



**Comments on HUD's Proposed Rule for the Housing Trust Fund
Published at 75 FR 66978 - New 24 CFR Part 92 Subpart N**

The National Safe and Healthy Housing Coalition is a broad, voluntary, non-dues coalition of organizations working to improve housing conditions nationwide, especially for low-income families, through education and outreach to key national stakeholders and federal public decision-makers. The Coalition was formed in 2009 to bring together the leaders of prominent nonprofits and agencies in housing, public health, property management, environment, energy efficiency, home ownership, and community development to develop and implement a *National Healthy Housing Action Plan* that emanated from the first-ever National Healthy Housing Summit, held in Washington, D.C. on May 7, 2009. It is guided by a 17-member Steering Committee that is chaired by the National Center for Healthy Housing. The members of the Coalition noted at the end of this document respectfully submit this comment.

We commend HUD for initiating the proposed rule, which covers many important elements of this historic housing production program. We have a few comments directed at strengthening the healthy and safety of housing supported by the Housing Trust Fund, keeping in mind HUD's commitment to "creating affordable homes in safe, healthy communities."

There is growing recognition that "place" is a critical determinant of health and should be a priority in terms of public health intervention. Additionally, disparities in access to safe and healthy homes may be linked to many health disparities among low-income populations, minority populations, and populations with disabilities, making healthy housing a key strategy for reducing health disparities in the United States.

Allocation Plans

We support HUD's commitment to factor energy efficiency and location efficiency requirements into the state allocation plans. We believe that related green and healthy building factors, such as occupant health, renewable materials, and sustainable development, warrant inclusion in the allocation plans as well. The proposed status of green and healthy building as an optional feature for which a state or community can choose to include incentives or priorities in the allocation plan leaves the future, in terms of sustainability and health, to chance. No community can afford to opt out of green and healthy building strategies. Per Global Green's *Making Affordable Housing Truly Affordable* (<http://www.globalgreen.org/docs/publication-164-1.pdf>), many states have already demonstrated in their Qualified Allocation Plans a commitment to health protections. Although HUD may not choose to require specific green and healthy building elements, HUD should require that States demonstrate the extent to which HTF-supported housing will meet national criteria for green, healthy, sustainable, renewable development. To the extent that benchmarks may be appropriate, HUD should consult standards established by Green Communities or LEED.

Property Standards

HUD proposes to require that developed units (new and gut rehab) comply with Energy Star or exceed ASHRAE 90.1 by 20% and use Energy Star and WaterSense products. Similarly, we recommend that HUD adopt a consistent set of health and safety standards for the properties to meet. The Uniform Physical Condition Standards, which HUD proposes to require as the minimum, are more specific but, in some cases, less protective

than the Housing Quality Standards. Neither of these criteria have been comprehensively assessed from a professional public health perspective or updated to reflect current knowledge of health hazards such as pests, pesticides, mold, radon, environmental tobacco smoke, formaldehyde or other volatile organic chemicals (VOCs) or even carbon monoxide. We would suggest, with the inception of its first new production program in decades, that HUD assess, update and modernize these standards to protect residents from preventable health and safety hazards.

Health and Safety Hazards

As discussed above, we believe that health and safety hazards should be addressed uniformly as part of the property standards section of HUD's regulation. The proposed rule requires that rehab projects (at 24 CFR 92.742(b)(1)) and rental housing (24 CFR 92.745(a)(2)) be free of all health and safety standards and that the property standards identify life-threatening conditions that must be addressed to protect health and safety. We suggest that the standards for new construction and gut rehab projects (at 24 CFR 92.741), acquisition projects (at 24 CFR 92.743), and manufactured housing projects (at 24 CFR 92.744) explicitly require that these properties be free of all health and safety standards and specify life-threatening conditions that must be addressed to protect health and safety. We also suggest that HUD promulgate health and safety standards and life-threatening conditions to guide these protections, or provide written guidance in the instructions to states. Further, we suggest that HUD clarify that environmental assessments and remediation are eligible costs.

Lead-Based Paint

The proposed rule states that new construction and gut rehab projects (at 24 CFR 92.741(b)), rehab projects (at 24 CFR 92.742(b)(4)) and rental housing (24 CFR 92.745(a)(4)) are subject to 24 CFR Part 35, the section of regulations pertaining to lead-based paint. The proposed rule also states at 24 CFR 92.761 that "Housing that is assisted with HTF funds is subject to regulations at 24 CFR part 35 subparts A, B, J, K and R." These slightly differing instructions may create confusion since the subparts noted in the latter reference do not cover all of the types of housing and assistance that the HTF will reach. It may be helpful to reference in each subsection of the HTF regulation all of the applicable subparts of Part 35. Moreover, the part 35 requirements for project-based and tenant-based assisted housing, subparts H and M, should be applied to rental properties built before 1978. The lead-safe housing rule provides an exemption for properties with no lead-based paint: it is prudent to specify the correct requirements and allow property owners and developers to follow the available procedures to document exemption from the requirements.

We are available to provide additional information; please contact Jane Malone at jmalone@nchh.org or 202-580-7203 if we can be of assistance. Thank you for advancing this effort and considering this input.

Asthma and Allergy Foundation of America
Asthma Regional Council of New England
CommonHealth ACTION
Health Resources in Action
National Center for Healthy Housing
Omaha Healthy Kids Alliance
Sustainable Resources Center