number of any X-ray fluorescence (XRF) device; (xiii) all results of laboratory analysis on collected paint, soil, and dust samples; (xiv) any other sampling results;⁵⁴ (xv) any background information collected under paragraph (d)(3) of this section; (xvi) to the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint or other assessments of lead-

⁵⁴ An XRF device is a tool for determining whether lead is present in paint and measuring the concentration of lead present. Recording the XRF device serial number is part of EPA's requirement to document methodologies and ensure adequate quality control measures. See 40 CFR 745.227(b)(4)(viii) and 40 CFR 745.227(d)(11)(xii).

based-paint-related hazards; (xvii) a description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards; and (xviii) a description of interim controls or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report must recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

HUD's regulations at 24 CFR 35.1325 state that abatement should be performed in accordance with methods and standards established either by a State or Indian tribe under a program authorized by EPA or by EPA at 40 CFR 745.227(e) and should be completed by achieving clearance in accordance with section 35.1340. If encapsulation or enclosure is used as a method of abatement, ongoing lead-based paint maintenance activities must be performed as required by the applicable subpart of this part in accordance with section 35.1355.

HUD's regulations at 24 CFR 35.1330 state that interim controls of lead-based paint hazards include paint stabilization of deteriorated paint, treatments for friction and impact surfaces when levels of lead dust are above the levels specified in 24 CFR 35.1320, dust control, and lead-contaminated soil control.

HUD's regulations at 24 CFR 35.1330(a)(1) state that only those interim control methods identified as acceptable methods in a current risk assessment report should be used to control identified hazards, except that, if only paint stabilization is required in accordance with subparts F, H, J, or M of this part, it will not be necessary to have conducted a risk assessment.

HUD's regulations at 24 CFR 35.1355 provide that (a) maintenance activities must be conducted in accordance with paragraph (a)(2)(6) of this section, except as provided in paragraph (a)(1) of this section. (1) Maintenance activities need not be conducted in accordance with this section if a lead-based paint inspection indicates that no lead-based paint is present in the dwelling units, in common areas, and on exterior surfaces or a clearance report prepared in accordance with section 35.1340(a) indicates that all lead-based paint has been removed. (2) A visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measures must be performed at unit turnover and every 12 months.

HUD's regulations at 24 CFR 35.1355(b)(1) state that reevaluations must be conducted if hazard reduction has been conducted to reduce lead-based paint hazards found in a risk assessment or if standard treatments have been conducted, except that reevaluation is not required if any of the following cases are met: (i) an initial risk assessment found no lead-based paint hazards; (ii) a lead-based paint inspection found no lead-based paint; or (iii) all lead-based paint was abated in accordance with section 35.1325, provided that no failures of encapsulations or enclosures have been found during visual assessments or during other observations by maintenance and repair workers.

HUD's regulations at 24 CFR 35.1355(b)(2) provide that reevaluations must be conducted to identify (i) deteriorated paint surfaces with known or suspected lead-based paint, (ii) deteriorated or failed interim controls, (ii) dust-lead hazards, and (iv) soil that is newly bare with lead levels equal to or above the standards in 35.1320(b)(2).

HUD's regulations at 24 CFR 35.1355(b)(3) provide that each reevaluation must be performed by a certified risk assessor.

HUD's regulations at 24 CFR 35.1355(b)(4) state that each reevaluation must be conducted in accordance with the following schedule if a risk assessment or other evaluation has found deteriorated lead-based

paint in the residential property, a soil-lead hazard, or a dust-lead hazard on a floor or interior window sill. (Window troughs are not sampled during reevaluation.) The first reevaluation should be conducted no later than 2 years from completion of hazard reduction. Subsequent reevaluation should be conducted at intervals of 2 years, plus or minus 60 days. To be exempt from additional reevaluation, at least two consecutive reevaluations conducted at such 2-year intervals must be conducted without finding lead-based paint hazards or a failure of an encapsulation or enclosure. If, however, a reevaluation finds lead-based paint hazards or a failure, at least two more consecutive reevaluations at such 2-year intervals must be conducted without finding lead-based paint hazards or a failure.

HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, chapter 6, section IV, subpart C.3, provides that the owner or manager should keep the following forms or reports to facilitate and document the lead-safe maintenance program:

- Reports of visual assessments.
- A log of the dates of visual assessments.
- An inventory of lead-based paint testing results of presumption of lead-based paint or hazards.
- An inventory of lead hazard controls, if any.
- Lead-safe maintenance works orders, if used.
- Reports of clearance examinations.

HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, chapter 11, section II, subpart N, provides that lead hazard evaluation, lead hazard control, and maintenance and monitoring activities associated with interim controls must be documented. Several specific documents are of particular importance.

- Risk assessment or inspection or testing reports.
- Lead hazard control plan.
- Notices to occupants.
- Description of work done.
- Clearance examination reports.
- Reevaluation reports.
- Maintenance and monitoring log.
- Other applicable records.