



Statement for the Record to
the Subcommittee on Housing and
Insurance, Committee on Financial
Services, House of Representatives

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LEAD PAINT IN HOUSING

HUD Should Strengthen Compliance Monitoring and Performance Assessment in its Rental Assistance Programs

Statement for the Record by Daniel Garcia-Diaz, Director,
Financial Markets and Community Investment

Accessible Version

Chairman Duffy, Ranking Member Cleaver, and Members of the Subcommittee:

I am pleased to submit this statement on lead paint hazards in housing. The Department of Housing and Urban Development (HUD) has an important role in helping prevent childhood lead poisoning because lead paint in housing is the most common source of lead exposure for U.S. children.¹ As you know, lead exposure can cause serious, irreversible cognitive damage that can impair a child for life. When absorbed into the body, especially in young children, lead can damage the brain and nervous system, slow development and growth, and cause learning or behavioral problems. HUD has certain statutory responsibilities related to reducing lead exposure in housing, which include promulgating lead paint regulations for HUD's rental assistance programs.

This statement is based on our June 2018 report.² For this work, we focused on HUD's two largest rental assistance programs that serve families with children: the Housing Choice Voucher (voucher) and public housing programs.³ HUD has taken steps to better address lead paint hazards in housing. However, this statement and our report issued last week identified specific areas where HUD could improve the effectiveness of its efforts to identify and address lead paint hazards and protect children in low-income housing from lifelong health problems.

This statement discusses HUD's efforts to (1) monitor and enforce compliance with lead paint regulations in its rental assistance programs, (2) adopt federal health guidelines and environmental standards for its rental assistance programs, and (3) measure and report on the performance of its lead efforts. For this work, we reviewed HUD documents and data related to its compliance efforts for its rental

¹Lead paint hazards include any condition that can cause harmful exposure to lead from dust, soil, or paint that is deteriorated or present in accessible, friction, or impact surfaces (e.g., walls, windows, door frames).

²GAO, *Lead Paint in Housing: HUD Should Strengthen Grant Processes, Compliance Monitoring, and Performance Assessment*, [GAO-18-394](#) (Washington, D.C.: June 19, 2018).

³[GAO-18-394](#). Our June 2018 report on lead paint in housing also includes findings related to our review of HUD's lead grant programs. HUD has had two grant programs that competitively award lead hazard control grants to state and local jurisdictions. The grant programs are intended to help jurisdictions identify and control lead hazards in low-income, private housing where children under age 6 reside or are likely to reside.

assistance programs, performance measures, and reporting. We also interviewed HUD staff. We conducted the work on which this statement is based in accordance with generally accepted government auditing standards. More details on our methodology can be found in our June 2018 report.

HUD Could Take Additional Steps to Monitor Compliance with Lead Paint Regulations

In 2016, HUD began using new tools to monitor how public housing agencies comply with lead paint regulations. For example, in June 2016, HUD began using the Lead-Based Paint Response Tracker database to store information on public housing units and to help HUD field office staff to follow up with public housing agencies (PHA) that have properties missing required lead documentation. However, we found that HUD could further improve its oversight and monitoring efforts.

Our report found that HUD does not have a plan to mitigate and address risks related to noncompliance with lead paint regulations by public housing agencies. We identified several limitations with HUD's monitoring efforts, including reliance on public housing agencies' self-certifying compliance with lead paint regulations and challenges identifying children with elevated blood lead levels. False self-certifications of compliance by some public housing agencies make it essential for HUD to improve its current monitoring approach. In addition, we found that the voucher program does not have readily available data on housing units' physical condition and compliance with lead paint regulations because data on the roughly 2.5 million units in the program are kept at the PHA level.⁴ Additionally, our report found that HUD does not have detailed procedures to address public housing agency noncompliance with lead paint regulations or to determine when enforcement decisions may be needed.

We recommended that HUD establish a plan to mitigate and address risks within HUD's lead paint compliance monitoring processes.

⁴According to Office of Public and Indian Housing (PIH) staff, HUD plans to adopt a new system for the voucher program that will include standardized, electronic data for voucher units. PIH staff said the new system (Uniform Physical Condition Standards for Vouchers Protocol) will allow greater oversight and provide HUD the ability to conduct data analysis for voucher units.

Additionally, in the report we recommended HUD develop and document procedures to ensure that HUD staff take consistent and timely steps to address issues of public housing agency noncompliance with lead paint regulations. HUD agreed with these recommendations. By developing such a plan and detailed procedures to address noncompliance with lead paint regulations, we believe HUD could strengthen oversight of public housing agencies and better keep public housing agencies accountable in a consistent and timely manner.

HUD's Lead Inspection Standard is Less Stringent for the Voucher Program

HUD's Lead Safe Housing Rule requires a stricter lead inspection standard for public housing than for voucher units.⁵ As a result, children living in voucher units may receive less protection from lead paint hazards than children living in public housing units. According to HUD staff, HUD does not have the authority to require the more stringent inspection in the voucher program. While HUD has acknowledged that moving to a stricter inspection standard for voucher units would provide greater assurance that these units are lead-safe and expressed its plan to support legislative change to authorize it to impose a more stringent inspection standard, HUD has not requested authority from Congress to amend its inspection standard for the voucher program.

In our June 2018 report, we originally recommended that HUD should request authority from Congress to use the stricter lead inspection standard in the voucher program. HUD disagreed that it should request authority to use a specific, stricter standard, noting that it would need to conduct and evaluate the results of a statistically rigorous study on the impacts of requiring a lead risk assessment versus a visual assessment, such as the impact on leasing times and the availability of housing for low-income families. We acknowledged that the results of such a study might support a range of options. Therefore, we revised this recommendation to provide greater flexibility to HUD to amend its current inspection standard for the voucher program as indicated by analysis of health effects for children, the impact on landlord participation in the program, and other relevant factors. We continue to believe that by asking for this authority, HUD would be positioned to take steps to ensure

⁵See 24 C.F.R. § 35.1115; 24 C.F.R. § 35.1215.

that children in the voucher program are provided better protection from lead, as indicated by such an analysis.

HUD Could Better Measure and Report on Performance of Lead Efforts

Our June 2018 report found that HUD has taken limited steps to measure, evaluate, and report on the performance of its programmatic efforts to ensure that housing is lead-safe. For example, HUD lacks comprehensive goals and performance measures for its lead reduction efforts. In addition, it has not complied with annual statutory reporting requirements, last reporting as required on its lead efforts in 1997. We recommended that HUD develop performance goals and measures, including its efforts to ensure that housing units in its rental assistance programs are lead-safe. Additionally, we recommended that HUD finalize plans for evaluating the effectiveness of its lead paint regulations, and complete statutory reporting requirements. HUD generally agreed with these recommendations.

Chairman Duffy, Ranking Member Cleaver, and Members of the Subcommittee, this concludes my statement for the record.

GAO Contact and Staff Acknowledgment

If you or your staff have any questions about this statement, please contact Daniel Garcia-Diaz, Director, Financial Markets and Community Investment at (202) 512-8678 or garciadiazd@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this statement are John Fisher (Assistant Director), Beth Faraguna (Analyst in Charge), Farah Angersola, William R. Chatlos, Anna Chung, Melinda Cordero, Christopher Lee, Marc Molino, Tovah Rom, and Tyler Spunaugle.

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