

**Lead Safe Housing Rule Webinar Series**  
**Subpart H Office Hours, October 20, 2022**

Les Warner: And today we're going to be focusing on Subpart H, which covers Project-Based Assistance. So we'll be noting here, depending on the type of activity that you're undertaking, there are different subparts of the Lead Safe Housing Rule. And so we want to make sure that you understand what the specific requirements are for the activity you're undertaking.

And so today's focus is particularly on Subpart H which is our Project-Based Assistance. All right, let's see. There we go. All right. So our presenters today, I'm joined by Kris Richmond, my colleague. Kris, why don't you introduce yourself.

Kris Richmond: Happy to. Welcome everybody. My name is Kris Richmond. I had been with ICF, oh gosh, for maybe 24 years now. It's been a really long time. I started my career in local government in Northern Illinois as a monitoring compliance specialist for the community development program there. So I've worked a lot with home.

In the past I worked with CDBG, and for the last 20 some years since I've come to ICF I've been working with the HUD's Lead Safe Housing Rule. So happy to be here and please let us know if you have any questions. Thanks.

Les Warner: Great. Thanks, Kris. And I'm Les Warner. I've been with ICF for 15 years now. Prior to that I worked at the state level for 20 years. I headed up a state program with all the CPD funding sources in addition to state funding. And we are very lucky to be joined by a whole group of folks from HUD's Office of Healthy Homes.

And so we have Barrett Fisher, Bruce Haber, Flora Chavez, and Karen Griego with us today, and they're going to be helping out on answering questions. We may turn to them for some clarification if need as we go along. So we've got a great team here and a lot of ground to cover. So let's just jump right in.

So what we're doing with this overall training series is try to make sure that everyone has a really strong understanding of the rules that apply, the federal lead-based paint regulations. We're going to be introducing a bunch of terms. We will try to make sure that we call out each of those before we use any acronyms.

If you have anything that we have used an acronym and you haven't picked up what that is, please just type in and we'll try to make sure that we get answers on those, but also try to avoid that as we go forward. We're going to be talking a little bit about different types of pod assistance, thinking about which of the subparts will apply based on the type of activity that you are doing.

And we'll be talking about the key thing here for compliance is to make sure not only we understood what the rule says, but that we go through the required processes that we collect the appropriate documentation. And so we'll be talking about that as we go through on what's the required documentation for each of the steps here.

And then we'll conclude at the end by going through kind of a quick tour of some of the online resources. And there have been some recent updates and additions, and I think those will turn out

to be helpful for folks. So this says that it's a two-hour webinar. We have blocked out three hours. These are new and we're not exactly sure the length of time that it will take for us.

And then tomorrow there is a one hour office hour session. We have an exercise for you to do to try to apply some of the information that we're covering today. That will also give us more time to answer questions. So we kind of go through, make sure if there was anything that wasn't covered in today's session that we deal with that.

But we also go back over some of the sort of common areas and dive a little deeper on those to make sure that everybody feels really comfortable with that. We are recording this session, and they will be posted on the HUD Exchange for you for future reference. All right, so I think two weeks ago we covered Subpart M, which is tenant based rental assistance.

And so, as I mentioned today we're going to be focusing on Subpart H which is for Project-Based Assistance. And then our third session is for Subpart L, which is specific to public housing. So you're not required to attend all of these, but if depending on the types of activities, the types of funding that you're working with we're recommending you choose based on what you need to know now or maybe what you will need to be familiar with going forward on that.

So there was a link sent out prior to our session today that would include not only the handouts for this session, for the slides to allow you to take notes on those, but we also have a number of handouts that we're going to be probably pulling up and projecting. So you may want to have a copy of that.

But things like listing all the definitions under the Lead Safe Housing Rule, some more information about the lead disclosure rule. Also some information about the EPA's renovation, repair and painting rule, which you'll hear us talk about quite a bit today. And then there's a summary sheet that we'll be taking a look at.

So we wanted to start out, if we were in a room together, we'd be kind of going around and trying to get to know each other a little bit, doing some further introductions. But, so in this setting what we want to do is do a poll and ask you to respond so we get to know a little bit about the folks that are in today's group.

So that poll should be opening up pretty shortly here. And we're asking you then to respond about how experienced are you with the lead regulations? Are you brand new to this? Do you have some experience, or are you somebody that's dealt with all of the key steps as part of this? So it looks like the poll is open.

If you would go ahead and indicate your selection there and then hit the submit button, and we'll be able to roll these up and get some overall information for the group. All right. So the poll's ended and we'll have our results here in just a minute. All right. So we've got a pretty good mix here, and that's kind of what we generally see.

We've got some folks that are brand new. We're going to be going through all of the details and we are also providing good materials and resources. So if you get a little overwhelmed as we go

along, you have good references to go back to. But we've also got a mix of folks that have some experience or maybe a lot of experience. And this can be a really good refresher for you kind of.

I always use these as a way to kind of double check thinking about is my system capturing each one of these things, are we set up the way we're operating our program to make sure we're going to be in compliance with these requirements. So let's jump in and talk about the Lead Safe Housing Rule, some of the basics on this.

Well, first off kind of why is lead a problem? It is a naturally occurring element but it also is included in a lot of manufactured products. So we have it in a number of places within our environment. So we're going to be talking mostly about lead-based paint, but keep in mind that we also have some lead contamination through some industrial production on that.

Of course we had leaded fuels at which were used, and so we can have contamination in soils. We also have, unfortunately, still have products in our homes that may include lead in them. So we could have ceramics or maybe some cosmetics or some cultural items that actually would be bringing lead into our environment.

And so the focus here, and as we go through and you look at the rules and how they're laid out, the focus is trying to protect those who are at the highest risk. And so children under the age of six, because they're really in a rapid development, their bodies are really absorbing more lead than an adult would absorb.

And also, particularly when we think about small children that are crawling on the floor they have a lot of hand to mouth action. And so there's more exposure for that accidental ingestion of the lead themselves. Also at high risk would be pregnant women. So if they have an elevated blood lead level they're going to share that or expose that developing child and that can harm that developing child.

And then of course we have workers that in some industrial settings may be exposed to higher levels of lead, and we want to make sure that if they are in that situation, we're going to be talking later about construction rehab work that's being done and making sure we're doing that in a lead safe manner.

Part of that is to protect that worker, but also is trying to make sure that we don't then take that contamination that they may have kicked up, bring it home, and maybe expose others with that. So those are really our sort of high risk points on this. And I want to talk a little bit about, so what's the impact of lead, and particularly for children.

So children can get lead in their blood through putting objects in their mouth. So if there was peeling, chipping, paint, but also we're going to be talking about lead dust, contaminated soil. And so we can have children that have a lot of exposure for that reason. I think people traditionally think, oh, it's eating paint chips.

And that is certainly possible, but it's also the exposure to dust and contaminated soil that can lead to that exposure. And so when we look at the trigger level for lead in a child, the HUD

definition on this is five micrograms of lead per deciliter of blood. The CDC has more recently adopted a 3.5 micrograms per deciliter of blood.

For now the HUD and the Lead Safe Housing Rule are going to be following the five micrograms per deciliter of blood level on that. I'll note at the bottom of this slide there's a link to a video that's really good on walking you through about how lead actually interacts with the brain and the impact that it can have.

It might be helpful not only for you, but if you're doing training and trying to explain to others that could be a helpful resource for you. So essentially the lead can lead to behavioral problems, lower the IQ, cause learning disabilities, but it also can have impact on the body's development. So things like bone and blood, bone and muscle growth, damage to some of the internal organs.

So obviously something that we want to particularly protect those who are at highest risk which a lot of our affordable housing, of course, is providing housing for families. So the lead safe rule housing rule was put in place, and the purpose of it is to protect children in assisted target housing through primary prevention.

And you'll notice, so we talk about its children in assisted target housing. So target housing is defined as any housing that was constructed prior to 1978. We'll talk about the exceptions in just a moment on that. So lead based paint was banned beginning in 1978. And so those units that were constructed prior to 1978 may include lead-based paint.

And so that's why that's our target to make sure that when we are involved in those units that we're going to try to prevent any contamination or reduce those hazards. And so we're going to be talking about some of the exemptions on the following slide on that. So here's where we talk through those exemptions. So as we mentioned, our focus is on target housing.

So if we had units that were constructed after January 1st, 1978, those would not be part of that target and so they would be exempt from the Lead Safe Housing Rule. So as you were operating a program, knowing when was that unit constructed would perhaps determine that maybe that unit is exempt from the requirements of the Lead Safe Housing Rule, and we'd want to capture that documentation.

Also exempted are the zero bedroom units or our single room occupancy units. Now, I'll note here that the reason for that exemption is the assumption that we're not going to have children in those units because there's zero bedroom units.

So when we have zero bedroom units or single room occupancy that do include children under the age of six that reside there, or you'll note it says, is expected to reside, that would mean if we were going to sign a lease and have a household that was moving in that either included a child under the age of six, or we had an expectant mother, then they would not be exempted from the rules because we would have a child that we expected to be in that unit under the age of six.

Also, units that are designated specifically for the elderly or persons with disabilities. Now, I want to take just an extra moment on this. We oftentimes have folks that will say, well, I've got a

household that I'm going to assist, and both of the occupants in this household are 62 years or older, so they're elderly so I'm exempt from the Lead Safe Housing Rule.

No. This is not about the occupancy of the unit, it's about that unit being specifically designated as exclusively for housing elderly or persons with disabilities. So keep in mind we would expect to then be able to document if we were following that exemption that that unit had specifically been set aside and was exclusive for elderly or disabled.

You also might have projects that have been found to be lead free. And we'll talk a little bit more as we go on about this, but we would have properties that have been inspected, and maybe it was built prior to 1978 but some of these units never included any lead. So we could have a property that have been inspected and was documented as being lead free.

And I want to point out that in some cases we have properties that have had treatments done up to the level of abatement, but they still include lead. So they may have a long term mechanical enclosure in place to protect from any lead hazards, but there still is lead contained there in that unit.

Then that unit is not considered to be lead free, it might be considered to be lead safe. So for this exemption to apply your property would've had to have been inspected and documented as being lead free. And that would be, again, documentation you would expect to have in the file to be able to show why you felt your property qualified for this exemption.

Also, and I don't know that this would come into play for today's topic of Project-Based Assistance, but if you were working with an unoccupied property that was going to be demolished, so it was going to remain unoccupied until that demolition, that would be a unit that would be exempt from the Lead Safe Housing Rule requirements.

Also, we might have a situation where some kind of emergency action was needed where we were going to go in and stabilize. So maybe there was a tornado, there's a big hole in the roof of the structure. We could take that emergency action to protect that unit from that damage. But any sort of rehabilitation restoration that's going to be done, that would actually need to follow the requirements.

It's just the emergency action to be able to stabilize, prevent any further damage that would qualify under this exemption. Again, probably not things that we're going to be working with under our Project-Based Assistance. So we also want to talk a little bit about some of the limited exemptions, and we'll talk more when we get a little further into this.

But when we are doing maintenance or repair activities that are not disturbing any painted surfaces we could be exempt from the lead safe work practices and clearance requirements. So maybe we are doing some kind of plumbing or replacing I don't know, a thermostat on a non-painted surface, be able to do that and be exempt from this.

But we also have a de minimis rule. So under the HUD rule if we have less than two square feet per interior space then we could operate under the de minimis rule and not be required to follow

the Lead Safe Housing Requirements. We also have a 10 percent of a small component type, so things like trim or something where it would be difficult to add that together and come up with our two square foot calculation.

And then we have a separate de minimis category for the exterior of a structure at 20 square feet. Now, I just want to point out that the EPA rules which we're going to be talking a little bit more about later, there is a difference on this two square foot per interior space. The EPA rule is actually six square feet.

And so we want to make sure, and we'll mention this a couple times as we go along, we want to make sure that contractors understand that the Lead Safe Housing Rule has applied to your project and that de minimis rule for HUD is two square feet versus if they were familiar with working with EPA under the RRP guidelines. So we need to make sure that everybody understands what rules will apply for them. With that, I'm going to turn things over to Kris.

Kris Richmond: Great. Thanks, Les. Can you hand me the presenter ball?

Les Warner: Yes. Can I just get back? There you go.

Kris Richmond: Great. Thank you. All right. And we had a couple questions come in. Some are jumping ahead a little bit, so we said we're going to talk about that later. If for some reason you don't feel like you got the answer that you wanted, please go back ahead again and type in there. And then we had another question, somebody asking, well, it's a post 1978 unit, so pretend it's 1983 unit, do I still need to do disclosure? Do we still need to hand the pamphlet out?

The answer to that is no. Remember, this is pre '78 housing. So anything that's post 1978, these rules do not apply. They're only applying for dealing with pre '78 housing. Great. Let's get started into what different regulations are we following. So there's two federal regulations that we're going to discuss today.

You see at the top, we have our blue box there. That's for HUD's Lead Safe Housing Rule and the different subparts. So those are HUD founded 24 CFR part 35, and then the green box below are the EPA requirements and those are 40 CFR part 745. And CFR, in case you're not familiar with that term, it stands for the Code of Federal Regulations.

And you're always going to find HUD regulations at Title 24 and you'll always find EPA regulations at Title 40. So we're going to start off with the blue box here. We have our Subpart A that's our lead disclosure rule. And the lead disclosure rule is actually identical to Subpart F that is found in the EPA requirements. So those two are exactly identical.

And then we have our Subpart B, our general Lead Safe Housing Rule requirements and our definitions. And then today we are going to be focusing on Subpart H, Project-Based Assistance, but you can also find Subpart J that's rehab, Subpart K, acquisition, leasing support of services, operations, Subpart L public housing, and Subpart M also within those requirements.

So that's the what. What needs to happen. You'll find that in Subpart H. And then we have Subpart R, the methods in the standard. So if Subpart H is the what, the Subpart R is the how, and this talks about evaluations, hazard reductions, how it's going to be carried out, and who can do it.

And then we move down to our EPA. We already talked about Subpart F, our disclosure rule. We have Subpart, D, L, and Q. This is our lead-based paint activities rule. This is the who. So who can do that type of work, what kind of performance standards they need to meet, what are the standards for performing lead based paint abatement, risk assessments, inspections?

And then the last one on here, Subparts E and Q is our renovation, repair, and painting rule. And that was really put in place to minimize exposure to dust, and it emphasizes safe work practices. So the previous slide you saw those different regulations. This slide gives a little bit of an overview of what each one is.

And all the regulations are going to work together so it's really important that you understand what they are. So we have our EPA and our HUD, lead disclosure rule. Like I said, these are identical. It applies to almost all housing, both public and private that was built before 1978. It has been in place for quite a while since 1996 except some exemptions.

We'll talk a little bit about those in a little bit. And this is enforced by both HUD, EPA and the Department of Justice. Then we move over to our green box here. This is our HUD Lead Safe Housing Rule. Again, like I said, we're really going to be focusing on Subpart H today, but this applies to almost all federally assisted and federally owned housing.

I want to underline that word housing. We had a lot of questions the last time we trained this asking about preschools. HUD Lead Safe Housing Rule focuses on housing. RRP, the EPA rule does include childcare facilities, but the HUD Lead Safe Housing Rule is not looking at childcare facilities. We're only focusing on housing, and again, it's housing that's built before 1978.

This rule has been in place about 22 years now. It was put into effect in September of 2000. It's enforced by HUD. And then we have our EPA RRP rule, Renovation Repair and painting rule. This applies to almost all target housing. And target housing is housing that's built before 1978, and it's for any renovation or repair painting project done by a contractor that disturbs paint in pre-1978 homes, childcares and preschool facilities.

And this has been in effect since April of 2010. It is enforced by EPA in some states as well. And as we go throughout this training, we're going to go into more detail about disclosure rule. We're definitely going to go into a lot more detail about the Lead Safe Housing Rule, and then you'll see how EPA's RRP rule is layered on top of that.

Because we'll talk about we're going to have to do paint stabilization. Well, you need someone who's trained in RRP to do the paint stabilization. HUD will say you have to do paint stabilization and EPA's training, someone who's gone through that training and been certified as an RRP contractor or firm is the one that can do that work.



So these requirements are going to start to layer on top of each other, and as we go through things it'll start to make a little more sense. So these are different sections in the regulation. Like I said, today we're really focusing on Subpart H, Project-Based Assistance, and we're also going to be looking at subparts A, B, and R.

So A is disclosure, B is the general requirements in the definitions, and then R is our methods and standards for lead-based paint hazard evaluation and hazard reduction activities. In about two weeks we are going to be going over Subpart L, so if that's an area that you're working in public housing programs you'll definitely want to be part of that or tell your colleagues to attend that one.

So Project-Based Assistance, or what we're listing here on our slides as PBA provides federal rental assistance that's tied to a specific property with a specific location, and it remains at that location throughout the terms of assistance. So Project-Based Assistance follows Subpart H of the lead based housing rule.

So you'll see here, this is not an all-inclusive list, but we did try to list most of the programs that would be following Subpart H. So project based rental assistance, these are payments to the owner directly from HUD. We have project based vouchers. These are the payments to the owner from the housing authority.

We have HOP, housing opportunities for persons with AIDS. We have other programs that are also funded that are project based from Continuum of Care or Shelter Plus Care programs, or perhaps even multifamily housing programs. So like I said, not an all inclusive list. If your particular HUD program provides assistance for Project-Based Assistance then you would be following Subpart H.

We did train a couple weeks ago Subpart M, which is tenant based rental assistance. So if you are running housing choice vouchers where someone can take a voucher and pick whatever housing they want to go to, that follows Subpart M, as in Maryland. It does not follow Subpart H. So Subpart H is Project-Based Assistance where the assistance is always at that specific location.

If you are doing any type of voucher or housing choice voucher or tenant based rental assistance that follows Subpart M. So we did do that training about two weeks ago. It should be posted on the HUD Exchange fairly soon if you missed that. Great. Let's look at a couple key definitions. I do want to alert you that this was also a handout that was sent to you.

It's available to you. I know Sherita also put the link in the chat box. So for some reason you miss that email you can go and click on the link that's in the chat and you can download this definition page for yourself. But a couple of the key definitions that we want to talk about, we have target housing.

This is any housing that's built before 1978, with some exceptions. Les talked about those but just to repeat for you, the exceptions would be housing exclusively for the elderly, disabled, or zero bedroom units, unless a child less than six is residing or expected to reside in those units. But typically it's any housing built before 1978 regardless of the occupancy.

That's what target housing is. And then we have lead-based paint hazards. So lead-based paint hazards or any condition that causes exposure from deteriorated paint or from dust with lead levels that are at or above the dust-lead hazard standard. Or from soil with lead levels that are at or above the soil-lead hazard standard.

Or friction, impact, or chewable surfaces with lead-based paint in an associated dust-lead hazard. So it's any condition that causes exposure from these items that would result in an adverse human effect. That's what lead paint hazards are. Lead-based paint is paint or other surface coatings that contain lead that's equal to or exceeding one milligram per square centimeter.

So some states and communities have a more stringent definition of lead-based paint. They have a more protective standard of what is considered lead-based paint, but HUD sets their limit at one milligram per square centimeter. So some cities pivot it below that amount. So you want to check with your state and your local regulatory authorities whether there are stricter requirements or definitions of lead-based paint in the area that you're working in.

And then, as I mentioned that handout you can also click to it directly from these slides as well. Great. The Lead Safe Housing Rule uses the term designated party to identify the person or the entity that's responsible for responding to all Lead Safe Housing Rule requirements for the assistance to a particular housing, property, or unit.

This becomes even more important when we get into EBLL children, elevated blood lead level children. But when we are talking about the designated party for Project-Based Assistance, it will be the owner. There's also many professionals that are involved with housing and meeting compliance for the Lead Safe Housing Rule.

So we have our owners and managers. This might include in-house inspection and maintenance personnel. You may have maintenance and repair contractors. The owners and managers have renter intake staff where they're reviewing the applications for people who would like to reside in their units. Then we have program staff.

This might be the consumer of care staff. They also might have intake staff or inspectors. Their inspectors might be trained as a risk assessor, not required but perhaps you do have that on staff. You obviously would have compliance staff to then make sure we're in compliance with all of our HUD requirements for our funding.

And then you'll have your finance staff who'll be making out payments. And then we have lead specialists, and so this might include certified paint inspector or a risk assessor, or perhaps even a clearance examiner. You or the owner may have to hire lead contractors or lead supervisors. All of our work in this subpart definitely needs to be done by someone who is RRP certified.

So renovation, repair and painting certified by the EPA. We do have handout. See if I can find it. There it is. So we have a handout called Workers to Perform Lead Hazard Evaluation and Reduction, and Les is going to get into a lot more detail about this. But in case you weren't sure

of what some of these categories are that we're talking about, they're all mentioned here on the left what the different workers are and then what can they do?

Can they do interim controls? Can they do abatement? Can they do a visual assessment? So this will be a good handout for you to go back to later. And then the second page of that handout goes through what are the qualifications that these different types of workers need to have? And it provides more information for you.

You can see it will send you to the EPA regulations for more information for visual assessors. We have a link here. So this is a really good handout again for you to reference later on if you haven't had an opportunity to download it already. That's the workers and who's going to perform those.

Great. So in 2021 the EPA announced its intent to improve compliance and strength and enforcement of the RRP rule, the renovation, repair and painting rule, as it applies to property management firms and companies that perform, offer, or claim to perform regulated renovations without certification from EPA and RRP.

So they're really cracking down on these property management companies, want to make sure that they are performing work with certified workers and certified firms who have been trained in RRP. So property managers, so anyone supporting the maintenance role, this could also be the PHA or the management companies.

So management company's going to be held responsible for meeting the RRP rules even if they contract out the duties. So we want to make sure that they are following these requirements. We do have the link here to that notification that was sent out by EPA. Right. So this slide is a really high level overview of this chart that we have.

So this chart that I'm showing you is like a quick summary chart of what are the requirements for Project-Based Assistance, and this slide it makes it fairly simple. So we're going to talk about just using some simple terms then we'll go into more details and then we actually have a module that goes over disclosure and looking and treating and clearing and telling and maintaining.

This is just trying to give you a very high level overview of this. So first we'll start with disclosure. So disclosure is disclosing or letting somebody know, you're disclosing any known lead-based paint or lead-based paint hazards. This is where it would be giving the protect your family from lead in your home pamphlet at the least time.

If there's no knowledge of lead, that is also disclosed. And then we move into looking. So looking, we're using the term evaluation. So for Project-Based Assistance, the requirements are split as to whether you are -- how much funding is being provided to that unit per year. So if it's less than or equal to 5,000 per unit per year, then the looking would be a visual assessment.

And if you are providing more than 5,000 per unit per year, then the type of looking would be a risk assessment. And we will discuss what a visual assessment is, what a risk assessment is as we

get into that module. Then we're going to be treating, so when we are in a lesson or equal to 5,000 per unit per year we're going to be looking for deteriorated paint.

And if we identify deteriorated paint, then we are going to be treating that using paint stabilization. And if I'm in the other category where I have more than 5,000 per unit per year and a risk assessment occurred, then I know whether there's lead in those components or in those walls or windows and I know what the lead hazards are because I did a risk assessment.

And so I'm going to be doing interim controls as my treatment if any of that is identified during that risk assessment. Now we're going to move into clearance. So after the work is done it must pass clearance. This is done with a combination of a visual inspection in dust sampling, and then we're telling.

So we're notifying the residents, they have to be notified in writing or lead hazards are found and a separate notification of how they were treated and cleared. And then we have maintenance. So there is going to be ongoing maintenance requirements because of the ongoing relationship between the program and the unit.

And there's a little more involved for ongoing maintenance for greater than 5,000 per unit per year but we will talk about each of those as we get into the separate modules. So again, like I said, this requirement is really split as to whether you are funding up to and including 5,000 per unit per year or more than 5,000 per unit per year.

So you have to know what the funding is because the requirements are different. They're going to be more stringent on the right side because there's more funding that that's going in there and so they want to be more protective, and it'll be less stringent if there's not as much funding in this slide up to 5,000 per unit per year.

So you'll see we have disclosure, we have our looking that's our type of evaluation, what are we going to be doing? We have our treatment listed here. We have our clearing and our telling, our notifications. We have our maintenance and then we have our EBLL, elevated blood lead level requirements, which do apply if a child is discovered with an elevated blood lead level.

We'll talk real briefly at the end of today, what do we need to do for that? But we are having upcoming training I think in December. I have the dates further on in my notes if you do need to attend a full training session on what to do with children who have elevated blood lead levels. But this is a great summary chart to go back to.

This is listed as one of the attachments or the links that you can go to to download this. When I was working in the office, I'm still working at home, our new office is supposed to open on Halloween actually, but I actually had it taped up next to my desk so that I could look at it and see, you know, what's that requirement again?

So I actually had them actually on my wall as a reference. So we do have these summary charts for each subpart. This is for Subpart H. We actually didn't put it on the title here, but if you're

working with other subparts we do have summary slides like this that you can download off of the HUD Exchange and the Lead Safe Housing Rule page.

All right. So who's responsible for paying for costs related to the Lead Safe Housing Rule for project-based assistance. It is going to be the owner. So they are going to be paying for testing and any treating of lead paint hazards. Also they're going to be paying for risk assessment, interim controls, ongoing maintenance and paint stabilization as well as periodic re-inspections, they're all going to be paid for by the owner. All right. We're going to hop into disclosure.

That was one of our first steps that we mentioned on those charts there. So the disclosure rule applies when you're either selling or leasing a pre-1978 unit. We are focusing on leasing for this webinar, but it does apply to selling units as well. The property owner is required to disclose knowledge of all known lead-based paint when the owner sells or rents the home or the unit.

And we're going to provide you with a brief overview of the disclosure requirements so that you can comply with the housing rule. So we do have a handout. In case you're fairly new to community development and what the lead disclosure rules are, there is a handout here. You can click on this link.

The handout really provides you with some background of the law and what it's required and a little more information about that. So if this is fairly new to you, you might want to go and check out that handout. It has been in place since 1996, and the purpose is to provide information about lead-based paint and lead-based paint hazards and sharing records and reports about any units or common areas that are servicing the units.

So common areas would include hallways, laundry rooms, garages, exterior surfaces of the building, play areas. That's what we mean about common areas. We also need to disclose if they have no knowledge about lead-based paint. So we're disclosing if you do know, and if we do know where the lead is we're providing any records, reports that we have.

And if we don't know, then that part is being checked off on the disclosure notice that we don't know. This is the opportunity that that pamphlet is being handed out either by the owner or the leaser. This is that protect your family from lead in your home. It does come in several languages.

So you can go to HUD and EPA's website and download this in several different languages. And then it must be completed, the disclosure notice must be completed before any contract is signed. If you are renewing a lease and the owner has new information about lead-based paint hazards or in the common areas, then you need to provide a new disclosure notice to a tenant at least renewal if there were any changes or new information.

And you would also share any records that were identified as well. All right. So there may be times when disclosure is not required. This would be found at 24 CFR 35.82. But the most relevant, the ones that we would see most often in PBA would be our green circles here. So the first green circle here is perhaps the unit is lead-based paint free.

So it was found lead-based paint free by a certified inspector under a federal certification program or under a federally accredited state or tribal certification program. So that might be a reason why disclosure is exempt. Or it might have already been previously disclosed. So perhaps there's a rental of an existing unit in targeted housing where the owner has already previously disclosed all information and none of the conditions have changed.

So if that happens then you would not need to provide a new disclosure notice. We also listed on here some other opportunities that might happen. They're not going to happen in Project-Based Assistance. Sales of a target housing at foreclosure. We're dealing with rental assistance, we're not dealing with sales so it's not really relevant but we just want to let you know.

And then short term leases. This is where there's 100 day or less where no lease renewal or extension can occur. But for this project-based assistance we're always using the same unit. So again, they're not really going to be relevant for project-based assistance. All right. You also want to make sure that the owners are not using the wrong form.

So it's a really common violation for programs and owners to use the wrong form. The form that you see here, this watch out for lead paint poisoning, is not the correct form. So if you see that in the files when you're doing any type of monitoring, you need to notify your owners right away. Not the correct form. This is the correct form.

This is the disclosure of information on lead-based paint and lead-based paint hazards. It is found on HUD and EPA's website. There is one for sale housing, and there's also one for rental housing. When you are funding a project-based rental assistance program, you want to make sure you have the rental disclosure notice that that's the one that's being used.

These notices are also subject to penalties, financial penalties, of \$19,507 per violations. And there is a possibility of 10 violations per disclosure form. So it could cost \$195,000 per lease transaction if someone's using the incorrect form, they haven't filled it out correctly. You want to make sure that the owners in your program are using the correct form.

And then I also want to bring to your attention down here, if you are working in either any of these states, Massachusetts, Rhode Island, or the District of Columbia, these states have a modified disclosure form. So they need to make sure that you're using the elements of a modified form.

The sections that you see highlighted here are often not completed correctly. A lot of issues that HUD sees when they go to monitor, the first one is timing. They see a lot of disclosures that are given after the lease has been signed. The disclosure notice needs to provide it either at lease signing or before lease signing, not after.

Okay. So it needs to be done before or at the time the person is signing the lease. They also often see fraudulent signatures. There's quite a few where they've seen the owner signing for the tenant. It's the tenant who's responsible for signing their part of the disclosure notice. And then also there's been a lot of violations where the reports are not disclosed or shared.

So the owner checks off, yes, they know there's lead but they're not sharing any reports with the tenants. So that needs to be shared as well. It's also important for programs and owners to be aware of when there's children under six that are residing in the unit. And this information is often gathered at application stage and lease renewal, and it's going to help implement protocols if an elevated blood lead level child is identified, and we'll talk more about that.

Now, the Lead Safe Housing Rules do apply for Project-Based Assistance regardless of whether there's a child under six living in the unit or not. So if there's just two adults living there, we still need to follow these Lead Safe Housing Rule requirements. But there's added elements of things that need to happen if there's a child with an elevated blood lead level residing in the unit.

So it's really important for the owner to be able to know if there's children under six living in the unit, in case EBLL does occur either in the property or in that particular unit so that they're able to put these additional EBLL requirements into action. We do have a resource here that could be downloaded and used by the owner on how to track children under six residing in their units.

It's also important for ongoing maintenance to help educate our tenants about how to live safely in pre-'78 units. So we want our tenants to be on the lookout for any deteriorated paint, either in their unit or in their common area. And so the landlord or the owner or the PHA, they're required to instruct their tenants to inform them of any deteriorated paint in the unit or the common areas.

Remember those common areas? Those were our hallways, our laundry rooms, our garages exteriors, our play areas. So if they see, if the tenants see any deteriorated paint in those areas they need to notify that landlord. So what do we mean by deteriorated paint? Well, deteriorated paint can include peeling, chipping, cracked paint.

It could be paint that's being rubbed off by a friction or impact such as a door jam or perhaps a stair or opening and closing a window. It also includes painted surfaces that are damaged by water or damp, even if the paint is intact. And a couple of weeks ago we had that huge hurricane that came through.

Tropical storm hit a lot of the southeast, so there's probably a lot of damp painted surfaces in a lot lot of that housing in Florida and the Carolinas. So that can also be considered deteriorated paint. We want our tenants to know what to look for and to be able to notify the owner, landlord, PHA as soon as they see that.

So that can be addressed right away. We also want to encourage our tenants to retain that protect your family from lead in your home pamphlet. That has a lot of good tips in there about how to clean, how to maintain any dust that might be seen, ways to be able to keep their family safe. And again, we have a link here to some of these other resources.

So here's the documentation requirements for the disclose step. We want to make sure that there's a copy of the disclosure form and then a copy of any tenant instructions. So in that disclosure form we're going to be checking to make sure that there's proper signatures, if there's any reports or forms that were shared, that those are identified as well.

And then the tenant instructions that they know how to report about deteriorated paint and who to report to. All right. We're going to do a quick knowledge check. This should come up as a poll on your screen. So kind of a fun way to check on how you're doing. So true or false. At lease renewal the owner needs to provide the disclosure notice again to the tenant.

There has not been any changes to the household or the unit. What do you think? Is this true or false? So go ahead and put your answer into the poll. Well, the poll has ended. Let's see how everybody did. All right. Great. So about two thirds of you got this correct. The correct answer is false. So if nothing has changed to the unit, then you do not need to provide a new disclosure notice.

So if somebody moved in in year one, the owner provides the disclosure notice, we're now in year two, that household wants to stay in the unit, they want to renew their lease and there is no new information about lead-based paint or lead-based paint hazards in the unit or the common areas, the owner does not need to provide another new disclosure notice.

The original one is still valid and can still stand. So the answer to this is false. All right. Les, is there any questions that have come in that we should perhaps expand upon or cover before we dive into evaluations?

Les Warner: There've been a few, but I think they were well covered. So I think we can probably keep moving.

Kris Richmond: Okay.

Les Warner: And I'll just note to folks that we're going to do just this first little section, and then we are going to take a break. And so hang in there, we will be taking a 10 minute break. All right. So it looks like I'm the presenter now. So we're going to switch over and we're going to be talking then about our look step.

So how we evaluate the lead-based paint. And so depending on the subpart that you're dealing with, and as you'll see in this subpart, level of assistance is going to determine the level of lead-based paint evaluation. So if we were doing a visual assessment, this is the inspector going through looking visually, hence the name, for signs of deterioration in paint.

So you know, flaking, chipping, paint, paint, chips, dust, other debris that might be visible indicators. Some levels of evaluation, some activities are going to require a lead-based paint inspection. And so that would determine if painted surfaces actually contain lead-based paint. And we're going to be talking about the use of an XRF analyzer or a lab analysis.

We'll talk a little bit more in detail in just a minute or two on this. And then a risk assessment is where we are not only identifying with a visual assessment but we're also going to be sampling deteriorated paint, dust, bare soil. Some programs are choosing, its optional, to also sample water.



So you can kind of see there different levels of evaluation that are being required. So we're talking today and focusing on Subpart H. And so we have two levels here, and it's really based on the level of funding that's going in. And so Kris showed you this diagram just a little bit ago. And so you see we've got visual assessment in one category, but a risk assessment in the other.

And it's going to be based on whether we have up to \$5,000 per unit, or we're over \$5,000 per unit. And you'll see that this is based on an average assistance. So we could have a property that, of course, those level of assistance may vary for that property. We're able to take an average and then determine does that fall at 5,000 or below or is this over \$5,000 per unit and per year?

So if we're at that \$5,000 or less per unit per year average, then we're doing a visual assessment only, and we're going to be doing that each time that unit turns over or annually, whichever occurs first. And so we need to make sure that the folks who are going to conduct that visual assessment, whether it might be staff that, you know, part of the property management staff, or it could be a contractor that's brought in to be able to do that.

So they need to have appropriate training and certification. Now, luckily for a visual assessment that training can be done online. And so we've provided at the bottom here a link for that online visual assessment training for staff, for contractors to be able to receive a certification. And then there's also here a log of visual assessment.

So a tool to be able to use to record visually what your inspection considered as part of that to be part of your documentation for the file. So that's four units that we have an average of assistance per property per year of \$5,000 or less. If we exceed \$5,000 per unit per year as our average for that property, then our standard for that evaluation is going to be higher.

And so in that case we're going to do a lead-based paint inspection and risk assessment. So that certification, we need a certified risk assessor, so a higher level of certification on this. And we're also going to be talking about that. We have some periodic requirements on this, so that a revisit or re-evaluation is going to be required every two years.

And as long as those come out acceptably then we would be able to end that but we will have that visual assessment for our other years. So I'll just know when we flip back to this form you'll see under ongoing evaluation we talk about the visual assessment. But for periodic reevaluation, if we are in that \$5,000 or more category, then we do have this requirement of conducting every two years for hazard reduction activity. It will be repeated two years later.

And that could end at the point that reevaluation is not finding any lead hazards. All right. So let's talk a little bit more about, so how do we identify staff that can do this? So we mentioned that for that visual assessment, because it's an online training and certification, that's probably more likely that we're going to see a property manager or other staff that have that certification in place.

Particularly for a risk assessment that may not be as part of your staffing and so you would be needing to do an RFP or an RFQ if you as an agency are going to be completing that. So if you're falling under federal procurement requirements. If this is an owner of the property who is going

to be doing that, they may not be triggering federal procurement requirements but we would need to make sure that that contractor had the appropriate licensing and certification in place to do the risk assessment, the inspection.

We're also going to be talking about clearance. So when we're seeking appropriate firms and kind of planning ahead on staffing, we're also going to need a certified clearance specialist to be able to conduct that for you. And Kris showed just a little bit earlier some information about appropriate certification and then additionally some more detailed information on the requirements that are in place for that.

So I wanted to mention that we have links here for the EPA where they will have lists of already certified renovation firms, but also then lists of where you could access or where a contractor could access the RRP training. And so in some cases you're going to simply be procuring and hiring someone to be able to do this, not trying to staff that internally or with one of your partners.

But in some cases looking to see, okay, let's get some of our staff to be appropriately certified as part of that. I will also mention that we've got other communities, entitlements or participating jurisdictions under the home program that are actively running programs that are triggering the Lead Safe Housing Rule requirements.

And so they would have firms and individuals that they're already working with that they have some track record with. They've identified local available firms and may be able to provide some information about their sort of working record with that community. So they may be able to provide you some helpful referrals and that can be a good contact to make.

Also, if there are lead-based paint hazard control grantees in your area, they would also be working with firms. And so we have a link to be able to identify where there is lead hazard control funding that would be within your community to be able to identify those contacts also. Also for the -- we mentioned you're going to have to have sampling being done for clearance.

And so we also can then look on the EPA website by just indicating dust sampling technicians. And you can see you're able to set sort of distance on this and be able to reach out and identify where there would be qualified firms that would be in your area and probably be the most appropriate to be able for you to procure for that work.

And we're going to be talking as we go along a little bit later on this, planning ahead, thinking about what are the different staffing and certifications, technical skills that we're going to need for the types of funding that I'm doing and making sure then things like, if you're going to have to do procurement, that you do those in advance.

So at the point that you actually need to have a risk assessment done, you've already gone through procurement and have that firm in place as part of that. So let's talk just a little more detail about the assessments that are being done. \

So we mentioned that that visual assessment, we have someone who has taken the training, is appropriately certified, and they're simply visually going to walk through that unit, the surrounding common area on that property, and identify any deteriorated paint, paint chips, dust, other indicators that there may be lead hazards as part of that.

Again, here is our link for that online training that's available. And we mentioned about the fact that we need to keep records of this. So there is a log that we provided a reference for earlier, again here, that would simply record as you were conducting that visual assessment. When you were doing it, who completed that work, and then documentation on a room by room basis.

Anytime that you can add pictures with those assessments, with those reports, is going to be really helpful as part of that. So kind of beginning to build that, what's our standard procedure, what are our protocols going to be so that we have adequate documentation in place. So when our visual assessment determines that we do have a potential hazard, we are going to then be doing appropriate hazard reduction work.

If we're doing a lead-based paint inspection, this requires a certified lead inspector or risk assessor, and they're going to then be determining whether it actually is lead-based paint. So our visual assessment is simply identifying where we have dust, where we have unstable painted surfaces, but it hasn't actually tested to determine is that actually lead or not.

So our lead-based paint inspection is going to then be determining if lead is present. And so they'll be testing all the building components as part of that testing. And we're going to be talking, I think on the next slide, about our two methodologies on this. And so the lead-based paint inspection itself is not really identifying where hazards are or where lead contaminated soil is, or dust hazards, but they are then determining is this lead paint or not.

One of the new resources that's recently been added are a series of videos, and we'll mention these when we get to the end in resources, but there's a really good video on lead-based paint inspection, and I think that would be really helpful for folks, and it really kind of allows you to tag along as the lead-based paint inspection is being completed.

And so I highly recommend if you've not seen that already to take a look at that new resource that's available. So for our lead-based paint inspections, they have to follow the HUD and the EPA rules. And then as Kris mentioned, we may have more stringent state or local regulations.

And so you'll see in the reference that 24 CFR 35 1320 that our inspections have to be performed in accordance with either state or tribal program that's been authorized by the EPA or under the EPA 40 CFR 745. And so this lays out the standards for that inspection process.

So speaking of standards, when we are doing our clearance testing on this we then have standards with our dust wipes that were being completed on what's an acceptable level of particulate that's remaining of lead dust that's in place.

And so we're going to see this little symbol here is micrograms per square foot and then down below we're looking at parts per million on this. So we have -- risk assessment standards have

become more stringent, and that became effective in 2020. And then we had a little bit of delay for the EPA authorized states that they have until '22.

So everybody is now under these new standards. So you'll see that carpeted floors in the past have been at 40. They are now at 10 micrograms per square foot. We also have the same standard for hard floors, and then we have a separate standard for interior window sills, which is a place where we could potentially have dust from friction surfaces of windows being operated.

And so we have a standard of 100 micrograms per square foot in place. We talked earlier about if we had exterior spaces where we had bare soil, so if this is a play area, we've got a playground there, a place that's there's evidence that children are playing, then we have a standard of 400 micrograms per, I believe, square centimeter for non play areas.

Then we have a little bit less restrictive of a standard in place. And that has not changed from the old rule to the new rule. And then keep in mind, we mentioned that water is something that is optional. It's not a requirement under Lead Safe Housing Rule but we do have a separate standard in place if you were testing water.

As Kris mentioned, some of you are working in an EPA authorized state and so you may have separate standards that are more stringent than this. And so, again, here's the link to be able to determine whether your state where you are working has more stringent standards. And I would also think you could have local standards or programmatic standards that you had chosen to do that were more stringent.

So keep an eye on any that overlay of state and local regulations that might impact that. So when we do a risk assessment, that's essentially an onsite investigation where we are looking for trying to identify lead hazards. Again, this has to be conducted by a certified risk assessor. So that's a higher standard than when we talked earlier about for units that were at 5,000 per unit per year or less that they could do a visual inspection.

A risk assessment is a higher standard, and that certification is more restrictive. And so they're doing, they're combining the testing for the presence of lead with also that visual inspection looking for deteriorated paint, looking for evidence of hazards in that unit. That also then looks at sort of how that unit is being occupied that might be causing a child under the age of six to be potentially impacted by lead.

So as part of that they'd be testing for the presence of lead, looking at things like friction impact surfaces, so where we have doors and windows that are opening and closing, maybe stair treads, other things where we have some impact surfaces, and then sampling dust and soil samples as part of that.

And again, there is a really good new resource, the risk assessment video that's been done. That again allows you to tag along on this, I think would be very informative for folks to be able to take a look at that. So I've mentioned a couple of times that when we're actually testing to determine the presence of lead we really have two options here.

We can be using what we call an XRF machine, which is an x-ray refractive fluorescence. And what it's really doing is looking through the substrate and determining whether any of those layers include lead-based paint. I think this is probably what's most commonly being done, whether that's in house or a lot of folks will simply have procured a contractor that will do this.

So they'll be doing a surface by surface testing to determine whether there is lead present. And that is an option. I will just mention that if you were only required to do a visual assessment and treat and stabilize, you could choose to say, let's go ahead and test. Let's determine where we have deteriorated paint. Is it actually lead or not?

And so that would be an option that you could also choose even when it wasn't required. So I just mentioned with XRF machines they are an incredible tool. They do need to be re-calibrated from time to time. So you tend to be working with folks that have multiple devices so that when they have to send one off to be re-calibrated that they still have one available.

The other option would be to take, actually physically take samples of the substrate and send that off to a laboratory. This is obviously the more efficient, and so we would have a report, a surface by surface report to document for each of those surfaces what were our testing results as part of our report on this.

So that risk assessment report's going to be completed by that certified firm or risk assessor that, again, could be contracted out, might be internal staff that a program has hired as part of that. And so it's going to give a very detailed report of the property where each of those inspections and testing were done, lay out what the methodology that was used.

And then it would also prescribe a lead hazard control plan which would be sort of your starting point for developing that scope of work for any hazard reduction work that might need to be done as part of that. And so we'd either have the laboratory analysis, or we would have the data that was produced by that XRF machine.

There is a sample checklist, a risk assessment report checklist, but if you're not familiar with you might want to look at that. And that shows you how all of this information is recorded, tracked and recorded to be able to document the evaluation, the testing that was done. So as part of that we're going to make sure that we keep all parties informed.

So there would be a lead hazard evaluation notice that is going to be issued. So if we're dealing with a single family building, we're going to be providing that to the homeowner. If we had tenants, we would be making sure that they were provided a notice of that evaluation. And there is a sample form for this.

Particularly for Project-Based Assistance, I would think much of the time we're going to be talking about working in multi-family buildings. And so you have some options here. You could be distributing it to each of the households, or it could be posted in a central location where all of the residents can access it.

So maybe there is a central lobby area where everyone's coming in to get their mail. That would be a place that would be appropriate to be able to post that information. That notice and the report that go with that need to be made available to residents if they request that, and we have a timing requirement on that.

That notice needs to be provided within 15 days after our results are determined. So at the point that I get back my report on that testing results, I need to be ready then to issue that notice and get that out there. So there is a link here for a sample notice that can be customized for your program needs, but this is a good sample for you.

All right. So as we've talked about this evaluation, again, documentation is going to be important. One of the key things here we've talked about for each of these categories of evaluation, we need to know that we have personnel who is appropriately certified to be able to complete that evaluation. I would refer you back to a couple of the handouts that we've provided.

So as part of that process, making sure that you capture that certification in your files, whether it's your own staff that have taken the visual assessment training and the have certification, or as part of your procurement process where you are making sure as part of their bid packet that they are including documentation on their certification and that that's maintained within your files.

So for each of our levels then of evaluation, whether it's our visual assessment, we're going to make sure that we include our findings to that resolution log that was referenced earlier. If we're doing a lead-based paint inspection and risk assessment, we would have not only the certification in place, but also that report as part of that.

And then very importantly that lead hazard evaluation notice so that we can document that once we had that report in hand, that within 15 days we made sure that that lead hazard evaluation notice was issued either to each individual or we were posting it and we would have documentation of that notification process having been completed.

All right. So that brings us to East Coast time is 2:25. I'm going to recommend that we take a 10 minute break, so we be back at 2:35 and we'll then continue on in this section. There we go. All right. So right before our break we were talking about the lead hazard evaluation. And now we're going to -- I need to go back to our slide.

Now we're going to be talking about how we treat that. So we're talking about lead hazard reduction. So we are going to go into a further detail on both paint stabilization and interim controls in the next slide, and that's what we're going to be particularly working with under Subpart H.

But so our levels of reduction in treatment, our paint stabilization where we're really just dealing with those unstable surfaces that have been determined based on our visual assessment, we could be doing interim controls, and we'll talk in a minute of when that is required. And this is a longer term solution to try to reduce human exposure to lead-based paint hazards.

What we will not typically be doing under Subpart H would be abatement. Abatement is a set of measures that are designed to permanently eliminate the lead-based paint or their hazards. So whereas interim controls are sort of a temporary shorter term fix, abatement either is completely eliminating lead or having a permanent solution or way to eliminate those hazards.

So sometimes we see those done in combination. Again, you could have a program or a local requirement that chose to go ahead and require a higher level of treatment. So even though we're going to be talking about paint stabilization and interim controls, you might have as a policy or as a local requirement to do abatement for your projects.

So specifically for Project-Based Assistant Subpart H, we have two levels of hazard treatment, much like when we talked about our evaluation methodologies. So this splits out based on the average level of assistance per year for on a property by property basis. So if we're up to and including \$5,000 per unit per year, following that visual assessment that we did we're going to do paint stabilization.

So we're going to removing any of that unstable paint on the surfaces that we've identified, we're going to repair that surface and then repaint it. So we've eliminated that potential hazard and we're going to be doing following our lead safe work practices and we're going to be doing clearance testing, which we're going to talk about in just a bit.

For those units where we have a higher level of funding that's going in on an annual basis, we're not only going to do paint stabilization in dust removal but we're also going to be doing interim controls to try to make sure that those impact surfaces have been stabilized.

Oftentimes with interim controls we may be using some kind of an encapsulate, or we are covering those surfaces in some way to have a longer term impact rather than just stabilizing the specific chipping, peeling surfaces that we've identified.

And so because with our over 5,000 per unit per year we have a risk assessment in place, and that is identified where hazards are, then our interim controls are going to be put in place following that report and that recommended plan that is part of that report will be used then to complete those interim controls for all of the identified risks.

So we need to make sure that these are being completed by an RRP certified contractor renovator. If we were doing abatement, we would need to make sure that we had certification for abatement contractor, supervisors and workers. So again, that level of certification, the worker that's going to be qualified to do that, the documentation, we would expect to see is going to be based again what has been defined as our level of both evaluation and treatment.

So as part of our contractor selection process, we're going to always need to make sure that they present their qualifications, those certifications, and that we capture that information. So if we're going through a bidding process we would be requiring that as part of that scope of work, their response to that, that they would be including their qualifications for the contractor, for the firm for the workers.

A lot of communities will go through a process where they annually are going to pre-qualify lead contractors. So they've established a pool of contractors that are qualified, and then when they have a bid to be sent out they will send it out to contractors that are in that pre-qualified pool. That's an option, it's not something that's required.

But it is required that the contractors have to be trained, they have to be certified if they're going to be working on pre-1978 housing. And actually the EPA RRP rule also applies to child occupied facilities regardless of the funding sources. So not part of Project-Based Assistance but might be something good for you to know.

So keep in mind, if you think about your procurement process, your standard file documentation, that are qualifications of certifications are going to be something that we want to capture, we may want to include in that references to be able to make sure that this is a firm that has a appropriate working history.

I wanted to talk a little bit about, we've been mentioning it, Kris introduced it, about the EPA's renovation, repair and painting rule. And so this applies for all of our contractors that are performing work on our pre-1978 homes. We'll have to have this certification in place. We mentioned that the firms would either be certified through the EPA or we have some EPA authorized states that have their own certification program.

So we need to make sure that they have completed that, they have their certification in place. In some cases you may have a pool of renovators that you've worked with in the past and you may be routing them to get the appropriate training so that they would have the appropriate certification.

And we mentioned earlier about the link to be able to look with the EPA to identify training providers for that. We're always going to make sure that folks are going to be following lead safe work practices, which we'll talk about in a moment. And an RRP contractor is required to provide the renovate right pamphlet.

And there are, as Kris mentioned before, there are penalties that are in place. In this case it's a \$41,000 and some change penalty per unit. So it could be significant. You'll note I keep flipping back to this, let me clear these annotations, but you'll notice on here that it mentions the requirement that this EPA renovation right pamphlet needs to be provided by the contractor, and I would want to be able to document that that had been completed.

So again we have, when we need to be able to identify firms with the appropriate certification, when we need to identify training providers, those are access, we have links that are accessible to you. You can dial that in based on looking for providers that are close to your area and to be able to identify those local resources for you.

Just wanted to point out, kind of walk through just briefly some of the key differences between the Lead Safe Housing Rule and the EPA's renovation repair and painting rule. So first off, when we're talking about determining if lead-based paint is present, when the Lead Safe Housing Rule



is requiring you to either have a lead-based paint inspection or risk assessor there is a standard and they must be certified. And they would be conducting testing.

We mentioned about using either an XRF machine, or taking, physically taking samples and sending them off to the lab. The EPA allows a sort of lesser, a lower level on this where there's an EPA certified test kit, and it's essentially a swab that is used on surfaces and based on how that swab reacts would be a determination of whether there was lead present or not.

That does not meet the requirements of the Lead Safe Housing Rule. Now, there are also training differences. Generally our training is going to follow the RRP. We need to have them be a renovation certified firm but we have a little bit more requirement about worker training. And so workers under the Lead Safe Housing Rule and supervisors do need to have completed a HUD approved curriculum.

The one exception to this is where we have non-certified workers that are working on site with a certified lead-based paint supervisor or certified renovator, and they're receiving on the job training. So we couldn't have those non-certified workers working on their own. It's only in this exception where they have not gone through the approved curriculum as part of that.

We mentioned about the requirement of providing the pamphlet. That's going to happen in both cases. But we also have some differences on how the lead will be treated. We've been going through the different subparts, and so we have very specific treatment of either paint stabilization or interim controls that are going to be required under our Lead Safe Housing Rule.

We're going to be talking about that ongoing paint maintenance in a little bit as part of that. When we talk about lead safe work practices, there are specifically some practices that are called out in each of the, both the HUD and the EPA standards, but we have more prohibited work practices under HUD.

So EPA says you can't use open flame burning heat machines above a particular temperature or using machine removal like grinding or something where you don't have a HEPA vac attachment that is containing all the dust that's being created from that. But in addition to that HUD specifically calls out that we can't use heat guns where we're going to char the paint.

We can't do any dry scraping or sanding further than one foot away from electrical outlets, and then also calls out that we can't use volatile strippers and poorly ventilated space. The reason we make a point of this is that it's not uncommon to have programs that hire an RRP certified contractor but have not made it clear to them in your scope of work that this is a project that triggers the Lead Safe Housing Rule, and so we have more stringent requirements.

We want to make sure that the folks doing the work, the folks that are doing the compliance testing on this, understand that this is a HUD funded Lead Safe Housing Rule project and so we have a more stringent requirement in some cases. We also mentioned under the de minimis requirements that we have differences between the EPA and Lead Safe Housing Rule de minimis requirements and so that also needs to be pointed out as part of that.

Also when we get to at the completion of that work, the way we determine that, yes, this project has been acceptably completed and it's now safe for that occupant to reenter that unit, we have a higher threshold under the Lead Safe Housing Rule. So the EPA will allow the renovator themselves to essentially make that determination without using a third party and taking those samples through a lab to make that determination.

The HUD requirement is that our clearance examination is going to be done by an independent third party rather than that renovator themselves and we're going to have testing on that to determine whether we have brought those thresholds down that we talked about earlier, standards for dust LED levels. We're going to do that through a third party.

And you can think about, and we sometimes have questions about this, well, I've got somebody on my staff that is certified as a renovator but we need a third party who's then going to inspect the work that they have completed, make decisions about where those samples are taken from, and they would then be sent off for testing.

We'll talk about the details of that in just a moment. But as we mentioned before, our Lead Safe Housing Rule also requires that we're going to notify the occupants, the owner of that information, and we have a 15 day rule in place. That's not something that is part of the EPA requirements. So let's talk first about who's going to complete the abatement.

If we were doing abatement, we would be required to have an abatement contractor and supervisors as part of that, and they're going to be removing. either completely removing all the lead-based paint, or they would do treatments that would have a 20 year life expectancy. So let's say for example, if we had a housing unit that had exterior lead paint and presented a hazard, we could be encapsulating that with Tyvek and reciting over that.

That would be one way to permanently encapsulate that. Our other option would be to remove all of the lead-based paint and its dust as part of that. So abatement, we're either permanently removing it or we have a 20 year fix essentially a treatment for that. As we mentioned before, we always want to be able to document that our lead safe work practices were followed.

As we inspect and we're visiting that site, we want to make sure that they are being followed. We would have those requirements in our contract, but we also want to see that that's happening. So we want to see that they're controlling the dust and debris, that workers are being protected, that they're following the work methodologies that are prescribed.

But we also need to make sure that the occupants are protected. We'll talk just briefly about this onus. But keep in mind that if we are providing Project-Based Assistance and we do a visual assessment, or we're doing a risk assessment, depending on what's being required, and we determine that we need to do hazard reduction work, that's an occupied unit and so we need to make sure that we protect not only the occupant, but their possessions are going to be in that unit.

And we need to make sure that we're not contaminating them so that when the work is done that their possessions are then providing access to that risks that we were trying to avoid. So we might be doing things like segregating that work area, shutting off, sealing off the HVAC system

so they're not going to be sort of sucking in the dust that's being generated from one part of that unit and distributing it across the rest as part of that.

In some cases when we're unable to simply segregate off that workspace we may need to temporarily relocate those tenants until that space has been completed. And we're always going to do what I would call scientific cleaning to make sure that we are removing any of the dust and debris that has been left behind from the work that we're doing.

And sometimes if we're doing any kind of rehabilitation or hazard reduction, the work itself is generating additional lead hazards. So we always want to make sure that we are working wet, that we're cleaning up wet, we're using HEPA vacuums just to make sure that we're getting all that particularly.

Once that cleanup has been done, the work has been done, we're going to be bringing in our third-party clearance inspector, going through that process, and then providing that notice that we've been talking about for our residents. And again, we've got a link here for identifying if we were looking for abatement contractors.

So there is a safe work practices renovate right brochure that we've talked about. Very useful, very helpful for folks. Not only occupants, but I think if program folks have not read that I would recommend that. And as part of that we're just trying to make sure that we're not generating additional lead hazards as part of that work, that we're going to clean up appropriately prior to that clearance testing.

When we get to the resource list we're going to be talking about not only some guidance but also there's interpretive guidance. And this is on a topic by topic basis. So within the interpretive guidance there are a couple of particular responses here that apply to this S4 which is talking about lead safe units, and then there's a very good interpretive guidance about interim clearance.

So interim clearance, we might have been doing the lead work, that's been cleared, then we're allowing some other non-lead rehab to be done. We're going to have to do a final clearance before we're completed. So this describes that process of interim versus final clearance. We keep recommending form.

So there is a post-work checklist for lead hazard reduction activities where we can get certification about the completion of lead safe work practices. And then when we're talking a little later on the resource list, we'll be pointing out the HUD guidelines. And within the chapter, specifically chapter eight goes into great detail about resident protection and work site preparation.

If you're not familiar with that that's really a key resource for you. So let's talk just a little bit more about occupant protection. So as I mentioned, we need to protect not only the occupants, but also their belongings. So some cases we're able to cordon off that work area and maybe we clear that entire work area.

Maybe we move all of their possessions into another room within that unit and then we seal off that room so that it's not unsealed until all the work has been done, all the cleanup and the clearance has been achieved. In other cases we may need to move them to another unit, maybe having them temporarily stay overnight somewhere else.

It really depends on the scope of the work that's being done. If we are temporarily putting them in another unit, that other unit has to be inspected and determined to be lead safe. So the easy way to do that would be to identify that you had some units that were built after 1978. So that by definition would be considered to be lead safe.

Otherwise you'd need to do clearance exams on those proposed temporary units to make sure that they met that requirement. In some cases we could ask them to be gone just for the eight hour day. In other cases we may need to temporarily move them. And so that might be putting them up in a hotel or motel.

They wouldn't have cooking facilities, so giving them meal vouchers. If they're going to be out longer term than that, then we probably want a functionally equivalent unit, so where they had a kitchen so that they could prepare meals for them. On larger scale projects, we oftentimes do what we call checker boarding.

So we might stage this project. We might take a vacant unit, treat that, and then move a tenant into that unit, then address their unit and just keep shifting people through that. In some cases they remain in that temporary unit permanently because it's functionally equivalent, or in some cases they would be returned to their original units.

But that's all something you would plan on the front end for that project. So when you're going to have to do relocation is when we don't have a way to safely keep them in that unit but cordon off the work area. So if they won't have a fully functioning unit, maybe we have a kitchen or bath that's not going to be addressed, including clearance within an eight hour work day, we need to be able to temporarily relocate them somewhere else.

Some work that you would do would not disturb paint or it could be completed within an eight hour day. Maybe it's exterior only, and so you're able to seal off any window openings or door openings, give them safe access to the unit without having them going through a contaminated area and that would be allowable.

The Lead Safe Housing Rule also allows for, if we have an elderly occupant who is informed of their rights on this but chooses not to be relocated, we could allow that. There would be documentation of that. I would route you to interpretive guidance J24, which goes into some detail on that, and there's also a good guidance piece about relocation on that.

All right. And then we mentioned of course that we want to make sure that we document that those protections have been put in place. So we have some documentation, some sample forms that you could use.

This is on the post end after the work has been completed to be able to document and certify that, yes, here's what was done to handle and protect occupants and their belongings, here's the certification that our safe work practices and this plan was followed, and that would give you additional documentation within that file.

So things that we would expect to see in that file at the completion of our clearance and any potential relocation would be, of course, certification that all of the personnel that did the hazard reduction work, including our clearance on that had appropriate certification. We're always going to need that on file.

We mentioned before about the post-work checklist to be able to document the completion of those activities. In the cases where you have an occupied unit, then we're going to want that documentation about how the occupant was appropriately protected. You as the grantee on this, we'd want to be able to document the oversight and monitoring that was completed.

There are sample inspector logs that can be used to be able to document that oversight, and there would be a clear statement of work of what was done, who completed that work, the whole paper trail to show the process that was followed for that. All right. So our last we're just going to talk about clearance.

So we've kind of been talking a little bit about this, but here are the details on this. So when we've completed our hazard reduction work it's only going to be considered complete when we have that clearance examination in place and the results have come back to show that we brought those lead hazards down to an acceptable level.

So sometimes we'll get that clearance report back and we'll find that there are some areas that still have dust remaining or presence of lead that's above those standards. We're going to turn back to that contractor and say, you need to go back in. Usually it's a matter of doing additional cleanup to make sure that they've gotten all that, and we would then retest.

That would continue until we had clearance exams that came back that were acceptable levels. We're not going to pay that contractor until that level of clearance has been met. Keep in mind, again, we have to have certified personnel in place. So for abatement work it's always going to be a risk assessor or lead-based paint inspector.

Same thing will apply for non abatement work, but we do have an additional category of a sampling technician. Again, we keep talking about that clearance test needing to be done by a third-party. So we can have a conflict of interest where there's an incentive for them to kind of get back positive results.

So you can imagine if we had the contractor themselves doing the testing, if there were areas that they were left confident about on having cleaned up everything, they might as they chose where to take samples, be avoiding some of that. So we need to make sure that that third party is going in, doesn't have any conflict, and it's going to give us an appropriate assessment on that.

They could be part of the same firm that did the front end, the testing or risk assessment. They just can't be related to the party that did the lead hazard reduction work. And as we mentioned before on this interim clearance, so if we had a project that we've completed the lead work but there was other work that was going to be done we would do an interim clearance prior to allowing any of those other workers to enter that site.

But again, we are going to do a final clearance, so final cleanup and clearance before we sign off on this project as being completed. And so as part of that clearance process we'd be doing a visual assessment. So I'd be looking at the scope of work, I'd be looking at everywhere where the work was being completed, not only making sure that it was completed but done in a workman-like manner, looking for evidence that that cleanup has been done appropriately.

So we would not want to see any debris or dust that was left behind. As part of our sampling technique, we're going to be doing dust samples. So we're going to be using dust wipes that are then being labeled, filled off and tubes being sent off to a testing lab that they're going to test them for the dust levels that are remaining on that.

And so our lab will then interpret, determine whether they are at safe levels, and they will provide a report on a location by location basis for whether they have met those standards. So as we mentioned before, if any of those locations where clearance testing was done come back as not having met the standards, then we're going to go back, re-clean, retest, keep doing that until that is passed.

And again, we've got a new video that I think would be -- I think seeing things done can be really helpful as a way to learn. So there's a really good video here that I would highly recommend that folks take the time and take a look at that. So as we mentioned, our dust right samples are going to be completed by that third-party, sent off to the lab for an analysis.

They're going to reference the dust clearance levels that we talked about earlier to determine whether that lead hazard has been eliminated or brought to an acceptable level, and so determining whether they've passed that test. So we've not really completed our lead work until all of those steps, including passing the test for each of those sample sites, has been completed.

And so within that file we're then going to have, of course, the certification of the personnel that completed that clearance, and we would have the clearance report. If we've got multiple where we sent them back and did more clearance and additional testing, all of that's going to be captured within that file before we can say, okay we have completed that. With that, I'm going to hand things back over to Kris. Kris, you should be the presenter now.

Kris Richmond: Get my microphone running here. All right. Somebody had put in the chat, is this the same training as what we did a couple weeks ago? This training is focusing on Subpart H, Project-Based Assistance. So it's pretty much the same bones if you sat and listened to tenant based rental assistant there's a lot of similar material.

But when we get into what type of evaluation, what type of treatment, that's different from Subpart M, which is tenant based rental assistant than Project-Based Assistant. So most grantees

are not doing all three of these. They're doing one of them, which is why the materials may seem similar.

So at the very beginning of the trainings we say it's not required that you come to all three of these because it might seem a little repetitive. You want to go to the one for the activity that you're undertaking. So hopefully that answers the question for the person that wrote in. I also in the chat put the links for our toolkit that we launched a couple months ago.

We are redesigning our landing page, so it might be a little challenging for you to find the link to that but it's the bottom. We have resources that we list on a landing page and it's one of the last resources listed there. It doesn't have a real pretty picture but we're working on updating that. So I did put in the chat the links to the toolkit for both amounts up to including 5,000 per unit per year, and over 5,000 per unit per year.

And that has the links to all the sample forms. Because people keep saying, I can't click on the link for the sample form. If you go to the toolkit and you go through the different steps, all the sample forms are there in the toolkit. So hopefully that clears up a couple things too. Thanks Les for getting us through treatment and clearance and evaluation.

We're moving into the fifth step that talks about telling or notification, and these are requirements after you did any paint stabilization or interim control work is completed. So we're moving on to the stage of what we went through and said what are all the different steps that you need to follow?

So this slide really summarizes the content of a notice of lead hazard reduction activities. You can see there's a long laundry list of required elements here. They're all required but some of them I want to highlight to you are the type of treatment and where was the treatment conducted. What's the address and phone number or point of contact for someone to reach out if they need additional information?

Where's the locations of remaining lead-based paint surfaces or any lead-based paint hazards? So all these things need to be identified in the notice of lead hazard reduction activity. Also needs to be provided within 15 days of the unit passing clearance. So here's a sample of the notice, the lead hazard reduction activity.

This sample includes all the regulatory requirements and that information needs to be given to residents. The grantee can add more information, they can change the format, but you cannot delete any of the required elements. And like I said, it does need to be provided within 15 days of completion of the work or achieving clearance.

We do have the link here if you wanted to go directly to this sample form or if you're in the toolkit and you're in the lead hazard reduction unit it's also available in there as well. So just another reminder of the documentation that's needed for this tell or notification step. After the work is complete we want to have a copy of the lead hazard reduction notice.

You want to check for all those required elements, make sure they're dated and signed as well as if -- now that we know that there's lead hazard treatments that happened and we have some new records we need to provide an updated disclosure notice to that tenant. So we want to have a copy of the updated disclosure notes.

We're looking for dates, signatures and any reports. And remember this is the notification after there was work done but remember there was notification that was required when we did the evaluation. So when Les started talking earlier today there was a risk assessment that was required if there was more than 5,000 per unit per year.

And that is considered an evaluation technique, a risk assessment, and so a notice of evaluation would be required to be provided as well. If you had less than 5,000 per unit per year, there's a visual assessment, there is no required notice for a visual assessment, but it's a best practice that's documented and provided in their samples in our toolkit that covers that as well.

Right. So we're going to talk about ongoing maintenance and periodic re-evaluation. We did have quite a few questions that came in right at the beginning. So I hope that you're still around so you can listen to what the requirements are for this section. So unless all lead-based paint has been removed, the unit must be maintained to be lead safe and may be subject to periodic reevaluations.

Do you want to keep in mind that lead-based paint maintenance is not required when a lead inspection report indicates that no lead-based paint is on the property, or if a lead-based paint clearance report indicates that all lead-based paint has been removed. So we're only doing ongoing maintenance for it to be lead safe if there is still lead in the unit.

If it was all removed, if you have a certification that it's lead free, then you do not need to do ongoing maintenance. All right. So this slide really shows the responsibility of ongoing maintenance and ongoing monitoring. So in general, ongoing maintenance is about how to keep the unit lead safe.

So we want to check if there's any remaining lead-based paint, we're doing ongoing monitoring, and this is to ensure that any of the paint stabilization or interim controls have not failed. If we discover anything new, we're issuing new disclosures to the tenant. We want to make sure that the records are being maintained, that they're also being shared as appropriate.

We're checking to make sure that the soil is treated with interim controls and that there's been determined no lead hazards. We're using safe work practices from performing any maintenance or renovation work that disturbs lead-based paint and clearance is achieved.

So we're using properly trained RRP renovators and RRP certified staff if it's determined that deteriorated paint that's found during that ongoing maintenance or during repairs disturbs the surface that's above de minimis. Remember de minimis was two square feet, interior, 10 percent of a small component type or 20 square feet for exterior work.



So if it's above that amount, then we need to be following paint stabilization for any repair. And if for some reason they did abatement and there was encapsulations or enclosures we're also checking for that as well. Right. So this first slide is going to highlight what is the ongoing maintenance requirements for up to including 5,000 per unit per year on average and the next slide is what do I do if it's over 5,000 per unit, per year on average.

So they're different. So let's look at this first one. So we're going to do ongoing maintenance because we have a continuing relationship with the program and the property. So that's why this ongoing maintenance is triggered and we're maintaining the unit to ensure that it's lead safe. And we mean lead safe we mean there's no deteriorated paint or failed hazard control methods.

It doesn't mean that it's lead free. We're using the term lead safe. Right. So who's responsible for this? Well, this is the owner that's responsible for Project-Based Assistance, and we're ensuring that they're doing a visual assessment at unit turnover or every year, whichever is sooner. And if they identify during that visual assessment any deteriorated paint, then it needs to be repaired using paint stabilization.

And we need to ensure that they're using proper trained RRP workers and we're getting clearance so that all the steps need to be followed, all the notices, that kind of thing. And then I'm pretty sure one, two, and three happen pretty regularly. What may not be happening is number four. So number four is that written notice needs to be provided to the residents to report deteriorated paint in any failure of encapsulations or enclosures if abatement was done.

This is really important. This could be part of the lease, it could be an addendum, but somewhere there needs to be a copy of a notice that was provided to the residents. If I was running this program I would make a sample, I'd give it to my owners and say, I want you to use this and have them sign it so that they acknowledge who --

Give a copy to the tenant, you keep a copy, send me a copy so that I know that you notified them that they need to notify you, the owner, if there's any deteriorated to paint so that can get taken care of. Like I said, visual assessments done at unit turnover every 12 months. If you recall, Les had told us about a visual assessor is someone who took the free online HUD course.

It's very short. You can get through it in less than an hour if you're fairly knowledgeable about what property standards are. You can easily take it, you get the certification, and then you have that on file. And that can be the property owner, it could be property owner staff but somebody trained in visual assessment needs to be doing these at unit turnover in every 12 months.

So it's fairly simple and straightforward. We just want to make sure we have people who are properly trained, documentation is taking place, and if anything is identified as deteriorated that it's being addressed appropriately. So that's what we're doing for up to and including less than or equal to 5,000 per unit per year.

Now, if it's more than 5,000 per unit per year then it's almost like a combination of under five and a little more. So an annual assessment, either a visual assessment or a risk assessment,

depending on the year, has to be conducted for failure of lead hazard reduction work or defective paint.

So the visual assessment is required annually in a unit turnover, that might sound similar to the, the one we just talked about, but then we have periodic reevaluation. And this has to be conducted within two years of hazard reduction activities and repeated two years later. So this ends after two consecutive re-evaluations without finding lovely paint hazards or failed enclosures or encapsulations.

And then after that they can continue to do visual assessment. So we see on this little chart here, again, who does it, the owner. We're doing a visual assessment or risk assessment, depending on the year, and it needs to be a proper certified person who's doing that. So year one we're going to do a visual assessment.

That's someone who's trained with that free online HUD training visual assessor. Year two, it has to be a risk assessment, and this needs to be done by a certified risk assessor, which is sometimes a five day EPA training. They need to pass the tests, they have to be certified by EPA, so you need to hire certified risk assessor to do the reevaluation in year two.

If they don't identify any new hazards during that risk assessment, in year three the owner can just do a regular visual assessment. That's where we're just looking for deteriorated paint. And then in year four we need to hire the risk assessor again to do a full risk assessment. If no hazards were found in that year two, and now in year four, if we have not found any additional hazards, then we do not need to continue to hire a risk assessor for reevaluation.

So if in year two and in year four I pass that risk assessment, my units pass that risk assessment with flying colors, in year five we're just doing a visual assessment. That could be my staff, that could be the owner. Year six I'm doing a visual assessment and moving forward.

So as long as we pass those, that year two and four with a risk assessment, as long as we didn't see any new hazards, we can continue on just doing visual assessments all the way on, continuing on with this relationship that we have. All right. So here's another reminder of that documentation for ongoing maintenance.

We're going to have reports of any evaluations that we're doing. If we identify any deteriorative paint we are reporting that of any new hazard reduction work that was done. We are going to have a clearance report. When we're doing reevaluation there's going to be a risk assessment report that's going to have the notice of evaluation as well.

If work had to be done we're going to have copies of all the certified personnel that need to do that work. We're going to get a copy of the clearance report and if new lead was identified we would get an updated disclosure notice that we'd be provided to our tenants. All right. So that's going to end all the steps of a typical Lead Safe Housing Rule rules as it relates to Project-Based Assistance.

So remember our summary chart. Let see if I can find my summary chart. Here we go. All right, so remember our summary chart. We had disclosure, we had looking, we had treatment, we had clearance, we had ongoing maintenance and reevaluation. Okay. So those were kind of the main steps of complying with the Lead Safe Housing Rule.

Now we're going to spend a couple of minutes going over what do we do if we discover an elevated blood lead level child residing in one of our units? This is someone who has been identified either by a doctor or a health department, is having an elevated blood lead level in one of our HUD assisted units.

So this, it's a very quick high level review and it's encompassing the lead safe housing Rule amendment from 2017. We did do training back in 2019, maybe it was before the pandemic because I actually got to go on site to a number of places and do that training. We also did a recording of that training at the end of that year.

And so if you need to know about EBLL immediately, you can access the training today on the HUD Exchange. But Les and I are also going to be doing a repeat training of EBLL as it relates to Project-Based Assistance and public housing on December 6th. I know the registration information is supposed to come out later this week.

If you have signed up for the Listserve, Les is going to show you a slide in a couple minutes about how to sign up for that Listserve, you will get the announcement of the upcoming training opportunity for EBLL. But if you can't wait until December 6th, it is already recorded and posted on the HUD Exchange.

So just a couple points here about elevated blood lead level, that's what EBLL stands for. There's a number of steps that need to happen. So once a child's been reported with EBLL we have to make sure a verification is happening. It's not just the mom saying we've actually talked to somebody. The doctor or the health department that's been verified.

An environmental investigation needs to happen. Somebody had written in as one of the questions, I took a training a couple years ago, did the environmental investigation replace the risk assessment? Well, the answer to that is no. An environment investigation, one of the components of environment investigation is a risk assessment.

So you have a risk assessment that's one part of the environment investigation, and then there's also interviews of the family as well as trying to find the source of where the child has been exposed to the elevated blood lead levels. And if you need to know more about an environmental investigation, you can find that in chapter 16 of the HUD guidelines.

And I put the link to the HUD guidelines in the chat, it's also listed at the end of our resources. And so if hazards are found other units that are also HUD funded will also have to have some evaluation done, perhaps some work done. And we also have a guide here on how to respond to EBLL.

So just a couple of points here. I have a chart that I'm going to go over that's going to go in a little more detail, but before I hop into that chart there's a couple key terms. Remember, these key terms are also on this definition sheet, so you can go back to this definition sheet. That's the handout.

But a couple of key terms you might hear referred to as the index unit. That index unit is the unit where a child with an elevated blood lead level resides. So that's our index unit. We have other coverage unit, and these are federally assisted housing units in the property where a child under six lives or is expected to live.

So remember during this webinar Les and I have kept saying, well, it's really a good idea for the manager to keep track of the household to have a child under six. And the reason is because if there's an EBLL child, all of those other units in the property that are federally assisted and have a child under six living in them are going to have to have a risk assessment.

And then we have our designated party and our designated party for Project-Based Assistance is the owner. We talked about that pretty early on. All right, this is the slide that I think is most helpful for our discussion today about EBLL for Project-Based Assistance. And if you want to read about this more in the regulations, it is found at 24 CFR 35.730.

So first we're going to start off with our verification when it's necessary. This would be necessary if you just got a phone call from the mom or the grandma or the caretaker. My kid has an elevated blah, blah, blah. Well, we can't just take the mom's word for that. We actually have to verify that.

So that might be calling the doctor, it might be calling the health department if that's where the information came from. So we need to verify that that happened. So phone call, email, that's all acceptable. That needs to be done as soon as possible. You're going to start to see as we go through this timing that there are some that are listed as calendar days and some that are listed as business days.

This is not a mistake. We're not trying to be inconsistent, but this is how it is actually written in the regulation. So we wanted to capture it as concisely as possible for you. But you will notice some are listed as calendar days, some are listed as business days. So then the next thing is the notification of the confirmed case to HUD headquarters.

That's the office at Lead Hazard Control and Healthy Homes, as well as the HUD field office and the public health department if the Health department was not the original source. This needs to be done within five business days after verification. This can be done via email. When you go to the EBLL course we'll talk about how to send this via email.

We don't want to be listing the name of the child. We want to be using encrypted email, but we'll go into details about that during the EBL course. The owner, again, is responsible for all these. Now, I don't know too many owners who know how to contact HUD headquarters or the field office right away.

So this is where the grantee may need to be involved to help navigate some of this with the owner. And again, this needs to be within five business days after that verification. Then an environmental investigation of the index unit needs to happen. Remember that index unit is the unit where the child with the elevated blood lead level is currently residing.

This can be done by the health department. So if you have a health department in your jurisdiction and they're willing to do that, they can take that on. If you don't have a health department that's going to undertake that, this needs to be done by a certified risk assessor and it needs to be done within 15 calendar days after verification.

Then the notification to the residents, that needs to happen within 15 calendar days after receiving the results. Now, if we discovered that the unit was not the cause of the elevated blood lead level, we don't need to do anything else after the notification of results. Okay. We can stop there. Maybe the child was exposed to the lead hazard at grandma's house.

Maybe it was exposed at daycare. That's all part of the environmental investigation, trying to figure out where it's coming from. If we find it wasn't our unit we don't have to do the rest of this. Okay? We're only doing the rest of this if it was our unit, the unit where we're providing funding for Project-Based Assistance has caused the elevated blood lead level.

So if that's the case then we need to continue on down this list here. So we need to do lead hazard control on the index unit. So this can be interim controls or abatement. It's up to the owner to decide. Most owners will choose interim controls because it's not as expensive as abatement but that is an option for them to undertake.

That needs to be done within 30 calendar days after the environmental investigation results happened. We now also need to be ensuring that a risk assessment and lead hazard control is being conducted on our other coverage units, our other coverage units where our other units in the property that have children under the age of six living in those units.

So those are our other coverage units. So we need to do a risk assessment and lead hazard control on the other coverage units. The timing is going to vary on how many other coverage units there are. So it might be 30 calendar days, it might be 60 calendar days. Again, it depends on the number of other coverage units in that project.

Then of course we have to be doing clearance after the work is completed, we have to provide notification of clearance. That's going to be done within 10 business days to the HUD field office, and then within 15 calendar days to the residents. And then we have to notify the HUD field office with documentation that the activities are conducted.

Again, that's 10 business days of the deadline of each activity. And then we would continue to have ongoing maintenance because we always have ongoing maintenance if there was any lead hazard reduction work that was conducted. So this is taking a three hour course and putting it into one slide.

So I highly recommend that you listen to the training that's available. Here's the link right here on the HUD Exchange or sign up on the registration. It's going to be opening at the end of this week. I also want to highlight to you here the family interview. I'm very proud about these videos.

They were just launched within the last 30 days. It took a long time for them to be done. We started this project before the pandemic, we held filming because it wasn't safe during the pandemic. We waited till it was safe to do filming. We actually have a real risk assessor who is in all of these videos.

The mom on the right is an actress. But it goes through what does family interview look like? What are some of the main points of that? What are the highlights of that? So if you're not sure what the family interview is all about, that might be a quick way, it's less than 10 minutes long, for you to listen to.

And then also on our toolkit, when we get to Les's section he has a link to the toolkit that also identifies the different forms and the steps you need to go through for EBLL. So just a reminder about the documentation of the EBLL, if that happened in one of these units we need verification of the child.

That could either be an email, notes from a phone call, or a copy of the environmental investigation report. We're going to have copies of the notification to residents. We're going to have a copy of the risk assessment report that was done in all the other coverage units.

If work needed to happen we would've copies of the clearance report as well as the notification of lead hazard reduction activities, and then as well as copies of certification of all the personnel who did complete the work.

Oh, and here's the toolkit responding to a child with EBLL modules. So this is the toolkit link directly to that if you wanted to check that one out as well. So Les, any questions or did you just want to dive in to program admin and monitoring?

Les Warner: It's been really quiet, so I think we could probably move ahead here.

Kris Richmond: All right. I'll hand you over the controls. There you go.

Les Warner: So I know it's been a long haul for folks but the end is near here. So we want to talk a little bit about sort of planning and being ready to administer this, and then we'll close out with talking a little bit about some of the available resources that we've been mentioning.

So along with the owners and the property managers, program staff does have the responsibility of making sure since you're administering the HUD funding that this is being done following the Lead Safe Housing Rule requirements. So there was a question earlier about is it the owner, is it the grantee?

Well, most of this is going to be the responsibility of the owner, but you as the administrator of the funds need to make sure that that's actually happening. So some front end things on planning and sort of educating and then verification to make sure that the procedures that you've put in place and the requirements have actually been followed and that we've got good documentation in place.

So as part of this we need to make sure that staff has appropriate training and knowledge on this. So today's session would be part of that. Kris mentioned the upcoming EBLL training, which could be really helpful for folks, and in some cases that means making sure that we then educate owners, staff or others, make sure that they understand what the requirements are and what their role is in this.

So making sure that everybody is up to speed and ready not only to be in compliance but collect those documents that are needed on that. We want to make sure that we're using lead safe work practices at all points in this that we're conducting appropriate oversight.

So we're making sure we can verify essentially that for as much effort as we put in on the front end on making sure we had certified staff and we communicated what those requirements are, we want to be able to verify that yes, all those procedures, those standards are being met.

And so doing some onsite inspections, taking photographs or videos, being able to document that will be helpful as part of that. And that includes things like, we talked about the de minimis requirements and the fact that the Lead Safe Housing Rule requirements are more stringent than the EPA rules on that.

We spent a little bit of time kind of briefly talking about the fact that when we have occupants that are going to be involved where we've identified that we're going to have to do some lead hazard reduction work we need to make sure that we're appropriately protecting those occupants and their possessions.

And so making sure that we have planning on the front end to be able to identify, is this an occupied unit, what's the scope of the work? Making that determination of whether that occupant can safely stay in that unit or whether they need to be temporarily relocated.

And I have a plan in place everybody understanding their role on that, and then at the completion of that being able to document that, yes, in fact this was handled according to plan and we have that documentation in place.

And of course always as the grantee you're needing to be able to provide an adequate level of oversight to make sure that all of these steps that we've been talking about today, the standard documentation that we would need to have in place, that they're being followed. And so there should be a paper trail for each unit that would either show that, well, we didn't have to do any of this.

We didn't have to do disclosure or evaluation because this is not part of our target housing. This is a 1978 or more recent unit. Or we would then follow all of the documentation that's being

required. So being able to make sure that that protocol is being followed, that folks understand what's exempt, what's not exempt is really critical.

So as part of our staff or contractor capacity, thinking about what are we going to need? So we've talked about in each of our levels of review, whether it could be a visual assessment, whether we're going to need, and Ms. Kris and I have been mentioning that a free online training and certification, or whether we're going to need a risk assessment being done and paint testing as part of this.

So thinking in advance about what capacity do we have in house versus we need to hire this, we might want to go through procurement in advance so we're ready to be able to implement that if we have a project that triggers these requirements. And so making decisions about how are we going to staff this.

And then adapting, if we're going to be doing RFPs, RFQs as part of this, request for proposal, request for qualifications, as part of our procurement, we need to be detailing the specific level of certification and training that they need to be able to present as part of their qualifications. And that would get incorporated into our evaluation as we looked at bids on that.

And so determining, again, staffing at each one of these levels, visual assessment, risk assessment, clearance testing, thinking about, we've talked about delivery of notices, whose responsibility will that be. If the owner is doing it, do you need a standard protocol that? You'll be notified and you'll get copies of that so you'll be able to verify that that's happening.

And that would include things like we mentioned, temporary relocation being part of that, having an oversight protocol as part of that. So as we've mentioned, a lot of this is going to be the owner or a property manager under our Project-Based Assistance.

So since we're needing them to handle that, thinking about the procedures they need to complete, how you are going to provide oversight of that, what documentation or evidence that you would expect them to be collecting and when you would expect that to be provided to you. So that could be electronic transmission, that could be send us pictures, send us videos.

But thinking about that protocol in advance we want to route you to chapter 24 of the monitoring handbook for Lead Safe Housing Rule, how's the checklist that the HUD monitors will be using when they're reviewing your program?

So I always think that that's a really good spot to look at in thinking about how do I build my file system to make sure that I have all of the evidence that I'm going to need so that when they look at my files and they're going through that checklist that you're well prepared for them to be able to say, yep, everything's here, everything's fine. They're documenting that you're in compliance.

So as part of our documentation, as I mentioned, our target housing, and that's pre-1978, unless we're able to show that they are exempt from this, then we would need to have a Lead Safe Housing Rule compliance file that shows each of these steps is capturing all of the requirements that we've been pointing at as we go through.



And that's keep mentioning about having the certifications for the folks that are doing the evaluations, doing the reduction work, the clearance testing on this, having documentation that notices went to the occupants when required. And so there are a number of resources that we're identifying here.

There's a single family and multi-family checklist per units that are under \$5,000 per year that we've been mentioning. There's a project based more than 5,000 per unit checklist to be able to be used, and then there's a separate one for tenant based rental assistance that would not be part of this.

So let's talk a little bit about resources before we open it up for any final questions. So there's a really good one on the HUD Exchange, a lead-based paint landing page that's kind of your go-to spot for everything related to lead-based paint. If you don't have that already tagged as one of your favorites I would really recommend that.

And so as Kris has been talking about, the toolkit, the videos guidance, that's all found at the lead-based paint landing page. So let's focus on a couple of these things. So at the bottom of that page you could click on the Lead Safe Housing Rule toolkit and this will give you all sorts of resources and sample tools.

That would be really helpful. And these are kind of divided up based on the type, the subpart that you're following, the type of activity that you're overseeing. So I would really recommend get familiar with that, know these resources. As Kris mentioned, these have been updated recently and refreshed.

So I think you'll find those to be very helpful for you. We've mentioned a number of these new videos. For me as a learner I think being able to see somebody do what we're talking about really helps to grasp what's being talked about. And so I think these could be really useful for you but also for maybe owners of properties for your own staff to try to help them get up to speed.

You will find those on the HUD Exchange at this same landing page that we mentioned about. And we've mentioned throughout this training there are a number of these that apply really directly to the types of work that we're covering, the types of requirements that we have talked about in today's session.

There are also the HUD guidelines for evaluation and control of lead-based paint hazards and housing. This is sort of the go to, I guess, viable for lead-based paint hazard control. And so we've been referencing specific chapters as we go along. There is a link here, very useful tool. So the sort of thing that I think most folks refer back to on a regular basis just to refresh themselves on what are the specific details, what are the best practices on this.

Very helpful and it's arranged on a topic by topic basis. Kris mentioned a little bit ago about getting on the mailing list. So the HUD Exchange allows you to indicate what your sort of preferences are or topics that you want to be notified so you know when a new resource is posted

to the HUD Exchange if you've, for lead, if you've registered and said, hey, this is one of the things I follow, you would be notified about when those new resources have been added.

And so I really recommend to go ahead, if you're already registered on the HUD Exchange, go ahead and update your preferences to include Lead Safe Housing Rule. If you're not familiar with the HUD Exchange, it's really worthwhile. This is where on many of these programs and topic areas where probably the best resources are.

So I'd really recommend that you get on the list so that you know about upcoming things. And so as Kris mentioned she did like the world's fastest training on how to deal with elevated blood lead levels. I think that's a great introduction, but if you are going to be responsible for this and kind of planning for how your agency would make sure that you were going to be in compliance in this, you need a longer version of that.

And so we have an upcoming public housing and Project-Based Assistance version of this that's happening in December, would highly recommend that. And as Kris mentioned, there also are some pre-recorded versions of that that are posted. And so this is a resource for that. By registering the HUD Exchange you would get notified as any additional trainings we're scheduled for that.

So this is sort of a resource list that includes both the hud.gov and the HUD Exchange site so you know where to go to get the Lead Safe Housing Rule to connect with the EPA. We mentioned the interpretive guidance and topic by topic, and so here's your link for that. Again, for the landing page for the HUD Exchange and then specifically for the toolkit that's been mentioned, the videos that we talked about.

There is a PIH, public housing notice that relates to this and I would recommend that you might want to take a look at that. And then this email at the bottom of this page. So we're going to have a few minutes to be able to answer any additional questions and we have an office hour session tomorrow.

But after that if you have additional questions this is an email that you can use to submit questions in to the lead safe healthy homes office and they will be able to answer your questions. So you might want to hold onto that as a future reference. Before we open up for any questions remaining, I just want to remind folks we'll have our office hour session tomorrow.

I believe there is an exercise that we ask folks to take a look at in advance of that and we encourage people to participate. It's not required but we think it will be helpful for folks. Kris, that gets us to the end of the slides. Do we have questions that we need to address or that we want to review?

Kris Richmond: Yeah. Well, I think it would be helpful go back to the slide before this. I had the resources because somebody was asking about the compliance advisor and a couple years ago the compliance advisor link was on the resources. But we have actually updated all of the forms that were on the compliance advisor and they are now in the Lead Safe Housing Rule toolkit.

So the forms on the current compliance advisor have not been updated. The updated tools are identified on the Lead Safe Housing Rule toolkit. The functionality of the compliance advisor still works. So if you need to go through and try to figure out what to do, that functionality still works on that compliance advisor.

But the reason we didn't add the link here is because all of the forms have been updated including EBLI on the toolkit. So that's really what we're trying to push instead. So I just wanted to highlight that. We had a couple of people asking we're funding continuum of care SHP projects and we're doing supportive services and operations not rental assistance.

Is that Subpart H? The answer to that is no. That's actually a Subpart K and we trained on Subpart K last summer. I did put the link to that. That's available as well off of our landing page that we have. And this is the landing page right here. So if you go to the landing page you can click on trainings and you can get to Subpart K trainings that have been identified on there.

I just think another thing that came up when you were talking about scope of work, somebody was saying, well, what happens if that bid for work are different to treat lead-based paint? What if only one scope of work identifies some substrates or another one identifies different ones? Like how do we figure out which is most appropriate?

Well, that scope of work needs to be written in such a way that all the bids are going to address the same issues and that scope of work needs to follow the results of the risk assessment. So the risk assessment not only is going to tell you where the hazards are, but a risk assessment report is supposed to provide recommendations on how to address those hazards.

You want to take the information from the risk assessment and put that into the bid so that you are able to compare apples with apples when you do get the bid coming back. I think that's all of them that came in earlier last couple -- let's see. Okay. So someone else is asking, would it be of leasing funds not rental assistance under continuum of care.

And you have project based programs. I guess I'm trying to tease this apart. So leasing is under Subpart K as well. So Subpart K covers acquisition, leasing, supportive services and operation. So leasing is Subpart K, but Project-Based Assistance is following Subpart H. Bruce or Karen or Flora or Barrett, I don't know if there's anything else you want to add to that. That's the question that just came in at the end here.

Bruce Haber: Yeah Kris, this is Bruce. And yeah, there are the Lead Safe Housing Rules different requirements for different programs. So under continuum of care you have a standard to conduct a visual assessment. Under tenant based rental assistance you have a standard of care to conduct a visual assessment if there's a child under the age of six.

But under the project based rental assistance program you have the requirement if the value, the annual subsidy is enough over \$5,000 to conduct a risk assessment. And a lot of project based properties to conduct inspections because they're relatively more recent construction and you do a lead-based paint inspection, you find out you're lead-based paint free. Guess what? None of this applies.

Kris Richmond: Yeah. So I think they're asking, well, what if we're doing leasing, which is Subpart K in a project based program? And you probably have overlapping subparts now that I look at the question again. And I think the answer to that is you always need to go with the most protective requirements.

Bruce Haber: Yeah. I see where you're going, Kris, and it makes sense. There are project based properties that have a certain number of assisted units and other units are market rates. In the market rate units if you're bringing in tenant based rental assistance families, then the tenant based rental assistance would apply.

But the Subpart H and the project based rental assistance would still apply to the Project-Based Assisted properties. Now, the real complication becomes for an owner when they start mixing the units up, not always keeping the same unit for that program and the same unit for that program.

Which again, I like your idea of picking the most protective, work with that. And again, project based, I highly recommend you get a lead-based paint inspection. That's not the minimum required because that's permanent, and if you're lead based paint free, you are done.

Kris Richmond: Yeah. So it sounds like it would be one project or another, they wouldn't be overlapping activity.

Bruce Haber: No. Yeah. It'd be specific to the family and the program that the family's enrolled in.

Kris Richmond: Great. Okay.

Bruce Haber: It does get complicated when you have a property that has a mixture of rental assistance and also fair market.

Kris Richmond: Yes. Yeah. And I'm just highlighting here too, if there's a really complex question that we didn't get to you can always email that and then tomorrow we're also going over questions and answers as well. All right. So someone else is asking -- oh, nope. That's one we already answered. Let me go back down to the bottom.

Les Warner: I think we've answered everything.

Kris Richmond: Did we get through them all?

Les Warner: Yeah.

Kris Richmond: Okay. Well, do you want to talk about tomorrow and what we're going to do?

Les Warner: So as we mentioned, we are asking people to look at the exercise in advance. And so when we gather as a group we'll first go through the exercise and then as you're thinking about

what you heard today, a lot of folks later in the day will be like, oh, wait a minute. Okay, now I'm confused.

So bring any questions with you to tomorrow's session, but we'll also do a review of everything that was kind of talked about in advance of that and come to the session. We've kind of listed of topics to revisit because they may be sort of common things that we think might be helpful for folks to hear a second time.

Kris Richmond: Great. All right. Well thanks everybody. Thanks again to our HUD staff that were here today. Always are super happy to have that support and exact answers coming directly from HUD. So thank you to Bruce Haber and Karen Griego and Flora Chavez and Barrett Fischer.

Thank you for supporting us today and thank you to all of our participants for your time and attention. Hopefully we will see most of you tomorrow. So thanks and have a great afternoon. Bye.

Les Warner: Thanks everybody. Bye-bye.

(END)