

## **Lead-Safe Housing in Disaster Recovery Housing Programs, 6/1/20**

Clay Lloyd: Great. Thank you. Hi, everyone. My name's Clay Lloyd. I work at HUD as a community planning development specialist. And I wanted to welcome everyone to the meeting today. We're excited to have you. We're excited to have our grantee participants be able to get involved and engage with some HUD experts on lead-based paint regulations.

Before this webinar starts, I just wanted to mention one item of housekeeping which is an update on our Problem Solving Clinic. The 2020 Problem Solving Clinic has now been officially cancelled. And we've set up a 2021 Problem Solving Clinic for March of 2021 in Chicago. So the update one more time is the 2020 Problem Solving Clinic with abundance of caution has now been cancelled. And we're focusing now on the 2021 Problem Solving Clinic on the same month at the same location.

And to go along with that update, we just want to point out that we're hoping to best engage and support you guys is through these webinar series for 2020. So if you haven't already, if you've found this webinar through an email, please go to the HUD Exchange website where you can get updates on both the Problem Solving Clinic and future webinar series that we're going to be posting throughout the year.

Also if you have any other questions regarding the Problem Solving Clinic, you can always email HUD DRSI's email address which is [drsipolicyunit@hud.gov](mailto:drsipolicyunit@hud.gov). And with that, I'll send it over to Kris.

Kris Richmond: Thanks, Clay. We're glad everybody's here with us today. My name is Kris Richmond. I work for ICF. And I have been working in the community development world for over 20 years now. And my very first project when I came to ICF was helping to implement the lead safe housing rule back in 1999.

So I'm going to be manning the Q&A box. That's the one that Nicole told you about. If you have any questions about the content, you want to go to that top blue area on your screen and click on that Q&A and type in your question. And we're going to try to answer them today. If not, somebody will get back to you after the session about that.

Today I am joined by Clay Lloyd. You just heard Clay. Clay is stationed in the Washington, DC HUD office. He works in disaster recovery and special issues division. And he works in the CDBG-DR policy for the division.

And then I'm also joined by Karen Griego. Karen works for HUD's office of lead safe hazard control and healthy homes as a healthy homes representative. So Karen has spent over two decades with the department, working with housing and health stakeholders to realize the office's mission, which his to help all Americans, but especially children and other vulnerable populations in low income households reach their full potential by making homes safe and healthy. So we'll be getting a lot of really good information today from both Clay and Karen.

Just to let everybody know what we're going to be trying to accomplish today, we want to make sure one of the goals is that you actually understand the harmful effects of lead to children and adults, that you are actually going to be gaining an understanding of the federal lead paint regulations and how they apply to disaster recovery rehab programs. We're going to look a little bit at some of the documentation and help you be able to assess the quality of that documentation.

And lastly we'll identify a couple resources for use and reference. And I know Clay had mentioned an email address for CDBG-DR. That's actually listed on the last slide. So if you miss that, it is listed on the last slide at the end of this session.

So with that, I'm going to turn it back over to Clay. Clay you want to go over the first couple slides for us?

Clay Lloyd: Great. Yeah. If you could move to the next slide, that'd be awesome. Great. So once again my name's Clay Lloyd. I work at HUD. I work in the disaster recovery and special issues division on the disaster recovery CDBG-DR grant. You can go to the next slide here. Okay, here we go. I'm sorry, I'm having trouble moving to the next slide. There we go. Great.

So the idea behind this webinar series is to help our disaster recovery grantees, the participants on the line, hear a little bit more about lead paint, lead paint disclosure, and the documentation required for the types of programs you might be setting up and running. And we're hoping that this will allow you to increase your understanding of what you need to do, your compliance with the requirements, documentation you might in hand.

The types of programs that we want you to keep in the back of your mind are housing rehabilitation buyouts, both the demolition and the relocation side. Those are all dealing with houses that might have been built prior to 1978, which may contain lead-based paint, and therefore would make you subject to these lead-based housing regulations.

So the other reason why we brought it up is that in some of our conversations with our grantees we found that compliance with the regulations and requirements wasn't complete. And so in order to get out of noncompliance, we're hoping that we provide you an example of how to go through and make sure that not only you're doing the proper work, but you may already be doing it and you just didn't properly document that you've already done it. So we want you to keep those two in the back of your mind just to make sure that as you execute these programs properly, you also are able to document and tell the story of how you met compliance for lead-based paint regulations.

The couple of reasons for this and why we focus on lead is for the health of our occupants, rehab workers, and beneficiaries from the program. And we also want to make sure that we're avoiding any legal issues that might come up from not following these regulations. And with that, I'd love to hand it off to Karen, who is our HUD expert on lead-based paint.

Karen Griego: Welcome to our webinar. And we really do thank you for your time and attention to this topic today. And we realize that it isn't sometimes an easy regulation to get through, so I

hope to provide you with enough information and resources with which you can move forth, and either be thinking about your policies and procedures that you have in place presently, or be thinking about ways and how or where you might need to plug some gaps, or completely change a particular procedure, or what have you.

So please keep in mind those policies and procedures that you follow during this webinar in our discussion to basically point out or pick out some of the areas within your lead-based paint regulatory requirements in your policies and procedure that may need to be modified or upgraded, if you will.

So let's start off with defining the problem. Most of you are at least cursorily aware that lead is a naturally occurring element in the crust of our earth. It's fairly ubiquitous within our urban and in some cases rural environments, can be found in the air, in the soil, in water, and inside our homes.

In the past, as you know, we have used leaded gasoline, and it is being manufactured still. It can be found in certain industrial facilities, in lead mines, and the output of those activities. In our homes we have lead-based paint in some cases in pre-1978 properties. It can be found in a variety of other products like ceramics, the solder in our plumbing, in batteries in our cars, in ammunition, and even in some cosmetics, especially some that are imported from out of the country.

We are most interested in protecting children. And the reason why we're so adamant about protecting children under six is because they have most of the -- they ingest and inhale lead paint at a greater rate than perhaps most adults do, although there are health effects from exposure to lead by adults as well. However as I mentioned, children under six are a population that we are most concerned and interested in protecting.

As you know, children under six spend an awful lot of time crawling around on the floor and putting things in their mouths, including their hands. And if their hands are playing in contaminated soil, or contaminated dust on windowsills and other horizontal surfaces, that lead dust in large or small quantities gets directly ingested and into that child's body.

Now several years ago the Centers for Disease Control and Prevention changed their what we call trigger level of blood lead level. And the CDC now recommends and HUD has incorporated that recommendation or trigger level into its lead safe housing rule, that children when they have a blood lead level of 5 micrograms per deciliter or higher, that is a trigger for some kind of an action, reaction, or response.

So as I mentioned, everyone's basically at risk of lead in their environment if it's inhaled or ingested. And as I mentioned, children under six are the primary target because kids absorb more lead than us adults do, and their brains and nervous systems are the most sensitive to the effects. It is a neurotoxin, lead. And it is completely preventable, an elevated blood lead level is. Some of you may or may not realize that elevated blood lead levels in pregnant women can also pass to the baby. And that exposure can be detrimental to that developing baby.

We are also concerned with workers such as construction workers, folks doing rehabilitation in the jobs that we pay for and elsewhere, and in certain industrial fields. They are and could be exposing their families and young children at home when they do not take certain precautions with changing their clothes or washing up. So basically they take home the lead on their clothing and other items, and expose their family and children to those dangers.

Okay. So the federal lead regulations that we're going to focus on today are HUD's and EPA's. Now you notice some orange arrows on the slides. And those arrows represent where HUD and EPA's regulations kind of intersect. For instance, the lead disclosure rule, HUD and EPA basically have the same rule, and we both enforce that lead disclosure rule jointly.

Now as far as the lead safe housing rule is concerned, many subparts of HUD's regulations at 24 CFR 35 incorporate elements of EPA's lead-based paint activities rule and the renovation, repair, and painting rule. You'll notice a little caption at the bottom of this slide identifying some recent changes in EPA's rule that went into effect in January of this year. And I will go over what that change means and how it may impact at least some of your programs presently.

So again, these are the three federal lead regulations that we'll be spending our time today discussing, first being the lead disclosure rule. If you bought, sold, or rented a pre-1978 house or apartment unit, since March of 1996 you probably should have, or maybe you did hopefully, executed a disclosure. And that is receipt of informational pamphlets as well as acknowledgement of receipt of that pamphlet and any known lead-based paint on that particular property. So disclosure has been around for a long time.

Similarly the HUD's lead safe housing rule applies also to pre-1978 housing units. And that's been around since September of 2000. We did make amendments as I mentioned before, to reduce the trigger level of an elevated blood lead level basically from 20 micrograms per deciliter to 5, to match CDC's response level.

Finally we'll be talking about EPA's renovation, repair, and painting rule. This rule applies to all pre-1978 residential housing, including child-occupied facilities such as schools and daycares, regardless of the source of funding, basically. And this rule became effective in 2010. So again, this rule has been around for a while as well.

So I'd like to think of the lead safe housing rule in a series of steps. Disclosure rule is set aside and I'll tell you why in just a minute. But essentially the steps involved in compliance, in the compliance process of the lead safe housing rule involves evaluating lead-based paint on the property either through a visual assessment, in some cases a lead-based paint risk assessment and paint testing, or a lead-based paint inspection.

Naturally following that evaluation, if there is lead-based paint and lead-based paint hazards, then we figure out, well, how are we going to treat those hazards. Either through some kind of paint stabilization for a small job, maybe some temporary means to control those hazards such as interim control methods, or in larger jobs we're talking about hazard abatement.

So basically eliminating all those hazards on a more permanent basis. And in all cases we are requiring a clearance. And again, we'll go into some more details on each of these steps coming right up. And lastly, there are a couple of points within and at the end of all of these steps where there's a notification requirement to tenants. And we'll take a look at what that means and how to perform that.

So let's dive into the lead disclosure rule. So I mentioned before, this rule applies to almost all pre-1978 housing for sale and for lease or rental. The owner or lessor provides this pamphlet, Protect Your Family From Lead in Your Home. There's also provision of a warning statement either in the sales contract, or the lease agreement, or rental agreement. The owner or lessor, well the property owner, is required to disclose any and all known information about lead-based paint.

And one thing I want you to note and keep in mind, and you might want to take a little pen to paper at this point, is that when we get into the paint evaluations, and clearance, and so forth, property owners are going to get copies of notifications of the results of paint testing, and of clearance, and the type of work performed.

The owner in those cases, of those pre-1978 properties, will be required to disclose that information when or if they decide to sell or lease that property to other people in the future. And in all cases disclosure, again when the property is being sold or rented, disclosure must be completed before any contract is signed.

Occasionally when EPA and HUD, folks in my division, go out and perform enforcement or audit work or monitoring, we see lots of times old, outdated, obsolete notifications such as this, and similar kinds of material in project files or in the sales contract files, leasing contract file. If you have these, if you are using these, please discard them. They are obsolete.

Now this is a basic, albeit small and difficult to read, just want you to know that there are two different kinds of disclosure forms. One is for leasing and one is for sales. And the reason for the difference is, for a property that is for sale the buyer is afforded an option to get that unit or home tested. And we'll talk a little bit more about that as we move forward.

However, again if the property is being assisted with disaster recovery funds for rehabilitation, in the future that property owner sells that property or leases that property out, they are on the hook for providing known information about lead-based paint to those prospective buyers and lessees.

Okay. So let's go ahead and dive on in to the lead safe housing rule. So you notice that disclosure of known lead-based paint that we talked about previously said nothing about the requirement to test, or abate, or treat. It's basically a requirement that property owners of pre-1978 housing disclose what they know about lead-based paint to the prospective buyer or lessee. Now the lead safe housing rule on the other hand provides for a much stronger or more protective approach to primary prevention.

And that is protecting children in assisted target housing from, number one, either obtaining or somehow being exposed to lead and lead-based paint hazards such as dust and soil and paint

chips, and performing work on those units in a lead safe fashion by credentialed and trained professionals.

Okay. Now as much as it is important to understand the steps to complying with the lead safe housing rule, also very valuable to thoroughly understand the exemptions, or when do you not have to comply with the lead safe housing rule. Again, every decision you make, every step you take in the lead safe housing rule requires some form of documentation.

So for instance, if and when HUD monitors your grant program and particularly rehab files, properties that you have used disaster recovery funds to rehabilitate, we're going to be looking for some kind of documentation in your files that demonstrate that you have made a conscious decision, and taken means and measures to decide whether or not the lead safe housing rule applies.

So let's go over what those exemptions are. If the property is constructed after January 1, 1978, the lead safe housing rule does not apply. Very simple. Most zero bedroom units, or what we call SROs, and they could be dormitory rooms and the like, unless there is a child under six living in that zero bedroom unit, it is exempt from the lead safe housing rule. Housing exclusively designated for the elderly or persons with disabilities are exempt.

Now put a note here by exclusively designated for these populations. We are talking about properties where there is some kind of legal requirement that only seniors may live there or folks with disabilities are allowed to reside in a particular property. It does not apply -- this exemption does not apply to a single family owner occupied home that happens to be owned and occupied by an elderly person or a person with disabilities. So please understand that distinction.

Also exempt are properties found to be lead-free. Now in order to be considered lead-free, thus exempt from the lead safe housing rule, you must have had -- or the property owner must have a thorough lead-based paint inspection, where all lead-based paint has been identified, and either removed or it doesn't exist. And if it was found initially and removed, and the clearance of that rehabilitated property says no lead-based paint exists on that property, then for future reference that property is thus lead-based paint free and the lead safe housing rule does not apply. And oh, by the way, lead-free properties are also exempt from the lead disclosure rule.

Next, an unoccupied residential pre-1978 property that is slated for demolition, provided that it remains unoccupied until demolition occurs. Rehabilitation jobs that do not disturb any painted surfaces on that property are exempt. How would we know that? If I were looking at a project file, I would be looking at the specs.

I would be looking at pictures before and after probably, if you take them. My recommendation is you do. So there should be some record of decision and some records of the specifications for the rehabilitation work. And thus we can actually tell from the rehab specifications whether or not paint would be disturbed potentially.

Now, last here on this list is the emergency actions. And emergency actions that are necessary to protect life, health, and safety, or protect from further damage to the structure, are exempt as

well. Now this exemption does not apply to rehabilitation or restoration of such damaged property.

So a couple of other exemptions to consider, rehabilitation that doesn't disturb a painted surface, and also lastly, safe work practices are not required when maintenance for instance or hazard reduction activities don't disturb painted surfaces that total more than de minimis levels. And I'm sure you're aware of when you're thinking in your mind how much is two square feet per interior space isn't very much. And by the way, these are small jobs, less than \$5,000. And we're going to talk about why that investment threshold makes a difference in how you address lead-based paint in a property.

So I mentioned at the beginning of the exemption discussion that we would like to see that you have actually deliberately decided whether or not the lead safe housing rule applies to a particular project. And the way you do that is by utilizing the resources that HUD has available to you.

Now you don't have to use this form as it is, but something like it might be helpful to you, to your project managers, your rehab specialists, etc. And towards the end where we show you where all of the resources can be found, it's very easily downloadable and can be made part of your policies and procedures.

Kris Richmond: Karen, I just wanted to give you a time check to let you know we have about 30 minutes left.

Karen Griego: Thank you. So the lead safe housing rule is the one rule within the lead regulations, federal lead regulations, that requires a lot of documentation, as you might have guessed. So we're talking about credentials, certifications, trainings, of those folks that are performing abatement or interim controls, testing those properties for hazards, abatement reports, clearance reports, and the like. And you as program administrators are required to keep all of these documents and documentation available for at least three years.

We like to say that actual record keeping should be for the life of the building. Particularly for owners, they should be told and educated on record keeping, for purposes of disclosure, for purposes of future work that might be done on that home. If for instance, all of the lead-based paint hasn't been removed as a result of your rehab project, it's important that they understand and know where the lead-based paint exists, and be able to articulate it to the next buyers or renters.

Okay. This is a really quick snapshot of how the lead safe housing rule is sort of distributed, if you will, or codified. And it basically follows certain kinds of activities. So whereas the general requirements and definitions, as you might guess, applies to all federally assisted activities, there are other subparts within the regulation that only apply to certain kinds of activities.

And we are going to talk about subpart J. That is our main focus of this discussion today is subpart J. Now as you can see, there are other subparts that may apply to other types of programs or projects that you all are funding and administering with your DR awards. Today we are going

to stick to talking about subpart J. It's possible that if we have enough interest and time in the future, we can cover some of the other applicable subparts in future webinars.

Okay. I kind of led you to believe that there are levels of protection within subpart J of the lead safe housing rule. And that goes by the amount of assistance that is provided to a particular project. Essentially what we're talking about is three different levels of protection.

So as you might imagine, the greater the investment, the greater the standard of care. And as you can see from this reader's digest, if you will, summary, if it's a very small job, for instance less than or equal to \$5,000, the type of lead evaluation that is required is basically paint testing the surfaces that you're going to disturb as a result of that rehab job.

Now looking further, if the hard costs of rehabilitation exceed \$5,000, up to and over -- I'm sorry, up to \$25,000, the requirement for evaluating lead hazards is basically paint testing, so testing the surfaces to be disturbed, and a lead-based paint risk assessment. And I do have a slide that talks about the difference between a risk assessment and an inspection, as we move forward.

So I just wanted to give you this sort of very high level summary of, number one, the steps, right, so this is a sequential kind of graph or chart, as well as the requirement for hazard reduction, options that might apply, evaluation of lead hazards, etc.

Now a moment you've been waiting for. I'm aware of the DR funds being used to reimburse property owners for work that they performed on their properties pre-application. So they are actually asking for reimbursement of those costs. And I also have to say that this is a tricky scenario here.

And this CPD notice 15-07 goes into quite a bit more detail than I have here. But nonetheless that lead screening worksheet would probably come in pretty darn handy, assessing whether or not the property itself exempt, or the activities that the owner might wish to have reimbursed, it just may be exempt from the lead safe housing rule. And you would have to document that.

In other cases the property owner would need to provide you with the evaluation of lead-based paint, the kind of work that was done to remove the hazards and the lead-based paint, and a clearance report. I don't know about you, but I haven't seen very many folks in the private world going that length unless their state or local governments require it.

So here's an example from the Texas General Land Office. Their policy and procedure basically says that if a property owner is unable to provide evidence of abatement and third party clearance, they just simply do not reimburse. Now that is for the reimbursement portion.

Now the prospective requirement is basically following the lead safe housing rule. In other words, the property owner is now coming to you as a DR administrator requesting or applying for funds to rehabilitate or restore the property. The lead safe housing rule obviously kicks in if it's a pre-1978 house. And none of the other exemptions that we talked about previously apply.



So this is a busy slide. What I do want you to remember and understand out of this is the difference between a lead-based paint inspection, a risk assessment, and a visual assessment. Now in our situation where paint testing, or a risk assessment and paint testing is required of a pre-1978 proposed rehab project, that risk assessment has to be performed by a certified and accredited lead-based paint risk assessor. In some cases the risk assessor may also be credentialed in a lead-based paint inspection.

So what you need to know and take a note, is when you're procuring qualified contractors or vendors to perform this evaluation, be clear and be deliberate in how you write that request for proposal or request for assistance. The vendors that you have available to you need to know what your expectation is with relation to lead safe housing rule.

So a risk assessment identifies lead-based paint and lead-based paint hazards through sampling. Paint sampling is not paint chips. Paint sampling is the risk assessor uses his or her XRF. That is a very specialized expensive machine to essentially test the surface all the way through to the substrate, to identify whether or not there's lead-based paint in any of those layers of paint on that sample area.

The risk assessor also takes dust samples of floors, windowsills. The risk assessor also takes samples of bare soil on the property, particularly around the drip line of the house if there's bare soil there, and play areas. Now the report that is written and provided to the property owner and you as the DR administrator will identify lots of different things.

So a chain of custody of all of the samples of dust and soil, a full list of areas and XRF samples and the results, and also a summary. That is the number one go to area of the report is the summary. The summary will tell you or should tell you where all the lead-based paint hazards exist on that property, as well as various options to control or eliminate those hazards. So that is the beauty of a risk assessment.

A lead-based paint inspection on the other hand is essentially a surface by surface test with the XRF on all painted surfaces inside and outside, and other occurrences on the property like play equipment, garages, outbuildings, and so forth. They don't usually include sampling of dust, or soil, or water, or anything else unless you specifically ask for it.

But as you recall from one of the prior charts, most of the time paint testing of surfaces to be disturbed by the rehab job, as well as the normal risk assessment procedure, that should be covered in a report. And that is the type of activity that you would be identifying when you go out for your request for proposal or request for bids for that vendor.

Now one of the prior slides I mentioned that there are some new EPA amendments to their lead regulations. And that has to do with risk assessment and the level of lead in floors, and sills, and bare soil, that exceed a certain threshold. Now what I want to say is that these EPA dust hazard standards became effective on January 6, 2020, for states that EPA runs their programs.

There are other states like Texas, like California, Washington, Oregon, and a host of other states where the EPA has basically accepted regulations from those states to run their own accreditation

and certification program. And so the states in those cases basically do EPA's job for them, and provide for accreditation training and licensing of abatement -- lead-based paint abatement supervisors, workers, risk assessors, and inspectors.

Now for those states this dust hazard standard does not become effective for two years or earlier when those states amend their state lead laws to incorporate these new standards. So obviously it's important to know if you're in a -- conducting disaster recovery rehab jobs in an EPA state or not.

These are the old EPA dust standards that are at least for now still applies in those state run lead programs. And until and unless the state lead laws are amended and adopt the new EPA standard, the old standards automatically expire January 6th of '22. So again, know whether or not your state is an EPA authorized state or a state run program.

All right. This is just a quick picture of one kind of XRF device, and a lot of pictorial explanations on how the XRF works, and things that I frankly am not an expert on myself, but basically know the gist of how an XRF works. So if you're interested in seeing how it works in real life and/or how it works, there are resources for you to find that information.

Now you might be asking yourselves, well, okay, that's fine, how do I locate a certified lead-based paint inspector or a risk assessor. And fortunately EPA does have a way and means of identifying and finding risk assessors, abatement contractors, and those kinds of firms. And this is the website that you can plug in and find who out there is certified and accredited to perform this type of work.

Now in some cases it isn't an exhaustive list of folks that are certified. And in some cases there's a lot more that are certified and either not on the list or not working and on the list. So I just kind of put that notation out there for your information. Word of mouth is always good. If you live in a state where the state runs its own accreditation -- training and accreditation program for abatement and risk assessor inspectors, you would be able to probably call the state health department to locate that list.

So I'm not going to read this regulation or the citation in the regulation. But just understand and know that the HUD lead safe housing rule incorporates those portions of the EPA regulations that we've been kind of discussing, in this case the inspections and paid testing requirements.

All right. Now once evaluation has been performed on your rehab job, and you have the results of that risk assessment, you have the report in hand, the requirement is to provide a notice to occupants. Now a notice to occupants assumes that the risk assessment itself wasn't provided. Now if it's an owner occupied property, in most cases the risk assessor inspector will automatically give a copy or give the original report to the property owner.

In any case, if it's an owner occupied property, owner must get that report for disclosure purposes in the future. If it's a tenant occupied property, in other words the property is leased, then this kind of evaluation notice is pertinent to that occupant. Again, owner gets a copy of the full risk assessment report.

Kris Richmond: Karen, I just want to give you a 10 minute warning. I'm just going to let you know we got about 10 minutes left.

Karen Griego: Okay. So just like there's an opportunity to find through the EPA's website who is eligible or who is qualified to provide those risk assessment activities for you, there's also a way to look up who is certified to provide renovation work. So it's good to know, number one, who in your community has a risk assessment qualification, an abatement worker or supervisor qualification, and now also a certified renovator. We talked a little bit about renovation repair and painting rule applies to projects that are going to involve interim controls. And this would be where you would look.

Now again the three levels of protection. For a small job less than or equal to five grand, again we talked about paint testing of the surfaces to be disturbed, and a renovator to perform paint stabilization. Basically they're using safe work practices to perform that work, some containment, there's paperwork, administrative paperwork that that renovator should know about and be performing on their own. Again EPA or the state, if they're running the renovation, repair, and painting program, would have to have those available in cases where they were audited.

Now for an interim control job, now these are hard costs of rehab above 5,000 and up to and including 25 grand, we're talking about a little bit higher level of protection and work standards. These are measures that are designed to reduce on a temporary basis exposure or likely exposure to lead-based paint hazards.

These could mean any kind of repair jobs, a repainting job, it involves some temporary containment and specialized cleaning in order to pass clearance. On the other hand, if the hard costs of rehabilitation exceed \$25,000, hazard abatement, not entire abatement, but hazard abatement, so your risk assessment and paint testing will tell you where all those hazards are. You hire an abatement contractor and abatement workers to perform that hazard abatement work.

Now take a note on this particular format. This is not a required format for any purposes other than your own record keeping, and makes it easier for us monitors to go in and check to make sure that the contractor did their job by protecting the occupant's belongings, and they prepared the worksite properly with containment for that particular job.

Now the last step, or one of the last steps in the process is clearance. And this is third party clearance. Typically it's going to be the same person or same company that performed the risk assessment and paint testing at the beginning of the job. They come back and perform the clearance. And the clearance is going to include a visual assessment of where the work was done, and how that contractor left the property, hopefully clean.

So the visual assessment is accompanied by dust sampling. And there are usually quite a few of those dust samples that are taken, sent to the lab, and hopefully more or less 24 hour turnaround from the accredited lab. And that risk assessor will generally either call the contractor or the administrator of the program to let you know that the unit passed clearance or didn't.

So the lead-based paint hazard reduction portion of that rehab job isn't complete until that clearance is passed. So those dust levels have to be below the threshold that we kind of talked about previously. However, the EPA -- those new dust samples apply at this moment to risk assessment, but don't necessarily -- are not necessarily those for clearance at this point. That is going to change pretty soon. So although those new dust standards again apply to risk assessments, the old dust standards apply to clearance at this moment.

All right. And at the end of that job the notification that is required to the occupants is something like this, basically outlines and provides some summary information to the occupants about the lead hazard reduction activities that took place and that clearance was achieved. And this format is available on the lead rule compliance advisor.

That is a resource that I have a slide on in a minute. So just to reiterate, notification of residence is required following paint testing, and the risk assessment within 15 days of receipt of that report, and 15 days following the clearance. Again, the owner of the property always gets the full lead-based paint testing and risk assessment report, as well as the clearance report for disclosure purposes later on.

Really quickly, there are a couple of considerations that are afforded to you in relation to historic preservation and fair housing. So if the home that you are working on is eligible or on the National Register of Historic Places, you know that the state historic preservation offices don't really like you to change windows, and doors, and exterior components that may affect the historic significance of that home or property.

So in this case you're allowed to under the lead safe housing rule to conduct interim controls on the exterior instead of hazard abatement. So if it makes sense, repairing and eliminating lead-based paint from existing windows is preferable to the SHPO than replacement. But if you do do replacement, make sure your consultation is clear, and the SHPO gives you no adverse effect if you're going to replace in kind.

So there's additional information on historic preservation in this Brief 37 from the advisory council on historic preservation and also in the HUD guidelines. And by the way, HUD writes the operating standards and the how to for purposes of risk assessment, inspection, abatement, interim controls, clearance, etc., for the industry. This is what is taught in the classes in order for folks to get their certifications to do that kind of work. And HUD writes those guidelines. I have a slide in here.

Now as far as for housing, what the fair housing rule is, is that it's unlawful to discriminate in the terms, conditions, or privileges of sale or rental of a property based on all kinds of things, including familial status. So what we're talking about here is pre-78 property that a landlord won't rent to a family with children under six because of the age. We do get that condition occurring quite frequently. So that is an illegal action on the part of the owner or landlord.

Okay. Quickly on the renovation, repair, and painting rule. Again this applies regardless of whether it's a federally assisted property or not. This became effective in 2010. It applies to, like I said, pre-1978 residential properties, as well as childcare facilities and other child occupied

facilities. Firms need to be certified by the EPA or the state if they are running the RRP program. They use -- you must use certified renovators that are trained and approved, by approved training providers.

So there's a whole host of accredited training providers for the RRP class. It's a one day class. And there's a hands on component to it as well. And I do believe a lot of states provide -- training providers provide that training in Spanish, which is very helpful. They are required also to provide this Renovate Right pamphlet to the occupants before the job starts. If they're found in violation by EPA or the authorized state, high civil monetary penalties could be imposed.

All right. So documentation requirements at a glance. So evaluation, our first step. Copy of the paint testing and risk assessment report. That is the piece of documentation that supports and provides evidence that either there's lead-based paint hazards or there are not. Now as far as the next step, treatment, we're going to be looking at the big specifications, your RFPs, your RFQs, to ensure that you are offering these jobs to qualified either renovators in the case of an interim control job that is over -- well small jobs, \$5,000 up to \$25,000. Or if it's a large job that the hazard abatement work was performed by an abatement contractor and abatement workers.

Your bid documents should also contain information as far as compliance for abatement and/or interim controls, depending on the job. If you do not specify your expectations as far as credentials and certifications, often we find the responses to those bids exclude the requirement. We're also going to be looking at occupant protection and worksite preparation. And that would be evidence usually in the bid docs. There could be pictures as well.

And to demonstrate clearance, obviously we have a clearance report. Or hopefully not, but a re-clearance identifying that all of the lead dust was removed and don't exceed the thresholds set by EPA. And we see the results of those dust samplings in those clearance reports. And then naturally we have to look for evidence of did you notify the occupants of the risk assessment results and also of the work itself and when clearance was achieved.

So really quickly, I referred to a little bit ago a reference to the lead rule compliance advisor. And this is it. You'll notice that there is a resources tab on here. And when you click on the resources tab, you'll see all kinds of stuff including the notification forms, worksheets that I had examples of earlier, as well as sample bids, bid specs, what else. Well you go in there and you'll see there's a plethora of information.

And this is a link to the HUD guidelines that I talked about a little bit earlier. And if you're interested in taking a look at the complexities and what your lead and construction folks are learning, and knowing, and hopefully performing, you can reference these HUD guidelines. And a few other links to resources that you will most likely be able to get more information, samples, examples, and information on lead safe housing rule disclosure and rule, etc. Okay. I think we can, if we do have time, to take some questions.

Kris Richmond: Sure, Karen. That was a great job. Thank you. We do have time to just do a couple questions. And the question that always come in was about level of assistance. And they wanted to explain what was that level of assistance, and was it just the project cost, and what's --

they weren't quite sure, when you showed that chart that had under 5,000, 5 to 25, over 25, like where did those numbers come from, what does that actually mean?

Karen Griego: Got you. So the HUD cost of rehabilitation that I referenced include construction, permits, associated fees, and other project costs, regardless of source. Now on the other hand, cost of site preparation, occupant protection, relocation, interim controls, abatement, clearance, waste handling, all to be done in compliance with the lead safe housing rule. Those costs are not to be included in the hard costs of rehabilitation calculation. There are examples of how to calculate hard costs of rehab in the regulations, section 35.915 C as in cat.

Now the lead rule compliance advisor also has examples on calculating hard costs of rehabilitation. When you follow the prompts on the rule compliance advisor, you'll see -- you'll get to a point where there are some examples of calculating hard costs of rehab.

Kris Richmond: Great. Thank you. We also got a question in about what if the project fails clearance? Do they have to do more work if that happens?

Karen Griego: Perhaps. So the clearance report will identify where and how clearance failed. Typically a unit fails clearance due to an inadequate containment of their worksite or their work area, and their cleaning techniques are below standard. So in other words, they didn't clean well enough, and the dust levels exceed clearance levels. So the renovator or abatement contractor is then responsible to go back in and address all of those points of failed clearance. And again, the lead housing control work is complete when that dwelling passes clearance and is safe to reoccupy.

Kris Richmond: Great. We also got another question [inaudible] for infrastructure. And so they were asking, do we only need to follow this rule for housing, or infrastructure, or any other facilities covered under this rule? Are you able to talk about that? That might be the last question we have for today.

Karen Griego: Yes, ma'am. Good question. So the lead safe housing rule applies to pre-1978 housing that you're assisting. Not facilities, or infrastructure improvements, or commercial buildings, or other public facilities. It's strictly limited to housing

Kris Richmond: Great. Thank you. So we do recognize there were a ton of questions that came in and we were not able to get answers out to all of those. So staff will be reviewing those. And we have your names, we'll be getting back to you with answers about that. And we will also be posting this webinar along with the transcript shortly.

So I want to thank everybody for joining us today. Sorry it ran over a little late. But very helpful information. Thank you to Clay and Karen for your time and presenting this really important information to grantees [inaudible]. So thanks everybody. And hopefully you can join --

(END)