

**Lead Safe Housing Rule Webinar Series**  
**Subpart L Office Hours, November 3, 2022**

Kris Richmond: Thanks, Cherita. Welcome back everybody. Today is our office hour session. So we are going to start with going over the exercise and going over answers with the exercise. And then if you have any questions in general that came about from Subpart L yesterday, please go ahead into the Q&A box like Cherita said and type those questions. And Les and I'll answer those.

We also have HUD staff with us today, too, that can help us if we get into a jam and need a little further explanation. They're always really good at helping us pick apart and providing the best answers that we can. So that's kind of our format. We didn't have a lot of questions that came in yesterday. Usually, we go through the questions that came in the day before and highlight some of those. But you are a pretty quiet group, really paying attention to what we were talking about.

But hopefully, we'll get some good questions coming in today. So let's start with our exercise. There we go. All right. So if you recall yesterday, when we go over these different handouts, I'm going to be scrolling down. And when I scroll down on my page, you're not going to see that. So you need to take your own cursor and put it to the right side of the document in between the participant panel and the document. And there's a gray bar that shows up.

And you can scroll down so that you can see the rest of the exercise. So as I do that, your screen does not change. So you need to make sure you're moving things down to be able to see what I see as well. All right. So hopefully, you had a chance to look at some of these questions and come up with some answers. If not, hopefully, you'll just learn a little more today. So let's get started.

We're going to start off with how do HUD Lead-Based Paint Regulations work in tandem with the CDC and EPA and can you give one or more examples. I like to go to Slide 18. And so, the first example I'm going to have here is that HUD is using the confirm blood lead level of 5 microgram per deciliter while the CDC has lowered the reference level to 3.5 micrograms from deciliter. So HUD is going to continue to follow the 5 micrograms per deciliter at this time.

But they are always checking with the CDC. So we have that. I'm going to go to Slide 45. That's not the right side. I'm sorry, 23. There we go. This is another one where we're working in tandem with another regulation. So we have HUD regulations on the 24 CFR Part 35 and then we have EPA's that are found at 40 CFR Part 745. So we have our lead disclosure rule. Remember, that's identical to Subpart A. That's for the lead regulation.

We have our DL and Q, our lead-based paint activities rule. And then we have our renovation repair and painting rules. And so, these all apply to housing and child occupied facilities such as school and daycares built before 1978. So they're a couple examples there. Go back to our exercise.

All right. Question No. 2, what projects our units must comply with the lead-based housing rule and are subject to federal EPA or HUD enforcement action regarding lead-based paint? So this is our HUD-assisted housing that's built before 1978 unless there's some expectations. We also have ongoing maintenance. And so, we need to make sure we're following all of our ongoing maintenance requirements. We have lead specialists.

These are also a risk assessor, a lead inspector. We might need to have them also do clearance if the area is larger than de minimis. So those are all some of the areas that we need to ensure we're following. Look at No. 3. What type of vendors or contractors and their qualifications that a PHA or a owner should have on call? Well, first, we want to have staff that can do visual assessment. We're going to be looking.

And during the ongoing maintenance period, we're going to be looking to ensure that the unit still does not have any deteriorated paint. Before that, if we found that we didn't have any record to show that we had lead work done, we would need to do a lead inspection or risk assessment. And so, we would need to fire a risk assessor to do that part. Here's our summary chart. So this can help us a little bit more.

During that risk assessment, if we identified work that needed to happen, we would be doing abatement. If we had modernization funds. If not, we were doing interim control. And so, for our abatement, we need to have our abatement supervisors, our abatements orders for interim controls. We could have someone who's training RRP to do that work. We would need to be having clearance done.

If we had abatement done, then we need to have our risk assessor or lead inspector do that clearance. If we had a lesser type of reduction done, we could have a clearance technician do the clearance. Let's see. And then just to show you, too, we have this handout of who can perform what kind of work. And so, remember here we're doing either interim controls or abatement. And so, you're able to see, for interim controls, it's our RRP if you go train in RRP.

If we're doing abatement, we have our abatement workers. We have our abatement contract supervisors that can do that work for us here, too. And then the second page of this document shows you where they can get the training and what regulations that follows. All right. Let's look at No. 4. What are the key steps and the documents that the PHA needs to follow in order to ensure that the units are in compliance.

So that's again -- I'd like to start with our summary chart here. We're doing disclosure. So remember we're disclosing. We're providing that disclosure notice either before lease signing or at lease signing. We're also providing the Protect Your Family from Lead in Your Home pamphlet. And we're provide tenant instructions. So we're letting the tenant know who to notify if they identify any deteriorated paint. We are looking.

So in this case, we are assuming that the risk assessment and lead inspections were all done several years ago. And so, now, we're just doing visual assessments to ensure- and we have documentation of that. So we're doing visual assessments to ensure there's no deteriorated paint. We're treating if we find any deteriorated paint using interim controls. If the area is larger than de minimis, we're having someone trained -- we're always having some trained RRP.

But we're providing the RRP pamphlet. If for some reason, we need to relocate the household, we're making sure that we're doing occupant protection. We might have to be involved with temporary relocation. We're going to be doing clearance and having our risk assessors do our

clearance. We're going to provide a copy of the nose lead how to reductions activities that would include the information from the clearance report in there.

And then we'll be going into ongoing maintenance. All right. Let's look at No. 5. How do you know if your organization is ready to meet compliance? Well, hopefully, none of this stuff is new to you. You know where in the files the lead inspection or risk assessments are being stored and where the lead documentation is so that if you need to go back and see where the lead is in the unit, that's possible.

If it's not, then you need to start do risk assessment of your unit because you have to have that information available. We have to know where it is. You know, we had a discussion with HUD before the session talking about there's a lot of retirements going. We have the whole baby boom generation retiring. And the person that kept track of this information might have retired. We might not know where this is.

And so, we're going to have to do risk assessment again because we have to have that information on file. You should have a list of certified workers either- whether they're on staff or you contracting out to have work done. You should have policies and procedures about what to do if you have an elevated blood lead level child as well as what are you doing for ongoing maintenance.

How is that going to be documented. Who's doing the work. What's the schedule for that. So they're just some things that you would want to have to know that you're ready. And hopefully, you have some of these, and you just need to brush them up a little bit or you might be starting from scratch. And if that's the case, now, at least, you have a good roadmap of what you need to do. I'm going to move down to the scenario. And so, our scenario is prior-to-moving inspection.

So we have a unit is turning over in the city of public housing agency. And the property was built in 1960. And housing agency confirmed that there are records. So they do have records of a lead-based paint inspection and the risk assessments of all the units on file from 2002. And now, it's 2022. It's over 20 years later. And records show that abatement was conducted, but there's no record that the units are lead-free.

So the type of abatement might have been some type of enclosure encapsulation. So it wasn't removed from the unit. It's still -- the lead is still there, but it is safe. It's a lead-safe unit. It's not lead-free. So what steps must be completed before a new family can move in? So let's look at our slides. Let's go to Slide 47, I think. Okay. So if you remember, Les had used this to try to figure out for you where do you start.

Well, for our scenario, we're going to be looking at the second arrow here. So they have a lead inspection and a risk assessment on file. Lead abatement was conducted, but the unit was not certified as lead-free. So we're going to be doing a visual assessment at unit turnover. So our staff has been trained as visual assessors. They took the free online HUD Visual Assessment Training. I have documentation in my file that they're visual assessors.

So there are doing the inspection. If the unit passes inspection right away, then that new family can move in right away. If my staff is going through and they've identified deteriorated paint, then we need to be doing interim controls on that deteriorated paint. And the people that are doing that work have been trained in RRP. And so, we're doing that work. If that work area or -- if the work in the unit is larger than de minimis, then we need to have clearance done on that work.

And then we would get a notice of lead hazard reduction activities that would be part, including the clearance results. And we would put that in the file. And then the unit has passed clearance now. So that new family can move in, but before the new family moves in, I need to provide a Disclosure Notice. So I'm giving a Disclosure Notice to that family before they move in. And they're going to sign a Disclosure Notice. I'm disclosing the records that we have.

I'm disclosing that we just did some additional work that had passed clearance. So they all have information. And then they move in. But for me, I need to continue on with my ongoing maintenance. So remember we talked about ongoing maintenance, get to that Slide 87. So we're in year '22. So we're way down here. So we're continuing to do visual assessments. Hopefully, our units are continuing to be in fairly good shape.

If for some reason, we're starting to find a lot more deterioration, it could be a best practice that we do another risk assessment. It's not required, but more to do a best practice to determine where these additional hazards might be. Also, we had some discussion earlier before folks got on about some of these components that had lead in them are starting to be replaced over the years. Perhaps, there were wooden shelves that had lead paint in them.

And then over the years, we've been replacing those shelves with wire shelves. So those components are no longer there in the unit. So that happens as the years go on, as we're doing maintenance with our projects. And so, perhaps doing another lead inspection might be a best practice to determine where is the lead now still in that unit. Do we even still have lead in that unit.

So 20 years later, that might be something you want to think about, not required, though. Like I said, we're going to have certifications of the staff or if we had to hire a contractor that did the RRP work, I would have that in file. I'm going to be keeping all of my records and as I have questions, I'm going to be going to these different resource, I'm going to be looking at my chart.

I'm going to go to the toolkit, see if there's any new forms that I might want to implement into my program. And I can always go to the lead regulations email which I think is at the very end. Let me try to see how far we can go here and write it down.

Les Warner: It's on one of the last --

Kris Richmond: Yeah. What's the number. I'm trying to type is. And it's -- we don't have that many slides. It's 10- -- 107. Yeah. Thank you. It's telling me there's not 110 pages in this document. Yes. So down here. If you've exhausted all of your reference areas, you can't find what you're looking for, don't drive yourself crazy. Send an email to lead regulations at HUD dot

gov. And they'll be happy to help you out and answer questions. But Les and I and the HUD staff are here for another 40 minutes.

So we will love to hear what your questions are or see what your questions are and help provide any answers. So Les, any questions that came in or anything else you want to expand upon for the scenarios?

Les Warner: We don't have any questions at the moment that have come in. I was going to mention on No. 5 on our exercise about making sure that you're ready for compliance. One thing that I would just add to your suggestion. You can have really good systems and plans in place.

And depending on the size of your staff and the other folks that are responsible for implementing some of those, sometimes, you find that something that is supposed to be a standard step that's being taken, this isn't being done. So I do suggest that you do some sampling yourself. HUD's going to be coming in, sampling files, looking to see whether the standard documentation that you've determined you need to have each of those files is there.

I would want to do a little sampling to see are my well thought-out systems -- are they actually working or not, just sort of past that. I used to -- when I worked at the state level, we had a gigantic file room. I would from time to time just go in and randomly pull a file see what was in there. And unfortunately, I oftentimes would find that there were documents that belonged in another file that were in the wrong one.

So just kind of seeing are all systems working the way they need to and then trying to problem solve for those things in advance of HUD monitoring might be a good thing to help you with compliance. We did not have many questions that -- from yesterday's session. But I wanted to just cover just a couple of these. There was a question about are there good sample inspection reports. And they're referencing after the lead-based paint has been cleaned or abated.

So I'm assuming from the question that what you're really asking about is before clearance is actually done, is there -- for you going back to do an inspection to determine, has all of the work been completed that I specified. Does it appear that they have cleaned appropriately? Has all debris been removed? You might also be verifying did they actually follow the protocols.

Have they protected occupants' belongings, all of the things that were specific to this particular project. So I mean, the clearance testing itself is going to go through that whole scope of work and determine whether those areas are not found to be lead-safe. But I guess I would suggest that you go back to using your original Visual Assessment Log that was a -- went through all of the locations that you observed.

We had a notation about something needed to be dealt with and make sure then, visually, based on what you saw originally, that you're seeing that corrective actions has been made. The clearance testing then is going to verify that they have cleaned appropriately. And it has now been determined by a third party that it is now safe. I don't know. Kris, anything you want to add to that one?

Kris Richmond: No. I think that's pretty good. That's pretty comprehensive. [inaudible] maybe if you could talk a little bit about RRP and how it applies to public housing authorities.

Les Warner: So we know that RRP -- and let's see. We got a handy-dandy slide somewhere. It does a side-by-side, I believe, on that. But RRP will apply. It does apply to housing. And it's applying to the contractor. So the contractor themselves used -- needing to follow the RRP requirement, including the disclosure that they're required to provide, which that's one of the contractor's responsibility.

But we have this overlay where between RRP and the Lead-Safe Housing Rule, that as we talked about, there's differences in things like the de minimis rules, the rules about clearance. And so, you're always going to be following the more restrictive of those two rules. So we mentioned in terms of prohibitive work practices. That we have three additional work practices that are not part of the RRP rule. We have more specific requirements about clearance on this.

And so, they're both are going to apply, but we're going to need to know the difference and follow the more restrictive of the two.

Kris Richmond: Looks like a question came in. I'm trying to get to the question panel.

Les Warner: Let's see. I need to clue with my panelist to be able to see that. Close this.

They're saying that they've received calls from homeowners asking about free lead testing. Do we know of any grants that would help them on that. And so, Karen is on the ball here and responding. So depending on where the owner is located, there may be this kind of assistance through the Health Department for county as part of that.

And she's using the example of Lead Hazard Control grants may be able to provide service in that area for that. So I think that handles that. There was a question yesterday about where to find the Disclosure Notices. And so, Kris, can we go to the end. I think you have control. Let's see the slide where our toolkit -- which I think is one of two. So if you go to the toolkit, not only do we have the different subparts as part of this.

But there's also a category down closer to the bottom of hazard reduction. And so, depending on, you know, the aspect of the rule that you are looking for, that's where all the related links would be for sample tools, sample reports. So I'll just notice and -- I'll just mention. So for instance, there is a sample clearance report. There's a clearance report review worksheet.

So it really walks you through what you -- in reviewing that clearance report you receive walks you through the contents of that and what you're looking for as part of that. So all of our -- the disclosure samples are all included in this toolkit. And this would be your go-to spot for those resources.

Kris Richmond: We also have [inaudible] reports video. That's fairly new. And that goes through a risk assessment report, a lead inspection report, and a clearance report. So it identifies

like all the required elements, what they should look like. So that's also another great resource to go to. I think there was a couple more question that have come in. I'm trying to get to the chat.

Les Warner: Question about water heater replacement. And they're calling for a lead clearance test when they take on one of these as part of the projects. And would the de minimis 2 square foot -- would that allow for the test not to have to be done. And so, Karen is suggesting we go back to our de minimis slide, which is going to be back here under treatment. So I should be able to get you a number -- just update slide number in a moment. Let's see. That's for -- actually, I think -- I know it's in our compare and contrast between the RRP and the HUD rule.

Kris Richmond: De minimis was at the beginning, wasn't it?

Les Warner: It's in a couple spots, but yes. Hold on, folks. Just a moment. We're going to pull up that slide.

Kris Richmond: I found it, 22, right? Is this the one you're looking for with the de minimis --

Les Warner: Yes.

Kris Richmond: -- levels?

Les Warner: Yes. So the question here is about, well, when do we actually have to do testing on this. So in the case -- in being able to evaluate when you're doing any kind of work is to determine is this a -- first, is it something that's not going to disturb any painted surfaces. So depending where the water heater is located and those surrounding surfaces, it may be that you can determine, well, this is exempt because it's not disturbing any painted surfaces.

But if we determine that it actually is -- our work area is going to include painted surfaces, they're going to be disturbed by what we are doing here, then we do also have this de minimis calculation here. So looking at -- is this going to be on a case-by-case basis. Looking at the area that's going to be disturbed, if it is less than our 2 square foot per interior space, then we could operate under the de minimis rule and be exempt from, let's say, work practices.

They're always encouraged, obviously, to be used. So I think you really have to analyze what's involved. Where this water heater that you're dealing with and what the surrounding areas are to determine whether it's actually going to disturb the paint and then also to see then if you might be able to work under that de minimis rule. And you would want to, then, within your file be able to document the basis of that

So a statement of, well, this is exempt because of not disturbing any painted surfaces. If you can include a photograph as part of that, that certainly would help. And the same sort of thing with our de minimis. You could be measuring out. The area that's going to be involved and determining based on that, whether it is going to fit within the de minimis rule or not.



Kris Richmond: So Les, we got a question that came in that said, "Our property was built in 1969 and 1970, but all of the lead was removed. And we have the certification verifying this. Do we still to comply with the Lead-Safe Housing Rule?"

Les Warner: So that's one of our -- and I think, Kris, if we back up to Slide 20 -- so, one of our exemption here is if we have a property that we're able to document as being lead-free. And so, we talked about the goal for public housing was that with modernization funds that we're going to do abatement.

And in some of those cases, they will be lead-free because all lead has been removed. So I use the example of a property that -- the lead was found to be only in the front doors. All of the front doors were removed and replaced. And so, that property then can be documented as being lead-free. So in that example, we, then, are exempt from the Lead-Safe Housing Rule. But you need to have that documentation in place.

And I think one of the themes that you're seeing here is that good recordkeeping that is -- I worked in a system where we had record disposition processes in place. These are records that you will not want to have disappear over time. And I know when I left my state position, I had a bundle of files with some very clear labels on -- that I turned over to the next head of that office and with notations that these are things you need to hold onto.

So those property records which document the risk assessment that Kris was talking about, that would be used in conjunction with your ongoing maintenance. All of the records about the work that's been done, the clearance that's been done, is going to be important to be -- and hold onto, including -- and especially, if you have a property that has been inspected and found to be lead-free. And that could well be in a structure that was built in that time period.

It may never have included lead or it may have only included the little bit -- a few components which have been now removed. And we can document that it's lead-free. Let's see. Looks like that -- at least on the Q&A.

Kris Richmond: Yeah. No, that's it. If you have questions, please go ahead and type them in the Q&A. We'll be happy to try to answer them.

Les Warner: There was a question yesterday about in the private market, the question about what an owner is required. Are they required to handout the brochure on a yearly basis. So with real estate sales, we know that there is an Owner's Disclosure that has to be completed. So sometimes, you usually can buy -- I sold my father's house a few years ago.

And I was filling out the information about the disclosure and, in that case, verifying that we had no knowledge about that. But our lead disclosure rule does apply. And thank you, Kris, for swiftly finding that particular slide. It does apply to all pre-1978. I mean, it's both for sale or for rental units. That's a EPA rule rather than Lead-Safe Housing Rule.

Kris Richmond: It's actually both. It's -- and there's the --

Les Warner: But it's where we have -- we don't have HUD money in this. That's --

Kris Richmond: Yes. That's correct.

Les Warner: -- that part's not being triggered.

Kris Richmond: But that's the point. It's assisted and non-assisted housing for the disclosure rule.

Les Warner: So I actually -- we have a rental unit. And I had to think about it. Oh, I actually need to do this and had to go online and find this and provide that to my tenant. He looked at me, like, "Well, why are you giving me this?" Kris, that's all I have in questions from yesterday.

Kris Richmond: Yeah. It's a quiet group. Let's see any new questions coming in. Our HUD staff -- is there anything recent that you've seen with public housing authorities that you want us to go over again or highlight? Flora, I know you work a lot with housing authorities. If there's any areas that people struggle with a lot or --

Flora: No, not that I can think of right now, Kris. Thank you.

Les Warner: Now, I think we will stay on for a little bit here to see if they're any additional questions. We want to make sure you have good use of the opportunity that we have. And I think, Kris, we might just want to put up our resource list and then remind people about the EBLL training. So maybe pull up Slide 101, just remind folks about HUD Exchange then an ongoing -- using these resources, define what you need, sample reports.

We talked about posting of additional trainings. We've used great videos that have been introduced recently. And then we mentioned about the upcoming EBLL training, which is going to be on December 6 for public housing and project-based assistance. And I believe that registration is open at this point and that would be on the HUD Exchange. So we encourage folks -- Kris, very briefly, went through that in yesterday's training.

But if you are the person that might be responsible for implementing that, I think you probably need that more extensive version of that coverage. Check the Q&A again.

Kris Richmond: I don't see any new questions.

Les Warner: Kris, I'll leave it to you to determine how long we keep this open.

Kris Richmond: Somebody typed in exhibits. And I'm not sure what they mean by that. But there are a number of handouts that were provided for the training. We have this summary chart, which I think is invaluable. We have our definitions that you can access. These are also found in the regulations as well as in the HUD Guidelines. We have this treatments to address lead-based paint, which gives you a summary of different types of work that can be done.

So we talked about interim controls, what that is, how to do that. And then we have abatement. And then we have this document which is about our workers who can do all kind of work and what kind of training and then the background information on the lead disclosure rule. So lots of information there. Let's just see something that might have come up in the chat. I think that was everything. Well, I guess if there's not any -- the orange.

"Where can I find monitor exhibits that list our required documentation in the file?" Well, there's the CPD monitor exhibits, right, Les? There's a --

Les Warner: Yeah.

Kris Richmond: -- I think there's one for lead. But I don't think that affects public housing because that's CPD. That notice -- there was some -- let me go back to the slides. We have listed on the --

Les Warner: There may be a corresponding Kris and I are used to with CPD funded programs, but there are HUD monitoring checklists that they use. So it's a really good way to plan, make sure you've got all the documentation in place that you need for that. I'm not familiar enough with public housing to know if there's a similar too that the public housing folks are using for monitoring that you may be able to utilize.

But I think this notice would probably be the spot to go to for this. And then I also think in these -- in our slide presentation at the end of each of our sections, we made a point of having a slide that talks about the documentation that you need to have in place. I think you could easily pull together a checklist from that, cross-reference again with the PIH notice.

Kris Richmond: Here's a question that came in last. I don't know if you knew the answer to it. You might need to rely on our HUD staff asking about -- "Is there any easy way to determine if age restricted projects are in fact age restricted versus head of household to see it meets the exemption for the lead-based paint regulations?" Do you know or should we call on one of our -

Les Warner: Well, it may vary a little bit with the type of funding and how they specifically document that program by program. But first, I would be asking the property owner manager about the restrictions that apply to that property. And then should be able to provide you that documentation because there, it would have funding agreements. They would perhaps have a restrictive covenant in place that would restrict who was eligible to occupy that property. I don't know.

Do our HUD folks have examples of documentation for some of the different programs that they're familiar with. I think it's going to vary a bit, funding source.

Karen Griego: The one big distinction -- this is Karen -- that I can think of is the property in question is an owner-occupied, an elderly owner-occupied unit. That is not exempt. Again, and it comes to -- usually, it's going to be some sort of rental property, leased property. And there is a

restriction of some sort in some fashion that restricts occupancy to one group or another. Usually, elderly and/or disabled population.

Les Warner: And I do think that's the common trip-up on this, is that folks look at the occupancy and think, "Oh. This is an elderly unit." We're not talking about who the occupants are for this exemption. It's based on that restriction for that unit. So a lot of our units that we work with, they happen to be occupied by elderly or disabled. But they may not be a restricted unit. So we need to go a bit further.

With things like the HOME program, Low-Income Housing Tax Credit, there's a restrictive covenants. And it's filed for that property that would call out all of the restrictions that apply to that property and also transfer with the deed. But I think that's going to vary by that program. But the person that is responsible for renting those units, property managers should be aware of those restrictions and should be able to point you to where that would be documented.

Kris Richmond: Les, I don't have any other questions that have come in. So we can probably get folks little bit of time left in their day.

Les Warner: I think we want to thank everybody, particularly our HUD staff who have worked with us on this. I'm glad that you all have been able to participate. We hope that this has been helpful. Hold on to the handouts and the resource list. And as we mentioned, use the email that Kris has showing up on the screen here if there are additional questions that come up after this session. With that, I'll say thanks everybody. Glad you could join us.

Kris Richmond: Thanks, bye-bye.

Karen Griego: Thank you.

(END)