

Lead Safe Housing Rule Webinar Series

Subpart M, October 5, 2022

Les Warner: Thanks, Cherita. Welcome, everybody. So this is our first in a series, and today, as Cherita mentioned, we're going to be focusing on tenant-based rental assistance. So a number -- I know a number of you are probably operating a number of different types of programs, or activities, and so we'll be pointing out some of the differences in what specifically applies for Subpart M for tenant-based rental assistance.

So I want to start with just some quick introductions. My co-trainer today is going to be Kris Richmond. Kris, you want to introduce yourself?

Kris Richmond: Hi, everybody. This is Kris Richmond. I've been with ICF for over 23 years now, working with Les for a long time as well. I do a lot of training for the Lead Safe Housing Rule, as well as Section Three, and I also do a lot of work with Home, and now with Home Hub, so welcome, everybody. Glad you're here today.

Les Warner: Great. Thanks, Kris. And I'm Les Warner. I've been with ICF. I just had my 15th anniversary, and prior to that I worked for 20 years at the state level, so I've been around dealing with Lead Safe Housing Rule, actually, since before it actually was a rule.

With us today, we're also really lucky to have Bruce Haber, Karen Griego, Flora Chavez, and Barrett Fisher [ph] from HUD's office, the Lead Hazard Control Healthy Homes Office. And they're going to be supporting us as we go through this in answering questions, and trying to get you the answers that you need.

So you may hear from them directly, but a lot of you will also probably have emails, or questions being answered by them. We really appreciate them participating in this today. So I mentioned that this is part of a series, and so I want to talk a little bit about the goals of the overall series, and then we'll talk about the individual sessions within the series.

So our overall goal here, of course, is to try to make sure that you gain a better understanding of the lead-based paint regulations that are going to apply for the activities that you're undertaking. And as part of that, we're going to be going through -- there are a lot of different key terms that we want to make sure when we use that term, that you understand what is meant by that.

And so, depending on the type of HUD assistance that you're receiving, and the type of program that you're operating, is going to then determine under the Lead Safe Housing rule, which of the subparts are specifically going to apply. And so in this series, we're going to be looking at H, L, and M, and today, specifically, looking at M which is Tenant-Based Rental Assistance.

So for those of you that are running programs that have multiple activities, multiple HUD funding sources, you may be working with some activities that fall under one subpart of the Lead Safe Housing Rule, and others that fall under a different subpart.

And so we want to make sure that you understand for those specific activities, and those specific subparts, what the rules are for that particular activity. And you're going to need to be able to keep those straight from one activity to another to make sure that you're following the right requirements.

Of course, one of the key things is to make sure that as you're going along, as you're following those requirements, that you have the appropriate documentation as you are implementing that. And so as we talk through these requirements, we will also be calling out, okay.

So here's what you are required to do, and then here's the documentation that we would expect you to be collecting to expect to see within that file, and, of course, that's obviously always really important to have that appropriate documentation.

And then we will -- as we go through the session, and also at the end of each of our sessions, we're going to be talking about the available resources. And there are a lot of really good guidance things, tools, sample forms to be able to utilize, and we'll be pointing those out, so I think that'll really help as you go along.

So this is scheduled today for up to three hours. We've not delivered this specific training in the past, so we're not completely sure whether it will take three hours. I'm thinking it may be a little bit less than that. So I want you to know that it's possible we will end a little early, probably no one will be too upset about that.

We will be answering questions as we go through today's session, but we also have a one-hour office hour session tomorrow, and we have some exercises that we will ask folks to do in advance for that.

And the office hour session really is to, a), have a little bit more time to make sure that some of the common questions, or things you're trying to figure out how to apply, that we have enough time to be able to really address those.

But we also have exercises as part of that to try to then have case scenarios where you are then testing, did I grasp what -- the information that was provided as part of this session, and that I know how to apply that in real life.

I will mention that these sessions are being recorded, and there will be links that will be sent out to you making those recordings available which can be a helpful reference to go back to, or if at some point you had to drop off for some other obligation, know that there will be a recording so you would not miss any pertinent detail.

So with the series itself today, as we mentioned, we are in session one, and we're going to be covering Subpart M which is for Tenant-Based Rental Assistance, TBRA. Depending on the type of activities that you're doing, you may need to attend other sessions.

So our session two is focusing on Subpart H which is for PBA for public assistance on this, and then we also have session three which is for Subpart L of the Lead Safe Housing Rule, and it will be for public housing.

And so based on the activities that you are overseeing, will determine how many of these -- I would think a lot of you will only be attending maybe one session, but you may need, or want to

attend other sessions. So we have a number of handouts that were sent out with the link for today's session.

There is a slide handout which I think is helpful for folks on being able to take notes as we go through this. But also, there is a Lead Safe Housing Rule definition sheet which I think could be a really helpful reference to look back to on this, and we are going to be trying to, as we introduce terms, making sure we fully define those, but there's a number of those, and as you -- if you are new to this, it may be helpful as a reference on that.

Kris is going to be talking about the Lead Disclosure Rule, and we have a sample for that. We also have a handout on EPA's Renovation, Repair, and Painting Rule, and then also a summary of the Lead-Based Paint Rule.

And then some of these we will probably be showing those on the screen, but wanted you to know that those were included in the link, and they may be helpful for you to hold onto a copy of that. So if we were in a room together, we would kind of be going through, trying to get a feel for the audience, and where your starting point is.

So we're going to do this by using a poll, and what we -- when the poll shows up, you'll be asked to then indicate the level of experience that you have on this. So I would guess there's going to be a lot of folks that are brand new to applying the lead regulations. In some cases, we're going to have folks that have some experience in applying the lead regulations, and then some of you may know pretty much all the ins and outs on the key steps on that.

So looks like the poll questions are up. If you'll click on the answer that best fits for you, and then hit the submit button. All right. The poll is ended, and we should be getting results here pretty soon. All right. So we've actually got kind of a nice mix here.

We've got a few folks that have a lot of experience. We would expect that, but we've got kind of a mix of folks who are new, and some who are -- have some experience on this. We're going to be covering the basics, so for folks that are brand new to this, we should give you the information that you need.

For folks that have some experience, this is a good refresher, going back, making sure that you're up to speed on this which I think is needed for everybody as we go along, so stay with us. We'll try to make sure that we cover all of the questions that you have either coming into this, or as we go through the training.

So as Sherita mentioned, there is a Q&A box, so at the top of right hand of your screen, at least on mine, I see a little Q&A indicator. You can click on that. That will open up the Q&A, and you're able to then type in your questions as we go along. I would encourage you to do that, and we've got some really great folks here working on answering those questions as we go along.

We also will have some time at the end of our session for questions and answers, so we'll try to make sure that we get to all of those. If you have any technical issues, again, you can use the chat

box, and send your chat to the host which is Sherita, and she'll try to see if she can help you solve what those issues would be. All right.

So we're going to start talking about the Lead Safe Housing Rule basics. So our first thing is, well, why do we -- what is lead? Why do we care about this? So it is a naturally occurring element. We're used to seeing food that's labeled as being all natural. Well, there's some all-natural things like lead, arsenic that you probably don't want to ingest into your body.

And so lead is one of those that is not only found in the natural environment, but it's also been part of a lot of manufactured products. And so through that, we have some lead in our environment that can potentially have a harmful impact.

And so, things that would be included in that would be from manufacturing, we have industrial facilities, foundries, mining, but we also for many years had gasoline that was being used that included lead.

But lead has also been used as part of paint, and that really was prior to the 1800s. It was an ingredient that was part of paint because it really helped with durability, getting good color as part of that, helping it to dry quickly. It also made it a little bit mildew resistant, and so it was particularly liked in use on the exteriors, and also in bathrooms, and kitchens.

And so we may have, in our built environment, quite a bit of lead paint that is still out there. So lead was banned in residential paint in 1978 by the Consumer Products Safety Commission. So as we go along, we're going to be talking about pre-1978 units as being part of our target, and that's because it was still legal for lead paint to be used, and that's where we are most likely to see that.

So the issue here is, particularly for children being exposed to lead in their homes, and, of course with the programs that we are operating, we're involved in providing housing, housing affordability. And so we have a heightened responsibility as trying to make sure that those homes are safe, that we're trying to protect children, and others that might be at risk.

So we not only have homes that were built prior to 1978, but we also have other potential contaminants. In some communities, we've heard about lead that was in their water because of pipes, plumbing fixtures, but also, we have some products that are made particularly in other countries, but also things like home remedies, some cosmetic things that could potentially contain lead, and we'll be talking about what's our role in trying to deal with this.

So our focus here is based on who's really at the highest risk? So children under the age of six, because their bodies are growing and developing, their bodies absorb more lead than an adult would. And we'll also be talking about there's a lot more exposure. We've got children crawling.

We've got a lot of hand-to-mouth action as part of that, and because their systems are developing, they're more sensitive to those effects. Another category here is pregnant women, so exposure to lead in their blood then can expose that developing child to those same risks. And

then in really our third category, in some industrial or occupational hazards, we could have folks that are exposed to higher levels of lead.

We're going to be talking about safety concerns and safe work practices when we're talking about any of our corrective actions. Anytime there's exposure to lead, we want to make sure that those workers not only are protected for themselves, but we also want to make sure that they're not then bringing home that lead and exposing others in those households to the same risks.

So let's talk a little bit more about children, and that exposure to lead. So, as I mentioned, kids, little kids do a lot of hand-to-mouth action which can pick up lead on those objects. and then transfer it into their bodies. Children oftentimes are going to be playing on floor level, or in soil, crawling around, having more impact with some of our doors, windows, other sources on that.

If we have chipping, peeling paint, children may be more likely to pull those off, eat them. I'm told, I haven't sampled them, but I'm told that lead paint chips are slightly sweet, and that may also be an attraction for that. So when we define a trigger level of lead in a child, HUD's standard on this is five micrograms of lead per deciliter of blood, and so that's sort of our baseline on this.

The CDC has recently adopted a more stringent level of 3.5 micrograms per deciliter. For now, HUD is going to be continuing with its five-point level on this, and so don't be concerned at the moment that you need to then adapt your program to the 3.5 level on this.

And so as we mentioned because children are developing, there can be impacts on not only their learning development, but also some behavioral problems, but it also can impact bone and muscle development, some of the internal organs, and so it's really a serious issue that we want to protect folks from.

There is an interesting video that we've provided the link here, and it's already also included in our resource list which gives you a very good explanation, and some graphics on how the lead enters the child's system, and the impacts that it can have.

And that might be useful not only for yourself in understanding that, but if you were trying to maybe provide training for others, help bring them up to speed on why they need to be concerned about that, and so we have provided that link for you.

So the Lead Safe Housing Rule was put in place to try to make sure -- and this was done as part of -- it was effective in September 15th of 2000, and it was part of the 1992 Title 10 rule that authorized HUD to be able to put these regulations in place.

And what the Lead Safe Housing Rule is doing is to try to require that we evaluate properties that we are providing assistance to, and then making sure that based on the type of assistance that's being provided, that we take appropriate action.

So we're going to be talking today about Subpart M which is specific to Tenant-Based Rental Assistance. And so you'll see depending -- of activity that you are undertaking -- let's see. I'm getting a popup message here. That's interesting. All right.

Kris Richmond: We can still hear you, Les.

Les Warner: Okay. Not sure what that was about. All right. So essentially, it's setting a higher standard in place, that when we have assisted housing, that we're going to try to make sure that those households, and particularly those targeted individuals that are at highest risk are protected under that.

So we want to protect children in assisted housing, and it's really through -- primarily through prevention, and we're going to be talking more about the steps that we're going to be taking as part of that. So I first want to mention on what we mean by target housing, and we'll be using that term as we go along.

So target housing means any housing that was constructed prior to 1978, so we know that that's when the use of lead in paint was still allowable. And we have some exceptions on that, and we're going to talk in more length about those exceptions in just a minute, so I'm going to defer that till we get to those specific slides which are coming up next here. So we are --

Kris Richmond: So Les, we don't see you anymore. I can hear you, but I don't see you, so I don't know if your camera got turned off.

Les Warner: Interesting. All right. So let's see if --

Kris Richmond: Can you keep talking?

Les Warner: Yeah.

Kris Richmond: Okay.

Les Warner: It's saying that -- it's saying it's about to -- my camera is about to go live, but it doesn't seem to be --

Kris Richmond: That's fine. Keep talking. Just wanted to let you know.

Les Warner: Yeah. When we switch trainers, I'll do a little work on that, figure out what they [inaudible].

Kris Richmond: No problem. But we can still hear you so that's what's important.

Les Warner: All right. Yeah. So the lead regulations are going to apply except where we have some specific exemptions. So we talked about targeted properties being units that were built prior to January 1st, 1978. So when we have properties that were constructed after that date, they are exempt.

And so one of our steps as we're working through activities would be to determine what do we know about this unit, when was it constructed, might it be exempt, and being able to document that. We also have an exemption for zero-bedroom units and single-room occupancy.

Now, the assumption on that exemption is that these are units that are not going to include children. And so that exemption only applies when we don't have a child under six years of age that's residing, or expected to reside in that dwelling unit.

And when we use the term expected to reside, that means that we've got somebody that has signed a lease, and they're going to be moving into that unit, and that household includes a child that's under six years of age.

So as we go, we go along and determine, okay, are we going to be applying our Lead Safe Housing Rule if we feel that our unit is fitting one of these exemptions, we would need to be able to document that. We also have an exemption for housing that is designated exclusively for the elderly, or persons with disabilities.

Now, we oftentimes have some confusion on this where we would've grantees say, well, I've got a household that's applied for assistance, and the household is two individuals, and they are 62 years of age or older. Well, depending on the program that you are operating, this exemption is only for units that have been restricted.

So I have a senior housing project that has been developed, and the only people that are eligible to live in those units would be those that fit either the elderly, or the disabled qualifications on this. So it's not looking at household composition, who happens to live in that unit.

It's based on, is that housing restricted being exclusively for elderly, or the disabled, so make sure that documentation is correct on this. It's really not a blanket exemption in the case where we happen to have elderly individuals on the -- who are residing there.

And then lastly, we have some properties that have already been inspected, been found to be lead free, or where all of the lead-based paint has been identified and removed, so they've done a full abatement on this. We have clearance and we've been able to document that this property that maybe previously wasn't lead free, now is lead free.

And so those are your possibilities for exemptions from the Lead Safe Housing Rule, and again, we would expect that there would be documentation within the file to be able to show that you have met those exemptions.

There is a checklist for determining the applicability of this rule, and it's within the resource tabs at the -- in the lead rule compliance advisor, and we'll be pointing that out when we get to our resources on this.

We also have some limited exemptions. In some cases you might be -- you wouldn't be doing this under Tenant-Based Rental Assistance, but you might have a project where you had an

unoccupied property that was going to be demolished, and it's going to remain unoccupied until that demolition occurs.

So we don't have any risk for occupants, so they would be exempt from this rule. And in some cases, we might have an activity where, due to some emergency situation, that you were going to take some emergency action.

So maybe -- I just went through Hurricane Ian, we might have where someone's roof has been damaged, and so we're going to do -- take emergency action to repair the roof itself, and that would be exempted from the Lead Safe Housing Rule, but the rehabilitation that was being done for that unit that would be covered.

It's only that emergency action that's exempt; not something that we're going to see under Tenant-Based Rental Assistance. We also have some limited exemptions that are really based on the work that we are doing. So and this would be more common with Tenant-Based Rental Assistance where we're doing some kind of maintenance or repair activity that's not going to disturb any painted surfaces.

So maybe we are, I don't know, a -- the HVAC system, or the water heater is being replaced as part of our maintenance. If it's not going to disturb painted surfaces, then we would not be triggering the Lead Safe Housing Rule, and need to follow that.

In some cases where we are doing minor work, so we might -- we're going to be talking about our visual inspections, turnover on units, we might do a visual inspection, and determine that we had some unstable paint surfaces, and we were going to then do paint stabilization on those surfaces.

If the scale of this is minor based on our de minimis levels, then we would be exempt from the Lead Safe Housing Rule requirements and the Lead Safe Work Practices. Now, it's always recommended to complete Lead Safe Work Practices when you're doing work.

We don't want to cause any contamination as we're working, but -- so our de minimis requirements here is two square feet per interior space. For small component types, maybe we've got trim, or other things that it would be hard to do a measurement, we would be looking at, if it's less than 10 percent based on that component type, then that could be under our de minimis requirements.

And then for exterior, our de minimis requirement is 20 square feet of exterior work. Now, the one thing I want to point out is, the HUD restrictions on this which you're going to be operating under, are more stringent than the EPA Repair Remodel Program, the RRP.

And so, for instance, for interior space where HUD's is two square feet, the EPA allows six square feet as their de minimis level on this. And so we need to make sure that for contractors that we're working with, and we'll mention this again later, we want to make sure that folks understand that with the HUD funds, we're going to have some specific rules that will apply, that

may be different than what the RRP, the EPA rules that that contractor might be familiar with. All right, Kris. I'm going to turn things over to you.

Kris Richmond: Great. Thanks, Les. Have my camera going here. All right. So now, we're going to start talking about some of the details about the federal requirements. So there are two federal regulations that we are going to discuss today.

So you see in the blue box, we have HUD's regulations. Those are 24 CFR Part 35, and then the green box below that are EPA's regulations at 40 CFR Part 745. And CFR, if you're not familiar with, stands for the Code of Federal Regulations, and you're always going to find HUD requirements at Title 24, and you'll always find EPA requirements at Title 40.

So I want to show you here, we'll start off in the blue box with Subpart A, the Lead Disclosure Rule. You'll see there's a similar arrow down here that matches that for EPA, so Subpart F, Lead Disclosure Rule. These are identical, so depending on whichever one you want to read.

We're trying to follow HUD's requirements, but if you wanted to look at the EPA ones, they're there as well. And then we have Subpart B, our general Lead Safe Housing Rule requirements and our definitions.

And then we have Subpart H which is Project-Based Assistance, J which is Rehab, K which is Acquisition, Leasing Supportive Services, and Operations, L which is Public Housing, and M which we're going to talk about today, which is Tenant-Based Rental Assistance.

So we're really going to be focusing on Subpart M today, so that's where we're going to find the requirements that we need to follow to be in compliance, Lead Safe Housing Rule. And then Subpart R are the methods and the standards, so that covers the evaluations, any type of hazard reduction that has to be carried out, and who needs to do that.

When we move down to EPA, I told you we already talked about the Disclosure Rule here, the D, L, N, and Q, these are the Lead-Based Paint Activity Rules, so these are the standards, and the qualifications for carrying out the Lead Safe Housing Rule activity, so that mentions what kind of requirement, what kind of certifications need to be in place to undertake any type of lead hazard reduction.

And then this last one here, the E and Q is the Renovation, Repair, and Painting Rule, or RRP. As you might hear, a lesson, I refer to it, an RRP minimizes exposure to dust, and it emphasizes safe work practices. Right. So this -- on the previous slide, you saw the regulations.

This slide really gives you a little overview of what each one is. All these regulations are going to work together, so it's going to -- it'd be important that you understand what they are. So we have our Lead Disclosure Rule. This applies to almost all housing both public and private that's built before 1978.

So that was our HUD Subpart A, our EPA Subpart F. This is enforced by HUD, EPA, and the Department of Justice, and it has been in effect for quite a while now, so since 1996, unless it's exempt. We have a couple slides in a little bit that'll talk about that.

This middle area here, the green is HUD's, Lead Safe Housing Rule. That's really the main focus, but we do want to talk about how these other rules intersect with that. The Lead Safe Housing Rule applies to federally assisted, and federally-owned housing built before 1978.

So someone in one -- in the questions had asked, how does this apply in the daycare centers? Well, HUD's rule only applies to housing, so HUD's rule is not dealing with daycare centers. Daycare centers would fall under EPA's Renovation, Repair and Painting Rule.

So Lead Safe Housing Rule has been in effect since September of 2000. It was one of the first projects that I worked on when I came to ICF. We trained over 3000 grantees that first year I was here, all about the new Lead Safe Housing Rule when it came out back in 2000.

And then we have EPA's RRP Rule, the Renovation, Repair, and Painting Rule, and this applies to almost all Target Housing, and Target Housing is housing that's built before 1978, and this is EPA's Subpart E and Q. And so it's any renovation, or repair, painting project that's done by a contractor that disturbs paint in pre-1978 homes, or childcare in preschools, and this is enforced by EPA.

It's also enforced by some states, and then this has been in effect since 2010. So you can start to see HUD started off with disclosure, then we moved into RRP, I mean, sorry. And we moved into lead's -- HUD's Lead Safe Housing Rule.

And then we wanted to have even more safety precautions put in place, and EPA came out with RRP, so little progression there, and you'll see as we talk over the next couple of hours about how these all intersect. So there are different sections of the regulations that the webinar is going to focus on.

Like I said, we are really focusing on Subpart M, but we're also going to need to follow Subpart A, that's our Disclosure Rule, the general requirements and definitions, that's Subpart B, and then we also are going to be looking at Subpart R, the methods and standards for lead-based paint, and evaluation for hazard reduction activities.

But everything that we're talking about is how does it intersect with the Subpart M, Tenant-Based Rental Assistance? So Tenant-Based Rental Assistance programs as most of you should know comprise of federal rental assistance, that's tied to the tenant with no specific location.

It allows that eligible tenant and their family to identify, and rent either public, or privately owned housing. And at Congress's explicit direction to HUD, there are less stringent requirements for TBRA than you might see in other subparts, such as Subpart L for Public Housing or Subpart H for Project-Based Assistance.

Tenant-Based Rental Assistance, as I mentioned, is following Subpart M. We do identify a couple of programs here. This is not an inclusive exhaustive list. If you're unsure if whether your Tenant-Based Rental Assistance program falls under the Lead Safe Housing Rule, you should check in with your HUD field office, or the the HUD Office of Lead Hazard Control and Healthy Homes.

But in general, this would cover our Section Eight certificate, Housing Choice Voucher Programs, the Home Program, you can run a TBRA program out of Home, Continuum of Care, HAPA, or your Indian Housing Block Grant Programs.

These are the most common that we see that TBRA is being funded out of, and you would be following Subpart M. Now, if for some reason, you are using your Tenant-Based Rental Assistance funding for security deposits, that does not follow Subpart M, that would follow Subpart K, so if you're only using your funding for security deposits, not rental assistance, follow Subpart K.

We did do some training this summer for Subpart K. We have the link there, so if you're able to download the slides, you can click on that link, or you can go to the HUD Exchange, and do a search for Lead Safe Housing Rule Subpart K, and the links to that training series will appear.

We also have a really great toolkit, and there's a whole section on Subpart K so if you're doing security deposits, and not rental assistance, you want to check out Subpart K. All right. There are a couple of key definitions, and I want to make sure that you notice that we had definitions, so hopefully this page has shown up.

You don't see the slides anymore. You see a document that has definitions on it, and so if you didn't get a chance to go to the materials after this training, I would definitely download this. It's really helpful to look at. I use it quite often, but there's a number of different definitions we're going to be talking about today.

We'll be talking about our designated -- I'm going to scroll down, and for you to see the same thing on the page, you'll have to scroll down as well, and so we're going to be talking about clearance. We're going to talk about what a lead-based paint hazard is, all sorts of different definitions.

So go back to that definition handout if you have any questions, or just for reference. So we're going to start off with Target Housing. We've used this term a couple of times already. Target Housing is housing that's built before 1978 with some exceptions.

Les mentioned what those are, but that's housing exclusively for the elderly, housing exclusively for the disabled, or zero-bedroom units, unless a child under six is residing or expected to reside in that Target Housing. We also have lead-based paint hazards.

So lead-based paint hazards are any condition that causes exposure from lead, from deteriorated lead-based paint, or from dust with lead levels that are above the dust-lead level standard, or

from soil that also has lead levels at or above the soil-lead hazard standard, or from friction impact, or chewable surfaces with lead-based paint and associated dust-lead hazard.

So we want to ensure that these hazards are not resulting in any adverse human effects. And we also have lead-based paint, or you might see it like you saw up here, LBP. Sometimes you'll see it on the slide that says that as well. So lead-based paint is paint, or other surface coatings that contain lead that's equal to, or above one milligram per square centimeter.

So there are some states and communities that have more stringent definitions of lead-based paint. They're perhaps more protective standard of what they consider lead-based paint. HUD has set the limit at one milligram per square centimeter.

But some cities, like I said, have it below that amount, so you want to check with your state, and local regulatory authorities to see if there are stricter requirements, or definitions in your area; and here's the link to be able to get to those definitions.

You might hear us refer to the term designated party. Designated party means who's responsible for undertaking that task? So for Subpart M, the designated party might be the owner, or it might be the grantee, just really depends on what task, or what part we're talking about.

And the grantee might be the Public Housing Authority if you're administering a Housing Choice Voucher Program. Okay. There's a lot of different key actors, and professionals involved with housing, and meeting compliance with the Lead Safe Housing Rule.

We have our owners and our managers. They're doing all the renter intake. They might also be doing the inspections, and have maintenance personnel. They might have repair contractors. We have our program staff. They're the ones that are going to be -- our finance department's going to be writing the checks to be able to cover our vouchers.

Perhaps we have compliance staff. This bullet here that says specification writer, I think if I'd redo these slides, I might change that to an inspector, because we're not really writing specs out here. We're not doing rehab. We are really just providing guidance to the owner if they need to do any work that's above de minimis.

So I would change that probably to my inspector, and we might want to have them be qualified as a risk assessor so that they're aware of what kind of work needs to be done. If you need to train any of your staff, training is also an eligible admin cost.

There's going to be different lead specialists. We'll talk about what these are, and when you might need to use them as we go throughout the training. And then my next slide, let's see. Nope. Okay. So we have property managers, and in 2021, EPA announced that its intent to improve compliance, and strengthen the enforcement of RRP, that's our Renovation, Repair, and Painting Rule as it applies to property management firms and companies.

So RRP now applies to management companies, not just contractors, and rehab firms, or painters, and the reason is because it's -- they are also supporting a maintenance role, so the management company is now held responsible even if they contract out the duty.

So EPA really wanted to make sure that there was some type of enforcement to ensure that the rules are being followed, and so the management company can now be held responsible for RRP. And so we have the link here in case you wanted to go and look at that announcement.

Great. So we just want to give you a really high-level overview, and then Les and I are going to go into more details as we go throughout the afternoon about what the key steps in compliance for Tenant-Based Rental Assistance. And so the first one on the left here is disclosure.

And so disclosure is where the owner is disclosing whether they know if there's any lead or lead hazards in the unit; and this applies for all TBRA units, regardless of whether there's a child living in the unit, or not, the owner is required to disclose, and the grantee will provide a pamphlet.

I have a couple of slides in a minute or so that'll go a little more in detail. Everything to the right -- everything over here to the right of disclosure is only triggered if there's a child under six residing in the unit, or expected to reside in the unit, so this is what's different about TBRA.

Remember I said that Congress didn't want to put an excessive burden onto communities that were running Tenant-Based Rental Assistance Voucher Programs. They already felt like it was hard enough for these tenants to be able to get housing, and they didn't want to create any more obstacles, so disclosure is required.

That's required for anybody, but all these other requirements that I'm going to go into, again, only triggered if there's a child under six living in the unit for Tenant-Based Rental Assistance. But this is the only subpart where the rule is dependent on whether a child lives in the unit or not.

All the other requirements for Lead Safe Housing Rule are triggered regardless of whether there's a child need or not. TBRA is the only one where the rules are only triggered if there's a child under six. But like I said, disclosure is for everybody regardless of whether there's a child or not, but the other ones, if there's a child under six, then we need to go through all these other requirements.

So I'm going to assume for this training that we have a program that we're administering that has households with children under six, so we are going to learn what these rules are. First, we're going to be looking and for Tenant-Based Rental Assistance, it's a visual assessment. That's the term that we're going to use.

We'll go into more detail about what that means. Then we have, we're going to be treating, and so we're going to be using paint stabilization, and we're doing paint stabilization if we identify any deteriorated paint. Then if we stabilize that paint, and that's going to be done by contractors or staff who are trained in RRP, then we need to make sure that we're doing clearance after that work is performed.

That's going to include a visual, and dust sampling, and then we're going to tell -- we're going to notify the tenant, and the owner what was the work that was done, so that's a notice of lead hazard reduction activities, and then there's ongoing maintenance.

If when we did the visual assessment, and we saw deteriorated paint, we had to do the work, we had to do the clearance, then we have to do ongoing maintenance, and we need to do ongoing maintenance because there's an ongoing relationship between our funding program and the unit.

So we'll have ongoing maintenance, and we will go into much more details about of what each of these are as we go throughout, but we just wanted to try to show it to you in some simple terms so you could think about it that way. We have -- this is also a handout that you have.

Let's see if I can find it. It's the summary handout. Treatments. Summary handout. Okay. So you should be able to download this handout. This is the one you want to be looking at is for Tenant-Based Rental Assistance. We also have links, I think, available to all the other subparts, but if you're working with TBRA, this is the one that you want to be downloading and looking at, and you'll see that disclosure.

Again, like I said, it applies to everything. All the units are pre-'78 regardless whether there's a child living in the unit or not. And then you see, we have this little area here that says the rest of the rules apply when there's a child under six or expected to reside in there.

So we have our, what are we looking for? What are we -- how are we going to do an evaluation? We're doing a visual assessment. And then we have, what's the hazard reduction work that we're doing? We're doing paint stabilization. We need to do clearance, and notification, and then our ongoing maintenance.

We're going to be doing a visual assessment, and then we have EBLL that stands for Elevated Blood-Lead Levels, requirements if we have a child with an Elevated Blood-Lead Level, there are requirements that we need to follow. We're going to talk real briefly about EBLL at the end, but we will have training in November that goes into more detail about EBLL.

If we get back to our slides. Okay. All right. Everybody always wants to know who's going to pay to do some of these items. So anything for testing, the grantee, or the PHA is going to pay for visual assessment. And a visual assessment is someone who's trained by HUD's Visual Assessment Training.

It's a free online course. And you're looking for deteriorated paint, so we don't necessarily know that there's lead in that paint, but we're looking for deteriorated paint. That's what a visual assessment is. If a risk assessment had to occur, a risk assessment is only required if we need to do a response to an elevated blood-lead level child.

So it's a risk assessment in combination with an environmental intervention which is like a risk assessment on steroids. And then we have clearance and periodic re-inspections. Those would be

covered by the grantee, or the PHA. And then if there's any work that needs to be done, that's going to be paid for by the owner.

So the owner's going to be paying for paint stabilization, any other lead hazard reduction activities, as well as ongoing maintenance. It's all going to be paid for by the owner. All right. So I've mentioned the disclosure rule a couple of times. So disclosure applies when selling or leasing a unit.

In this webinar series, we're really focusing on leasing, and the property owner is required to disclose knowledge of all known lead-based paint when the owner sells, or rents the unit. So we're going to give you a real brief overview of the disclosure requirements so that you can comply with the Lead Safe Housing Rule.

So this pamphlet should look familiar to you. This protects your family from lead in your home. When I worked for the city, we had all stack of them available. We also have -- let's find the handout.

We also provided you with a handout that gives a little bit of background about the disclosure rule, when it came about, how you can get the information, what kind of languages it comes in, so you can look at that at your -- at your leisure later on.

Some slides. There we go. Sorry. And the purpose of the disclosure rule is to provide information about lead-based paint, and lead-based paint hazards. This has been in effect since 1996, so it's not new, and the owner is disclosing any known lead-based paint, or lead-based paint hazards, as well as sharing any records and reports.

And so this is any information they know about lead-based paint or lead-based paint hazards in the unit, or -- and the common areas that are servicing the unit. So the common areas would include hallways, laundry room, garage, and exterior surfaces of the building.

The owner also needs to disclose if they have no knowledge of lead-based paint. On the form, there's a place that says, I do know or I don't know. And if they do know, they need to provide information, any copies of reports and records. And if they don't know, obviously there's no other information that would support that.

This pamphlet here, the Protect Your Family from Lead in Your Home, this is typically provided by the grantee. When the household is coming in for application, this is when you could provide that to let them know if they're looking at a unit that's before 1978, what they can do to protect themselves.

So the pamphlets typically handed out by the grantee, and then the disclosure form is provided by the owner before any contract or lease is signed. And then if you are renewing a lease, so if a household has spent the first year in this unit, they really -- still really like it, still in good condition, and they are eligible for a voucher for a second year, and they decide to stay in that unit, and they're renewing the lease, and nothing has changed, so there's no change to the

household, there's no change to the unit, there has not been any lead hazards found or anything, then they would not need a new disclosure notice.

If there were lead hazards found or any work that had been done as it relates to lead hazards, then a new disclosure notice would be required to be provided to the tenant. Right. So there may be times when disclosure is exempt. The exemptions are found at 24 CFR 35.82.

I think the two most relevant ones for TBRA are the ones with the green circles here, so we have lead-based paint-free we have previously disclosed. I think these are the two that we most commonly see for Tenant-Based Rental Assistance, so let's start with lead-based paint-free.

So if the unit was found to be lead-based paint-free, and this is by a certified inspector, or we've done under a federal certification program, or under a federally accredited state, or tribal certification program, and there's documentation that says the unit is lead-free, then you don't need to do a disclosure.

If, like I said, the household already received a disclosure notice, and there hasn't been any changes to the unit, there hasn't been any new information, you also do not need to do a new disclosure notice.

Foreclosure, we're not going to worry about foreclosure right now because we're not going to give a voucher to someone who's moving into a unit that's being sold at foreclosure, so we're just -- we're not going to do that.

And then short-term leases for our Tenant-Based Rental Assistance programs, most of our programs are requiring a year-long lease or six-month lease. That's usually how our programs are set up, but if you had a short term where it was 100 days or less, disclosure would also not be required.

But like I said, the two most relevant ones are for TBRA. Is it lead-based paint-free or did you already disclose it? Right. So the form that we see on here is not the correct form, so you want to make sure that you are using the correct form. It's a very common violation for programs and owners to use the wrong form.

So this form that you see here, the Watch Out for Lead-Based Poisoning is not the correct form. The correct form is on the next slide. Let's get to that here. So the correct form is the Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards, and this is found on both HUD and EPA's website.

There's one that's set up for for-sale, and then there's one that's set up for rental housing. You also want to make sure you're using the right form because they are subject to financial penalties. So there is a penalty of \$19,507 per violation, and there's a possibility of 10 violations per disclosure form.

So if you think about 10 times \$19,000, you could have like \$195,000 penalty per lease transaction. So we really want to make sure that our programs are using the right forms, that our

owners, property managers, know what the right form is, how to access that form, how to make sure they fill the form out properly, so that we're not getting ourselves into any trouble.

If you are working in a state that's Massachusetts, Rhode Island, or the District of Columbia, you have to use a modified disclosure form. So these states have some additional elements that need to be in the form. So if you're in one of those states, check in with your state regulatory authority, and they will be able to assist you.

All right. The highlighted things here are some sections that are often completed incorrectly, so we quite often see a lot of issues as they relate to timing. So remember, like I said, the disclosure form needs to be signed before the contract, or it can be signed at lease, but not after.

So quite often we'll see dates that are past the lease time, so this needs to be done before, or at lease signing. Sometimes, we often see a lot of fraudulent signatures. Sometimes the owner is signing for the renter. We want to make sure that the renter knows what the information is about the unit, and that they're signing, and dating that.

And then sometimes, the reporting is just not disclosed. They don't identify whether they know, or don't know if there's lead in the unit. So please make sure if you have new property owners that you're working with, with your programs, that they understand what the correct form is, and how to fill out the form correctly as well.

All right. So as I mentioned, TBRA again, it's being triggered when there's a child under six that's residing in the unit, and so maybe you have a couple that has moved in. They have a voucher, and they've moved into that unit. And so you get -- you told the owner, well, we got to make sure disclosure is done, but we don't need to worry about the rest of the Lead Safe Housing Rule because there's no child under six.

And then maybe the next year, when you're re-certifying their income, the family says, oh, we had a baby a couple of months ago. We have a two-month-old. Well, now we have a child under six living in that unit, and so our Lead Safe Housing Rules above and beyond disclosure are now going to apply.

So it's going to be really important that we are tracking children under six residing in the units that we are funding with our Tenant-Based Rental Assistance program. It's also going to be important for the owner to track this as well, because they need to know which rules apply, and when.

And we have a resource here, part of our toolkit, that we're really proud of in case you want to look at that as well. And then there's also more information, more requirements that trigger other units, as well as the unit with the child living unit, if there's an elevated blood-lead level. We'll talk about that more later.

We do have some information about tenant instructions. This is really important for ongoing maintenance, so we want to help educate our tenants about how to live safely in a pre-1978 unit.

So we want our tenants to be on the lookout for any deteriorated paint because they can help us identify deteriorated paint sooner than waiting for a year for an inspection.

And we need to let them know, well, what do we mean by deteriorated paint? So that could be chipping, or cracked paint, or maybe it's paint that's actually just being rubbed off by a friction, or an impact surface, maybe such as a door jamb, or the stairs, or even just the windows opening and closing that could be causing dust or deteriorated paint.

Also painted surfaces that are damaged by water, or damp even if the paint is intact. I know a lot of the southeast right now has experienced a lot of flooding, and a lot of water, so there might be some really wet homes that are starting to see deteriorated paint from the water.

So we want to make sure that our tenants know to go to the property owner if they identify any deteriorated paint. And then we also want to encourage them to retain that pamphlet. Remember that blue pamphlet that we gave them?

The Protect Your Family from Lead in your Home that has some good information about home maintenance that they can do as well, such as some wet wiping to take care of dust if they see any of some things like that.

And again, another resource here for helping the owner to track and identify occupants that might be under six, and how to keep that information. So TBRA grantees are required to communicate with the public health department on a quarterly basis to coordinate which units have, or may have a child under six with an elevated blood-lead level.

So there's two different ways that this can happen. The first is that the grantee, or the Public Housing Authority send the letter, or send some type of correspondence, an email to the health department asking for the addresses of children who have been reported to have EBLL.

Now, that's not likely to have a great response. Health departments sometimes do not want to share that information. So what might be more successful is that you set up some type of memorandum of understanding with the health department that on a quarterly basis, you, the grantee, are going to send addresses of units that you're funding with Tenant-Based Rental Assistance that have children under six in those units.

And that you expect the health department to compare your addresses that you provided to them, to their list of reported children with an elevated blood-lead level, right? But you do need to show documentation of one of these two methods that you are taking steps to have some type of sharing, and coordination with the health department because when HUD comes to monitor you, that is something that they're going to be looking for.

The TBRA Subpart M is the only requirement that -- is the only activity that has this requirement in the Lead Safe housing Rule, so this is a little different than some of the other subparts. And then, like I said, there are going to be special things that need to happen if there's an elevated blood-lead level.

All right. So here's the documentation for the evaluation or what we're calling the looking phase. We'd want to make sure there's a copy of the disclosure form, and that they have signatures, that the dates are at the time of lease, or before lease, that they're using the proper form.

We want to make sure that there's tenant instructions about reporting deteriorated paint. We also want to make sure that we're tracking any tenants under the age of six so that we're insuring the proper requirements are being followed, and that we have documentation of coordination with the health department, and that's going to be done on a quarterly basis.

All right. We're going to end this session with a quick knowledge check. So this is going to come up as a poll, so it'll be true or false. So 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. Is this true or false?

So Sherita has put the poll up for us, so what do you think? Do you think this is true or false? All right. The poll has ended, so hopefully I'll see how you all did. Do you miss the days where we're all in a big conference room together, and have people raise their hands?

All right. Well, people are really split here. Okay. The correct answer is false. Put my thing in here. False. Okay. So at lease renewal, if nothing has changed to the unit, and they're -- we've already -- when they moved in, they got a disclosure notice, and it's the second year, and they still want to stay there, so they're renewing their lease, nothing has changed with their household composition, nothing has changed to the unit.

We don't know any new information about lead, we do not need to give another disclosure notice to them at least renewal, so the answer to this one is false. So Les, I don't know if there's any questions that you want to go over, or if you just want to dive into evaluation.

Les Warner: I think we can just go -- move ahead because I think the questions have all been answered, and I think we'll probably review some of those tomorrow in the office hour.

Kris Richmond: Okay. Sounds great.

Les Warner: Looks like my camera is working at least on my screen. All right. So let's move into the lead-based paint evaluation. And I want to pull up, Kris showed you this summary chart, and it was really the important key thing, and let's see if I can be more like Kris and mark yes.

So we have this key point here that for Tenant-Based Rental Assistance, the rest of this is going to apply when we have a child under the age of six, so not all of your TBRA assisted units are going to require the rest of these steps. So I wanted to take a look back at this, and then we'll go back to the slides, but I think you can see -- so Kris has already taken us through the disclosure process on this.

She talked about some of the exemptions that would apply on this. We're now going to be talking about our lead-based paint evaluation, so identifying and stabilizing any deteriorated paint as part of this.

And so we mentioned earlier, and we'll repeat it again, that anyone who's actually doing any kind of repair work, so if we've identified deteriorated paint, they would need to be, not only having training, and certification, but they're under the EPA RRP rule which is the renovate, right, but they would also be providing that pamphlet prior to the start of the work.

And we're going to be talking then through -- our assessment, our evaluation for Tenant-Based Rental Assistance is going to be a visual assessment, so that's a, I guess, a less stringent level of evaluation than we might see on some of our other activities.

And then, based on that visual assessment, we're going to be doing paint stabilization. So we're going to be walking through these different areas, but I wanted to refresh you on, okay, for Tenant-Based Rental Assistance here are the specific requirements under Subpart M for this.

All right. So there are a variety, and that's kind of the reason I'm pointing out that our level of evaluation, specifically for Tenant-Based Rental Assistance, is the visual assessment. So depending on the type of activity and the requirement under the subpart for different activities that might be undertaken, for Tenant-Based Rental Assistance, we're going to be doing a visual assessment.

So an inspector, we're going to be talking about the certification, the training they need to have in place, they're going to go through that unit, and do a visual inspection looking for any evidence of not only deteriorated paint, and paint chips, but also where they see dust, and other debris that would be a visual indicator that we, perhaps, have some lead hazards that are being created within that unit.

For other activities that you might be undertaking, you would be required under other subparts -- you might be required to do a lead paint inspection, and that's going to be a surface-by-surface inspection. We'll talk a little bit more about this later in this section, but we are actually going to analyze that paint.

So probably for most folks doing this, they would be using an XRF machine which is essentially X-raying the surface to determine if any of the layers of paint include lead, or we could be taking a little sample, and sending off a sample of that to a lab to be able to analyze that. So that's lead-based paint inspection.

And then for projects that require a risk assessment, we're not only identifying the -- where we have lead paint, but we're identifying where we have hazards. So that's not only through sampling the paint, but also looking at dust, and bare soil, and we could optionally be including water in that.

But for TBRA, we're going to be doing -- our visual assessment is going to be our standard of evaluation on this. So this is going to be completed at unit turnover, and so it's going to be each time before someone moves in, it will have had a visual assessment.

And that would, of course, be part of our making sure that this was going to be appropriate for that household, and we would be -- that would be part of our disclosure. But also for ongoing maintenance, we're going to be doing that visual assessment annually, or at unit turnover whichever is happening sooner.

So we will have this ongoing over, so we could have a family that is living in the same unit for 10 years. We would have done the visual assessment before they moved in at that unit turnover. But then as part of our ongoing maintenance, we'll be doing this annual visual assessment as part of that.

Now, we need to make sure that the person doing that visual assessment has been certified to be able to do that. I mean, I saw there were a lot of questions coming back and forth. Well, could that be a member of our staff? Could be that -- could that be part of the property manager's staff? Yes. That's perfectly fine.

They do need to have the appropriate training, and certification, and that's something that's available online. And so we've included the link here for the visual assessment training and certification process so you could have a staff person complete that process.

And then another resource I want to point out here is, as we talked about the importance of having appropriate documentation of the steps that you're undertaking in meeting these requirements, you're going to want to be able to document the completion of that visual assessment.

And so there is a sample tool that would allow you to track as you're going through room by room, may include some common areas for that property, and you would be able to then document your visual assessment.

And that would be something that would be in your file along with the documentation you had someone doing it who was appropriately certified, and that would be your appropriate documentation as part of that.

So if you're going to hire someone to be doing things other than the visual assessment, then they're going to have to have completed additional training. And so we have some resources here to be able to locate where we have certified firms, also where we have RRP training programs.

And in some cases, that's being handled by the state. The state agency has their own program, and so you may need to be contacting your state agency in some cases, and so we've provided those resources for you. One of the other things that we mentioned this last bullet point here is that we do have local communities that are receiving lead hazard funding, and so they are operating programs.

They would actively either have internal staff, or already have -- be working with certified firms. They could be a resource for you. You also could be contacting that local entitlement, or participating jurisdiction under the Home program. And they may, because of their ongoing

programs, have firms that they have worked with have collected some information about their dependability.

And so that might also be a resource if you're trying to figure out someone that's available in your local area or seek training. We're going to be talking about, as we go through this, the steps also about clearance testing. And so we're going to need someone who has appropriate certification to be able to do our clearance testing.

And again, we have an online resource to be able to identify where those firms are that are located near your community. And so there's an online search, you can set the distance, you're plugging in your state, and your zip code, and that would help you to be able to identify those firms.

And that might be something we're going to be mentioning about on many of these things, you're going to have to go through federal procurement, so thinking about, I need to do outreach to a number of firms, so that I have a competitive procurement process.

This would be a good way to identify those firms that would qualify for this, and to make sure they were included in your procurement efforts. So as we mentioned, we're going to be doing a visual assessment for Tenant-Based Rental Assistance, and again, they're looking for signs of deteriorated paint, dust, and other debris.

As part of that, we mentioned about our online training for that, and certification, so it's really very accessible. So it is something that a property manager, or agency staff could take that training and maintain that certification in place.

We're always going to have to have that documentation to show that the person that completed the visual assessment did have that in place. And then we're going to have documentation, as we mentioned, of that inspection itself, and we provided a link just a couple of slides ago about a sample tool.

And so we would be documenting the date when it was completed, who it was completed by, and then walking through each of the areas that were inspected. Really helpful if you can include pictures, or maybe video as part of that, but we want to have a good record to be able to show that we completed that required step.

And this is, again, when we have households where we have a child under the age of six, or we're expecting a child under the age of six, such as we have a lease that's been signed. They don't occupy that unit yet, but we know that our household that's going to be moving in will include a child under the age of six.

So I want to talk a little bit about the EPA regulations on this, and actually, I think we may have skipped a slide here. There we go. So when we're doing lead-based paint inspection, that has to be -- so that's a step up from our visual inspection that has to be completed by a certified lead inspector, or risk assessor.

They're also going to take into account how that unit is occupied, looking at common areas, exterior surfaces, and as part of that, they will then be determining where there is lead-based paint. Now, we will mention, and we keep saying that for Tenant-Based Rental Assistance, your requirement is a visual assessment only.

You, as a local grantee, may have adopted a higher standard. You might have a state that has set, or a local community that has set a higher standard, so always keep in mind you might have an overlay of state or local requirements that were more stringent than what the Lead Safe Housing Rule is requiring.

And so when that record's going to show whether any lead hazards have been identified, and we'll mention, there's some new series of videos that have been created. We've provided a link here, and we'll talk a little bit more about those later.

But I think it can be really helpful to have a visual on understanding what's -- what happens? What's this look like when this is being completed. They feature our own Bruce Haber, who's one of our panelists today, so we're thinking this might be his Oscar, one of his Oscar performances, but I really encourage you to take a look at those videos.

I think they can be really helpful for folks. So let's talk a little bit about the EPA's regulations on this. So our EPA inspections have to follow not only what our lead-based paint inspections have to follow, not only our HUD programmatic regulations, but the EPA is setting those standards for the training, and the inspections that are going to be done on that.

And as I mentioned, you could have different standards in place based on some locally adopted requirements as part of that, and we have a reference here for the regulatory reference on this. So I want to mention about for clearance testing, we're going to be talking about the standard to determine when our level of hazard has been brought down to an acceptable level.

And so we did have a change in 2020 for the standards that are in place. And so for our dust wipe samples for carpeted floors, and hard floors, our standard is going to be 10 micrograms per square foot. So you can see that is more stringent than the old rule was on that.

And then our interior window sills, our standard is 100 micrograms per square foot. For bare soil, we have a separate standard in place which has not changed, and that is 400, and in this case it's micrograms per gram. And then for water which is not something that's required, but if we were testing on that, our standard is 20 micrograms per liter as part of that.

So to find out if you're working in an EPA authorized state, we have a link here that you would want to check, and again, that's where the state is essentially running those standards. And so a number of you are going to be in EPA authorized states.

So we're going to talk briefly about some of these other evaluation methodologies, just so you understand what those are. And in some cases, you may have a program that has set a higher standard on this. So if we were doing a risk assessment instead of a visual assessment, this is going to be an onsite investigation that is identifying where we have lead paint.

And so it includes that visual inspection, looking for signs of deteriorated paint, but it also is looking at the physical characteristics of that dwelling, how it's being occupied. We're going to be testing friction or impact surfaces where we have deteriorated paint, also doing dust sampling, and soil samples on that.

So it's a more stringent level of testing, and again, there's a video that will walk you through going through a risk assessment which I think will be really helpful for folks. So keep in mind that if we are having a risk assessment done, that needs to be completed by someone with appropriate certification in place for that, and there's very specific requirements about what is going to be included in that risk assessment.

So we mentioned when we're doing a risk assessment, that we are testing to determine where we have lead paint. So I mentioned that folks are generally using an XRF machine. We've got a visual for you here, and essentially, I said that it was kind of sending an X-ray through that surface to be able to determine in those potentially layers of paint that are there, to determine whether that includes lead paint or not.

So that's probably the fastest and most common method at this point to have an XRF machine be used as part of that. I did mention earlier we could be using where we're actually physically taking samples of those painted surfaces, and sending those off to a lab to be able to utilize that.

So that's going to be a surface-by-surface testing, and it will be able to then determine on the multiple layers of paint whether we have lead as part of that. Now, I will mention that I showed you just a minute ago, this sheet about our visual inspection assessment, and then doing paint stabilization.

That does not include testing to determine whether that paint actually includes lead, but I'll note at the bottom of this, one of your options, and particularly if you've got the capacity to do that, you might go ahead, and where you've got deteriorating your visual assessment determines that you've got some places in that unit that include deteriorated paint.

One of the things you could do is choose to test that, and determine is that actually lead-based paint or not? We're always going to recommend that you're using safe work practices but that would give you more information about what you are working with, and we're going to be talking about protecting a tenant when any work is being done.

So one of the things that might be helpful to know would be if it's actually lead-based paint. or not, and then inform the steps that you need to take as part of that. So in that risk assessment report, it essentially will list out the process that you went through, all of the places that you sampled, your methodology, and all of the results from each of the places where you either used your XRF machine, or you sent chip samples that you had taken, and sent them off to a laboratory.

And so this is really going to be the basis based on that risk assessment of determining, okay, to correct any of these hazards, what are my steps going to be? So we want good information in that risk assessment report.

As part of that, we would be providing then, a lead hazard evaluation notice. So we want to make sure that occupants are being fully informed about that. So after a lead hazard evaluation has been completed, and that's for a risk assessment, or paint inspection, we're going to provide this notice within 15 days.

And that's going to let those owners, let those occupants know about where we have determined that there is a presence of lead-based paint, and so allowing that occupant to be fully informed on that.

As Kris noted, when we have done our visual assessments, and determined that there were unstable surfaces as part of our disclosure, we would be updating that disclosure when needed. So the documentation we need to make sure that we have in our files is going to be showing who did the evaluation that was completed, showing that they had appropriate certification.

We mentioned about our visual assessment, and online training, and certification as part of that, and then that log of what did I look at? What were the results as part of that? If I've done a lead-based paint inspection, or risk assessment, that would be included in the file, and then that lead hazard evaluation notice that would be part of completing that lead-based paint inspection, or risk assessment would also be captured in the file.

So that was talking through our evaluation process. If we've triggered our evaluation process under Subpart M which we said is going to be, let's see if I can clear this, is going to be a visual assessment, if we find that we have unstable surfaces, chipping, peeling, evidence of dust, then we're going to do paint stabilization as part of this.

So we're going to be following safe work practices, occupant protections which we're going to be talking about, and then we're going to make sure that we do a clearance test once that work has been done, and that includes paint for paint stabilization before we're able to then say, yes, this has been appropriately handled.

So let's walk through the steps on this. So depending on the type of activity, and the subpart that your project is falling under, there are a range of hazard reduction work that you're -- would be required to do.

For Tenant-Based Rental Assistance, as we mentioned, it's going to be paint stabilization, and so this is looking at those unstable painted surfaces that we've identified as part of our visual assessment, and we're going to remove and repair any of that loose paint, and stabilize those surfaces where we found that damage.

If we were being triggered to do a higher level, such as interim controls, or abatement, we would be doing more work as part of that, and we'll talk through that briefly as we go through this. So, under paint stabilization, we're going to removing that loose paint.

We're going to be repairing any defects to the substrate, and then we're going to put a protective coating, or fresh coat of paint on that. We're going to make sure that that work is being completed by a certified RRP contractor.

And so I saw earlier there was some questions of, could my property maintenance staff, could my grantee staff, could we complete that work ourselves? Yes, if you were certified as an RRP certified contractor. There is a requirement on who can actually complete that work, and so we need to have that documentation in place.

So that might be a matter of, and we'll talk in a minute, about identifying capacity. That might be a matter of saying, okay, I'm going to make sure that my staff has the appropriate training and certification, or I'm going to set aside some funding, and some time so that they get that additional training and certification, so we're prepared to be able to complete that.

So as part of that, we need to make sure that we have qualifications in place. Some of you are going to be contracting that out, and so as part of contracting, doing -- going through the procurement part, we would need to make sure that those contractors submitted evidence of the certification, current certification being in place.

We might also -- a lot of folks will have a pre-certified list of lead contractors. So you might annually go through a process of making sure that you had pre-procured lead contractors, you had that documentation in place.

Depending on scale, maybe you only need one, maybe you need a couple in place so that when you have a prior -- when you've done a visual assessment, and you determine, oh, there's work that needs to be completed, some lead hazard reduction work, some paint stabilization, that we would have a qualified contractor to be able to do that.

So they need to have the RRP training, and certification in place, and that documentation would need to be collected by you, the grantee, or your sub-recipient, to make sure that you were going to be in compliance with that.

As part of that, there is a required disclosure that would be part of -- anytime we have an RRP contractor disturbing any lead-based paint, or what we're presuming may be lead-based paint, and that's not only for housing, but it actually also applies to childcare facilities, preschools that are part of this target of pre-1978 housing.

Now, obviously for Tenant-Based Rental Assistance, we're not going to be dealing with childcare facilities, and preschools, but the EPA RRP rule does apply on that. So we have to have a firm that has the appropriate certification, either from the EPA, or if you're in an EPA authorized state, then that state program certification as part of that.

They would need to be following lead safe work practices. They're going to be providing the Renovate Right pamphlet to those households. And as Kris was mentioning, there are penalties in place, so it's really important to make sure that those are being issued.

So I would think as part of your documentation, making sure that you can show in the file that that's been completed. The contractor themselves is going to be issuing that disclosure, the RRP Renovate Right Pamphlet. I think I would want to be able to document that in my file.

So to be able to identify that we have a qualified firm in place, we have some resources. So for the RRP certified renovator, you, again, are able to do a search online, and determine based on your location, and you set a range on distance on that to identify those firms that already qualify as part of that.

As we mentioned, in some cases, you may want your own staff, or your property manager staff to gain that certification, and be able to do that work themselves. And so here's also a resource of where to identify where that training is available.

And again, you might be in an EPA state program, and so that training may be available through that state program. So just want to highlight, and some of these will not apply as much for Tenant-Based Rental Assistance because we are doing less of this, but under Lead Safe Housing Rule versus the EPA, we have some differences.

So for determining when lead-based paint is present, if we're doing -- have a certified lead-based paint inspector, or a risk assessment that's being done, they are using, as we talked about, an XRF machine for sending off samples to a lab, whereas the EPA has a lower standard on this, and they're allowing a test kit where essentially, we're doing a swab on the surface, and depending on how the test kit reacts to that, determining whether we have the presence of lead.

And so if we're triggering a lead-based paint inspection or risk assessor for your project which we generally are -- may not be other than with an EBLL child, we may not need to be concerned about this. Our training standards are also different on this.

We need to make sure that all workers and supervisors have completed the HUD approved curriculum. On that, we could have non-certified workers if they are being directly supervised on site by a supervisor that has completed the lead-based paint abatement training on part of that.

We talked about the EPA's Pre-Renovation Education Rule, and the fact that that pamphlet is going to be provided. But we also have talked a little bit about some differences in hazards, and how they're going to be treated.

So the EPA rules are a little bit less stringent, simply requires that renovations on targeted housing are going to be performed following safe work practices, so just trying to make sure that when we have a contractor working, that they don't create hazards based on how they are working on surfaces, where the Lead Safe Housing Rule is more specific about the treatment, and the ongoing maintenance on that.

We've mentioned a couple times about following safe work practices, and HUD specifically has called out six practices that are never considered to be safe, and so you'll see on this chart, EPA only has three of these.

But HUD not only has the three that have been identified by the EPA, but also bans the use of heat guns, dry scraping, or sanding, and also the use of volatile strippers within a poorly ventilated space.

So we need to make sure if we're working under the Lead Safe Housing Rule, that our contractor understands that they not only are following the EPA rule, but if their project is under the Lead Safe Housing Rule, we also have three additional prohibited work practices.

And then as we mentioned earlier, those de minimis thresholds are more stringent under HUD than they are under the RRP requirements. So let's talk a little bit about, and where that's going to be our next area where we're going into when we finish this up is talking about clearance testing.

So we want to make sure at the completion of our paint stabilization, we want to make sure that that area now is going to be free from hazards. And that might be from the unstable paint surfaces that had existed, or we could have been generating some dust, and debris from the work that we completed on that.

So we always are going to need to have a clearance examination. It needs to be done by an independent party, and so this is HUD's rule that is more stringent. The RRP would allow the contractor themselves to make that verification that they have met the acceptable levels on clearance.

So we're not having to send off samples to allow for analysis. The HUD rule is more stringent, and would say, we need to have someone else other than the contractor. They are going to collect samples, and they're going to be sending that off then to an independent lab that's going to be testing those samples, and determining are the particulate that we're still finding in that work area, are they at acceptable levels?

I know that there was a question earlier that came through, and there was a suggestion of having a direct conversation. The issue here is making sure that there's not a conflict of interest, that if we have a property manager that is going to be doing -- they're certified under RRP to be able to do the paint stabilization, we want to make sure there's not a conflict of interest on the person who is going to be doing the sampling, sending it off to the lab with the folks that had actually done the work themselves.

And then under HUD, we have more stringent requirements about disclosure, providing notices. If we are doing lead hazard evaluation and control activities, and that would include common areas in properties, we would be providing within 15 days disclosure to those occupants, so that they would know about what work had been done, the outcome of that work, and the clearance results on that. EPA does not have that same requirement.

All right. So if we were doing abatement, and I think where we might possibly come into doing abatement would be if we found that we had evidence of a child that had an elevated blood-lead level, and we were taking the appropriate actions, it could be that there would be abatement done as part of that.

So if abatement was being done, there's a separate level of certification for the contractors and supervisors as part of that. And when we're doing abatement, this is a higher level than interim controls. We're actually going to either remove the lead-based paint, or we're going to put mechanically applied controls in place that will have a 20-year life expectancy.

So we might use, for example, if we had a -- the exterior of a house with lead paint, we might be Tyvek-ing and reciting that house to mechanically enclose that lead-based paint. We might be drywalling, or doing other things that would cover, and provide a stable surface that we felt had at least a 20-year life expectancy.

So there were some questions earlier on, I noticed in the questions about whether a lead property was lead-free or lead-safe. So if we have a lead-free property, either it never had any lead-based paint, or that has all been removed.

But we could do abatement where we did remove all the lead-based paint, but we were putting these protections in place with a 20-year life expectancy. Those properties are going to be considered lead-safe, but not lead-free.

All right. So we talked a little bit about lead safe work practices. We need to be able to document that they are being followed. So as part of our written agreements with contractors, we would be specifying that, but we also have some documentation, some samples as part of the toolkit where we would document, and the contractor would be verifying that they follow these methodologies, they're controlling that dust and debris, protecting their workers.

But also, we have to think about, if we have an occupied unit, let's say we have done as our part of our maintenance, we've done a visual inspection on an occupied unit, and we determine that we have unsafe -- we have some paint stabilization work that needs to be done, we're going to have to think about how do we protect the occupant, and their possessions in that work area.

Is there a way to protect, to control dust and debris so that we protect not only the worker, but the occupant as part of that. And so that may be sealing off work areas, maybe sealing off the HVAC system, so it's not going to suck in dust, and distribute it around the unit.

In some cases, we might need to do relocation. That may be less likely in our ongoing maintenance, hopefully, but particularly if we had a child with an elevated blood-lead level, and we were doing more work on that unit, we might need to temporarily have that family out of that unit, might be for just a couple of days, or overnight while that work was being done.

And then, of course, we're going to do effective cleaning, what sometimes we call scientific cleaning once that work has been completed to make sure that work area now is going to be safe. We're going to do our clearance test to be able to verify that.

So things like working wet so we don't create dust, cleaning wet to make sure that we get all that particulate, using a HEPA vacuum system which has the ability to collect very minuscule particulate as part of that.

And then, as we mentioned, we're going to do a third-party clearance inspection, and provide a notice on that. Here, again, is our link for the RRP training providers that we also have shown you the link for the search tool to be able to look within your area.

Couple of other related resources I wanted to point out here. There is a safe work practices Renovate Right brochure which explains a lot about why -- the safe work practices are important, and could be helpful not only for workers, but also for occupants of units to understand what's being done, why it's being done as they occupy that unit later to be able to know how to best handle, and clean that unit appropriately.

We already talked about this issue of controlling dust, and debris. There is interpretive guidance, and here's a link. I know we'll be talking further when we get into resources about the interpretive guidance on lots of topics, but specifically S4 and R13 are talking about lead safe units, and interim clearance.

So we might do clearance before -- after our lead hazard reduction work had been done before maybe a general contractor came in, there's more detail in the interpretive guidance. There is a post-work checklist for lead hazard reduction activities that's part of being able to document that these safe work practices were followed.

And so there's a sample form that you could pull, and we've provided a link on that. And then we're going to be talking about the guidelines and handbook, and so chapter eight specifically goes into details about resident protection and work site protections that we're going to talk a little bit about next year.

So I mentioned that not only are we concerned about the workers, but we also need to be concerned about, how do we protect occupants and their belongings while any lead hazard reduction work is being done?

And so we mentioned that this statement of work for the contractor, that we would include those requirements in our scope of work as part of that contract. We would also be getting verification, or certification that that was followed. But also then thinking about, and planning what is the work that's being done?

Where is it in the unit? Is this a situation where maybe it's in one room in the unit, and maybe we're able to move their possessions, and have that occupant stay out of that particular room while that work is being done, room being sealed off, and they're not allowed to reenter until all the work has been completed, the cleaning has been done, and we have a clearance, acceptable clearance examination, determining that it's now safer then to return.

In other types of assistance, we might determine there's really not a way to allow this household to occupy that unit while that work is being done. And so, as part of our planning for this project thinking about short-term relocation, so maybe putting them up in a hotel or motel, providing them some meal vouchers for whatever's required. Maybe it's overnight, maybe it's for a few days on that.

If we were going to be requiring someone to be offsite for longer than maybe overnight, or just a few days, then we probably need to put them in more of a functionally equivalent unit. So if I'm in a hotel or motel, I don't really have cooking facilities so I'm being given meal vouchers.

But if I'm going to have someone longer, for a longer period of time outside of that unit, I may need to put them in a unit where it's more functionally equivalent, where they actually have cooking facilities to be able to occupy it in that way.

And so some planning on the front end, and thinking about what's going to be appropriate here, what type of temporary housing will I need to have in place on that? And there is some additional guidance available on that.

So as we mentioned, relocation is going to be required when that tenant's going to have to be out of that unit until we can achieve clearance on that. Now, if we can do that work either in a restricted area, or we can complete it within an eight-hour workday, that's going to be acceptable. But if we can't, then we're going to have to do relocation on this.

Some exemptions to that, if we are not going to be disturbing paint, or I mentioned that it always is an option to do paint testing. So if we actually paint tested those painted surfaces that we're going to be doing paint stabilization, maybe we determined that there's actually no lead-based paint that's being disturbed, that would also give us an exemption.

We mentioned that if we can complete that work within a one period of an eight-hour day, and that includes clearance on that, then we could allow them to stay in place. We might need to protect their possessions to make sure that they were not going to be contaminated as part of that.

We may have units where it's exterior only, and we can make sure that windows have been properly sealed, so it would not impact that household as part of that. In some cases, as I mentioned, we could seal off a work area. They could still have safe access to the unit, and we're going to be able to complete that work within five calendar days.

That would also be acceptable. And then our last exemption, I guess, on relocation is, if we have elderly occupants, once they've been informed of their rights, they could waive -- they could sign a consent form, and waive relocation.

And so under our resource list, we have under interpretive guidance J24 which specifically speaks to this scenario where we have elderly occupants only, and how to handle that. And then there is -- we also have a link for some additional guidance on relocation specifically.

So also wanting -- I've been mentioning about the fact that it's not just the occupants, but it's also their possession. So pre-planning being needed to think about the work area, what can be protected.

Maybe we can move things into another room. Maybe we can bring in a storage pod, or move things to another, secured location, and be able to leave that occupant in place, and also protect their possessions.

So depending on the scale of what's being done, that's really important as part of our work. And then there are some resources on a after the fact, a post-work checklist that would be certifying, yes. We followed this protocol.

Either we were able to move things, we were able to seal them off, you would have documentation of how you handled those requirements. So let's take a look at documentation on this.

So as always, we're going to need to make sure that we have the appropriate documentation for the personnel that completed the hazard reduction, whether that was property management or grantee staff that has gotten certified, or we're going to contract, and have someone outside that's being -- that's going to complete that work and have their certification that we collected as part of our procurement process.

We also want that checklist, when the work has been completed, documentation, that occupant protections if we have an occupied unit. And we need to be able to show the oversight that's being provided, so we may have photos, we may have notes, logs of inspections that were done, statements of work as part of that.

So that's talking about our treatment that is being done, and then lastly, we're going to be talking about clearance. So I keep mentioning that before we're going to be -- consider this project complete, and allow that occupant to reoccupy that space, we need to make sure that it passes our clearance standard.

And so for our hazard reduction work, we need to make sure it passes that clearance examination. We talked about that being a third-party inspector. For abatement work, we know that the clearance has to be performed by a certified risk assessor, or lead-based paint inspector. For non-abatement work, it -- that -- those samples could be created -- collected by a risk assessor, or a paint inspector, or sampling technician.

We need to make sure, as I mentioned, that there's no conflict of interest between the folks that are collecting those samples, and who will be doing the testing. And then this last bullet point about interim clearance, if you were in a program that was maybe doing more rehabilitation, not just lead hazard reduction work, we might be completing the lead hazard reduction work, doing an interim clearance, then continuing with the rest of the rehabilitation, and then at the end then doing a final clearance.

May not be something that you would be involved with as part of Tenant-Based Rental Assistance. So when we're doing our clearance, this is going to not only be, again, another visual assessment. So on the frontend, we did a visual assessment looking at signs of paint staples, deteriorated painted surfaces, dust.

So we're going to do that visual assessment to make sure that we had a scope of work of what needed to be done, we're seeing evidence that that work has been completed. All those unstable surfaces have been treated. We have a new coat of paint on that.

We can see that things have been clean, and then we're going to do our dust sampling that's going to be sent off to an accredited lab to be able to analyze and determine the levels of residual lead dust that still remains.

And there's a good visual here of our tubes where those wipes have been carefully labeled and then included packed off, sealed, sent off to the lab to be able to be analyzed. So in some cases, we're going to get results back where they're determining, hey, we still have not achieved the acceptable results.

And so in those cases, that work site, we're going to do re-cleaning, and we'll go back then through clearance testing again, until we actually are found to be clear on all of our sampling on that.

We're not going to pay our contractor until we -- they have achieved clearance on that. And again, we have a clearance exam video which'll think will be really helpful for folks to just see that process in real life.

So with our dust wide samples, again, we've got clearance levels that are specified based on the surface that we're dealing with. Those are going to be collected, sent off to the lab, and we don't consider that lead hazard control work to be done until our clearance test results come back, and they determine, yes.

We now -- those residual dusts has been found to be within our acceptable levels, and so that test has been determined to have been passed. So for our clearance testing, we would of course need to have certification to show that we were using certified personnel as part of that.

And then we are going to have our clearance reports. And if we're going to have any subsequent cleaning, and retesting, that would be collected as part of our evidence we would have in place. All right, Kris, I'm going to turn things over to you.

Kris Richmond: Thanks, Les. All right. So now, we're going to talk about notification requirements. So if we -- Les kind of walked you through where we did the visual assessment. We identified deteriorated paint during the visual assessment, so we had to do our paint stabilization.

And so that was done by people who are trained in RRP, and then they did clearance, and they passed clearance, and now, we're getting to the point of notification. What do we do? How do we share this information with the owners and the tenant?

So the occupants and the owner has to receive a notice of lead hazard reduction activities, and this has to be provided within 15 days of completion of the work in passing clearance. So the notice has to include all of these items that you see here on the left.

A couple things that I'd want to highlight to you, the types of treatment, so we want to identify, we did paint stabilization for TBRA, and where was that done, like where in the unit? We want to make sure there's an address and phone numbers or contact information in case someone needed more information or had questions.

And then perhaps you had done a more stringent type of review. Maybe you had done a risk assessment instead of just a visual assessment. So perhaps, you know that there is lead in the unit, and so you would need to provide location of any remaining lead-based paint services, or lead-based paint hazard.

So not typically -- we don't see that too often in TBRA, but in case you did do a higher level of assessment. Here's a sample of a notice of lead hazard reduction activity form. We have a link here where you can download it off of our toolkit. So this sample includes all the regulatory requirement information that needs to be given to the residents.

Grantees can also add more information, and change the format, but you can't delete the required items. And as I mentioned on the earlier slide, it does have to be provided within 15 days of completion of achieving clearance.

So here's a reminder of that documentation for this notification step. After the work is complete, you would have a copy of lead hazard reduction notice. You would check for the required elements, make sure there's dates and signatures, and then a new updated disclosure notice would need to be provided to the tenants at least renewal.

And on this, we would be making sure there was reports attached, information about where lead was found, and dates, and signatures information, and any kind of reports. So this is the notice, the documentation that's required after we did any work, and after the clearance was achieved.

Sometimes people ask, well, isn't there documentation at the beginning when you did that visual assessment? Well, visual assessment is actually not considered an evaluation technique under the Lead Safe Housing Rule. There's no requirement that you do provide a notice of evaluation. We do think it's a best practice.

We think that grantees should have some sort of documentation as a best practice. And earlier in the module, we did provide a link for a sample form that if you did adopt to use a notification method for your visual assessment, you could use that as well.

Right. So let's talk a little bit about ongoing maintenance. So unless all lead-based paint has been removed, the unit must be maintained to make sure it's lead safe, and it may be subject to periodic reevaluations. So lead-based paint maintenance is not required when a lead inspection report indicates there's no lead-based paint on the property, or if a lead-based paint clearance report indicates all lead-based paint has been removed.

But this is with the understanding that we didn't remove everything, so we are going to be doing ongoing maintenance. So this slide really shows the ongoing responsibility of ongoing maintenance, and ongoing monitoring.

So in general, ongoing maintenance is about how to keep the unit lead safe. So if there's any type of remaining lead-based paint, we need to make sure that that's being reviewed on an annual basis. Like we said, any new -- any disclosures would need to be updated if there was new information that was found.

The records we want to ensure that we're tracking the history of our inspections, and any lead work that's being done, because remember, these records need to be shared with the disclosure. If there's new lead found, or if there has been any lead work that's been done, we need to make sure that we're checking for deteriorated paint, doing that visual inspection.

If there was any bare soil that needed to have been treated with interim controls, safe work practices should have been followed, and using the properly trained RRP renovators, or RRP certified staff.

If it determined that there was deteriorated paint found during that annual inspection, or if there's some just ongoing maintenance, and ongoing maintenance is going to disturb a painted surface that's bigger than the de minimis area, then we would need to ensure that our RRP contractor, or workers are being used.

And this is all -- this ongoing maintenance is being done by the owner. So we need to remember, the owner may not know what these requirements are, so it's up to us, the grantee who's funding that voucher to ensure that the owner knows what needs to happen.

So if they're doing maintenance, that's going to be disturbing paint that's bigger than de minimis, they need to use people who are trained in RRP. If there's deteriorated paint that's been identified during that annual visual assessment that the owner is doing as a result of ongoing maintenance, then they need to -- and it's larger than de minimis area, they need to use people who are trained in RRP to stabilize that. And then clearance needs to be achieved, and then a notice of lead hazard reduction activities needs to be provided as well.

So like we said, the TBRA requirements, again, triggered if there's a child under six. And so what needs to happen for ongoing maintenance, it's that visual assessment that's being done every 12 months, and the person needs to be trained as a visual assessor.

It could be the owner. It could be the owner's staff. They're taking that free training. I saw that the training link was put into the Q & A. It's also part of the resources we have at the end of this module as well.

They need to -- the owner needs to be responding to, and clearing deteriorated paint that's been found. If for some reason they did do abatement, not that typical in TBRA because they have an option, and so they don't typically do abatement which is the highest level of treatment.

If abatement was done, and there was any encapsulations, or enclosures, those need to be reviewed to make sure they haven't failed. And then written notice, asking the residents to report deteriorated paint, and any failure of these encapsulations, or enclosures needs to happen.

So I'm pretty sure that one, two, and three are happening on a pretty regular basis by our owners. This number four is one that's sometimes is overlooked. So we want to make sure our owners know that they have to provide written documentation to the residents asking them to report deteriorated paint.

So this could be something that's attached to the lease. It could be some other document that they collect, and that's signed and put in the files. But if you, as the grantee, go and monitor this owner, that's something that you want to be looking for.

You want to make sure that, that written notice to the resident, to report deteriorated paint has been provided, and there's some type of acceptance, or acknowledgement of that in the owner's files. And then, as I mentioned before, this is not required if the lead-based paint was all completely removed, so this is only if lead-based paint is still in the unit.

Right. So again, with our documentation, what do we want to make sure that we have? A report of any new evaluation. We want to have a report of any new hazard reduction if additional work had to be done, copy of the clearance report, certification of all the personnel who completed the work, and an updated disclosure notice.

So again, this is all going to be done by the owner, so you're going to be wanting to look for this documentation in their files. All right. So now, I'm going to do a very brief high-level review of the Lead Safe Housing Rule Amendment from 2017, and this addresses Elevated Blood-Lead Level responses to children in our assistant unit.

So someone who's receiving a Tenant-Based Rental Assistance voucher, we would -- and using that in a unit, we would consider that a HUD-assisted unit. This is a two and a half to three-hour course that we teach on EBLL.

And I have, I think, two slides, then I'm going to talk about it, so if you need more details about how to respond to email beyond what I'm able to share with you in the next five minutes, I highly recommend that you look on the HUD Exchange.

We did train EBLL couple summers ago now, but the recording is still there. And then you are lucky enough to know ahead of everybody else, we are going to be doing a repeat training of EBLL for TBRA specifically on November 15th. So clear your calendars, the registration should be coming out in probably next week, maybe the week after, but maybe save the time on your calendar.

You can also sign up for the listserv so you can get an announcement of upcoming training opportunities. But if you need something today, and you can't wait until November 15th, there is a recording on HUD Exchange of the EBLL training which is the exact same training that we are going to teach again live on November 15th.

So, like I said, EBLL stands for the Elevated Blood-Lead Level. Once a child has been reported with an EBLL there are a number of steps that need to be carried out. Some need to be done by the owner, some need to be done by the grantee which could also be the PHA.

I have another slide that I think is a little easier to understand as we walk through these things, but this would be a child under the age of six who has been identified with an Elevated Blood-Lead Level in your unit that you're funding with TBRA, so what do we need to do?

There's a resource here that you can click on, but let's go into what some of these terms are, and then we can look at my summary slide which I think makes it a little easier because it's a little more linear thinking through what needs to happen.

Couple key terms here. We have covered units, other covered units, that's exactly the same thing. I was telling Les before this training, I'm like, well, there's a couple things we need to update in these slides.

So we have index unit, and index unit is the housing unit where a child is living with the Elevated Blood-Lead Level, so that's our TBRA paid voucher unit, and they have an Elevated Blood-Lead Level, that's our index unit.

And then we have other covered units, and other covered units are other federally assistant units in the property where a child under six is living, or expected to live. Now, this can be a little tricky in TBRA because TBRA, remember that's a voucher.

In our households, with their voucher, they can go anywhere they want. And so we may not know if there's other federally assisted units in that property. So perhaps maybe I'm running a home TBRA program. I know where my home TBRA vouchers are going to, but I might not know that there's a Section Eight housing choice voucher family that's also living in that same property.

So it's going to be really important for the grantee when I'm trying to figure out what the other coverage units are to have communication with the owner. We're going to have to specifically ask what other units are being paid for with federal housing types of assistance?

And so they -- you might have to be very explicit talking about the different programs that are in your area to figure out what those other coverage units are. And then we have a designated party, and the designated party is really who's responsible? Who needs to do what? And so it could be the federal agency.

It could be a grantee. In this situation with TBRA, it's either going to be the grantee or PJ. It's usually one, and the same, a grantee or PJ, it's just the terminology of the funding, the Public Housing Authority or the owner, so that's who our designated party is.

All right. This is the slide that I think really helps summarize the EBLL response, especially if you're brand new, because your head is going to be spinning, and you're going to say, oh my

gosh Kris. I can't believe you went over this in three minutes. But I do highly recommend that you go to the EBLL training, or listen to it on the HUD Exchange.

So this is found at 35.1225, so if you're a reg person, and you want to read through in the regulations, go look it up for TBRA 35.1225. And over here, these are -- is our designated party. Who needs to do what. So when you read through the requirements, it'll say the designated party, and then it'll identify who, the owner, or the grantee, and so that's who needs to do what step.

So we start off with verification, and verification is needed because maybe we got a phone call. I'm the grantee, and I got a phone call from Mrs. Smith who I'm providing a voucher for every month to live in her unit.

And she says, oh my gosh. I can't believe it. We went to the doctor's office. They did this lead testing, and they're telling me my child has an Elevated Blood-Lead Level, so I need to be able to verify that.

If I haven't gotten a copy of the report from the doctor, or I haven't seen anything from the health department, I need to get a verification. And that verification could be a phone call, it could be an email, but the grantee needs to verify that this really is an EBLL child, and that needs to be done as soon as possible.

And then the owner has to notify the HUD Office of Lead Hazard Control and Healthy Homes. That's what this term is here. That's what we consider at HUD headquarters, Office of Lead Hazard Control and Healthy Homes. They also need to notify the HUD field office, and the public health department.

Now, I don't know too many owners that actually know how to get of hold of their HUD field office, or the Office of Lead Hazard Control and Healthy Homes, because they're typically dealing with the grantee.

So even though it's the owner's responsibility, the grantee is probably going to have to help them get that information to be able to do that. So that needs to be done within five business days after we received verification.

And you're also going to see a little inconsistency here. Some are business days, and some are calendar days, and this is how it's written in the regulations. So it's really important to just pay attention, and make sure, is it business days, or is it calendar days?

So we verified, we know that -- we got -- we called the doctor's office. They verified that the child does have Elevated Blood-Lead Level. That notification has been sent out within five business days to HUD Office of Lead Hazard Control, the HUD field office, and the public health department if they didn't find out already.

And then an environmental investigation needs to occur. And an environmental investigation, all -- it includes a risk assessment, and it also includes interviews of the family. This environmental

investigation is trying to find out the source of the lead poisoning, the lead Elevated Blood-Lead Level.

Where did the child have this exposure? Was it at their home? Was it at their daycare? So this environmental investigation really walks through. In the HUD guidelines, there's a questionnaire. It goes through all the requirements of how to do this environmental investigation.

This needs to be done by a certified risk assessor, okay? So the grantee is hiring a certified risk assessor to do the environmental investigation. This could also be done by the health department, so if you're lucky enough to live in an area where your health department has the capacity, the funding, and the time to do this, the environmental investigation, they could do that for you as well.

And then after that environmental investigation, there has to be a notification to the resident, and so that's the notice of evaluation. If we find out that the source of exposure was not in the unit that I'm using my funding to pay for Tenant-Based Rental Assistance, then I'm done. I'm done with -- I don't have to check other units in my -- in that property.

I don't have to do risk assessments of any other unit. I only have to do these other items here, down here, if it was determined that there was lead found in the index unit, and remember that index unit is the unit of where my child who has an Elevated Blood-Lead Level is living in my TBRA unit.

So if nothing was found in that unit, I don't need to do anything else. We do that notice. We say that there's no lead found. The family is still probably working with the health department to try to figure out where it was found, but my obligation as a grantee has been completed.

If we did find that our unit does have lead, then you do need to continue with these other steps. And so we need to do -- the owner needs to make sure that lead hazard control is happening on that index unit.

Remember, the index unit is where my Elevated Blood-Lead Level child resides, that's receiving my TBRA funding, and they have a choice. They could choose interim controls, or they could choose abatement.

Again, it's up to the owner to decide. We could ask for them to do abatement, but abatement's going to be a lot more expensive than interim controls, but it's -- they have a choice to do that. That needs to be done within 30 days after the environment -- 30 calendar days after the environmental investigation results have been achieved.

It needs to be done by the proper certified firms, and workers, again, depending on what type of work is going to be undertaken. And we have a handout. Yes. Okay. So we have this handout which is workers to perform lead hazard evaluation and reduction. And so you can see I have an abatement, and I have interim control column.

So depending on what type of work the owner decides to do, then depends on what type of firms, and workers need to be hired. So if you see here, interim controls, I could hire somebody with RRP. If they decide to do abatement. RRP is not good enough, okay?

It has to be -- I'm going to scroll down. You have to hang onto this gray bar, and scroll down with me on this page. They would have to hire abatement workers, or -- and abatement contractors and supervisors if they decided to do abatement.

So look at this handout, workers to perform lead-based paint hazard evaluation reduction. That's going to help you out to figure out who can do what. All right. So we're doing the lead hazard reduction work.

The owner's doing that on -- with hiring out the proper workers, and firms to do that. In addition, we also need to be doing a risk assessment on our other coverage units. Remember, our other coverage units where our units that have children under six that are federally assisted.

So it's either other TBRA units, some other type of federal assistance is being provided. If that's the case, if there's other units in that property that are other covered units, a risk assessment needs to take place, and then lead hazard control has to be done as well.

And so we have, again, that's being run by the owner, the grantee is making sure this is happening, 30 to 60 calendar days, and that really depends on how large -- how many other coverage units do we have?

So if we have less than, or equal to 20 other coverage units, the risk assessment has to be done within 30 days. If we have more than 20 other coverage units, we have up to 60 days to do that risk assessment.

So then we're doing the work. Again, we have our time periods here, depending on the size of how many we're doing, clearance needs to be achieved. We need to do our notice of lead hazard reduction activities. Those have to be provided not only to the residents, but also to the HUD field office, so you can see that information listed there.

And then we need to notify the field office when the activities are completed. And then there's ongoing maintenance, and ongoing maintenance is what we just went through a couple of slides ago where we're doing the annual -- the owner is doing an annual visual assessment, and they're also checking for deteriorated paint as part of that visual assessment.

They're putting in writing to their residents to please notify us if you see any additional deteriorative pain. So all those requirements that we just went through for ongoing minutes would kick in again if there was an EBLL response. All right.

Go to the training if you -- if this was brand new, and super-fast for you, because it -- we have lots of really good information for you. There's also a lot of resources available for Elevated Blood-Lead Level responses. A lot of these are on the HUD Exchange.

Like I said, we have the trainings. This is what I was just talking about that's available for you. The one that you'd want to go to is the TBRA. If you are also running typical public housing, or project-based assistance, there's an option there as well.

We have the link for you here. There is a toolkit that we developed, so if you go to the landing page, we do have links to the toolkit, and there's a whole area in the toolkit on EBLL. And then this is what I'm super excited about, our new videos. So we worked on, I think, five videos, and they've all been published.

They're all available on the HUD Exchange. And when you have to do an environmental investigation as a response to an Elevated Blood-Lead Level child, you have to do a family interview, and this shows what a family interview looks like. What are some of the questions? What are some of the resources you need to go to?

It's not very long, maybe like anywhere from six to nine minutes. The woman on the left is Carol. She is the actual certified risk assessor. And then you have a mom who has a section eight voucher, and so what she's going through is she just found out her child has been diagnosed as EBLL, so what -- she's very upset about it, and she has a lot of questions.

And so it's just a really neat video if you've never experienced, or aren't quite sure what are some of these things that have to happen? It's a real quick way for you to kind of see some highlights on that.

Okay. So documentation again, the verification of a child with EBLL, that's your email, or your notes from that phone call. You had a copy of the environmental investigation report, the notices that were provided, the notice that was provided to the family living in the index unit, as well as if you had to do risk assessments of your other coverage units, you'd want copies of those notices as well.

The clearance report notification of lead hazard reduction activities, so after any work was done, we would need to have copies of that as well. And then the certification of the personnel who completed the work, so if we did interim controls, we would need certification that they were RRP certified.

If they did abatement, we would need certification that they were abatement, and contractor, and firm certified. And like I said, here's the toolkit link. The other page had links to the training, and to the video. Here's the toolkit link for you to get to that module on how to respond to a child with EBLL. So, Les, I think I'm going to hand it over to you to bring us home.

Les Warner: All right. So hang in there folks. The end is near, so to speak. So just a little bit about oversight responsibilities, and planning on your part, and then we're going to talk about resources. So let me give the system just a moment to -- there we go.

All right. So I can move slides now. All right. So things for you to think about in planning for this, you participating in this training, or realizing, hey. I need to have a good working knowledge of these requirements, and then thinking about how will I have appropriate capacity?

So that might be getting additional training for staff, or other partners, but we've also then talked about in some cases, contracting out for things. So kind of a plan of how will I have appropriate knowledge, and capacity on this?

As far as the safe work practices, we want to make sure that we up front have laid out what we want to have done. We put language in about them using safe work practices, but we also want to make sure that that is being followed.

So if we can do onsite inspections, collect videos, or pictures to be able to document that, we'll help to make sure that what we've carefully planned to be in compliance, is actually happening. We talked a bit about this issue about protecting the occupants.

So thinking about where we have occupied units, making sure that our protocol is being followed on planning in advance to determine, do they need to be temporarily relocated? Can we cord off rooms? So making sure that scope of work, and specifications include these tenant protection steps.

And then we mentioned about being able to use some forms where we are requiring contractors to certify that, yes. They did follow this information, so training everyone involved that this is going to be a standard part of our protocol.

We will be verifying this, and making sure that everyone is then following this. So thinking about in monitoring, how will you follow up, and assess this? So kind of thinking about how will I collect information?

How will I test this to make sure that my systems are working, and that they're being followed? So let's talk about a little bit about some of these. So, as we mentioned grantees or subrecipients, you need to make sure that you have basic Lead Safe Housing Rule knowledge.

And that is going to be different depending on whether you are actually overseeing directly work that's being done, maybe by your own crew, or whether you've contracted this out. Even if you have a skilled certified contractor, you need to know enough about what they're required to do, what's allowable as a safe work practice, what's not, so that you understand as you're overseeing that contract, and the work that's being done, that it's being done properly.

So planning ahead, if you're going to need paint inspectors, risk assessors, RRP certified paint stabilization work, that's generally going to procure -- trigger federal procurement requirements, so probably doing that in advance so that you have someone already procured, and then you can task them as these assignments come up.

So thinking about how you're going to handle the staffing for visual assessments, clearance testing, all of that, that might be a likely component of your program. And then, as we mentioned, this oversight for things like temporary relocation, and then ongoing monitoring, so some planning as part of that.

As part of this, since we will have owners, and property managers that are going to be overseeing some aspects of this, have some procedures to make sure that all items are being completed, and how you will evidence that.

So whether they are providing certifications, photographs, whether you're going to be able to do onsite sampling would be important a part as part of that. And that might be your own staff. That might be a third party that's going to be handling the monitoring on that.

There is a chapter, Chapter 24 of the CPD Monitoring Handbook which is specific to the requirements for the Lead Safe Housing Rule, and I would really encourage folks to take a look at that.

That's essentially the checklist -- the -- what's -- HUD's going to be looking at, and so planning on making sure that your program design is going to line up, and have adequate documentation in place.

So for every pre-1978 unit, we need to make sure that there's a lead safe housing compliance file that shows how that evaluation, any reduction work, or notices that were done. And so specifically for Tenant-Based Rental Assistance, as Kris pointed out, and when we looked at the chart here, we know that the key here is that the rest of these requirements are triggered when we have a child under the age of six in that unit.

So we're going to need to be able to document why some units are going to be beyond the disclosure following the rest of these requirements, and why some are not. So I think some kind of a quick checklist attached with files might be helpful for folks, and what you expect to see in documentation within that file.

And as, of course, we've been talking about in these different sections, showing that certification of the staff that are completing the work. There is, you'll see on the bottom of this list, a checklist for Tenant-Based Rental Assistance which I think would be a useful resource for you.

So let's talk a little bit more about the overall resources. So there is -- on the HUD exchange, there is a lead-based paint landing page. So sort of everything lead-based paint, this is sort of your access point for that.

We have the web address here. You could also just look up the HUD Exchange, and then plug in lead-based paint, and that would take you to this page. So this is -- you'll see at the bottom here, we've got the toolkit where some of the resources that we've been talking about, but then also, this is where you could access the regulations themselves, and the guidance material that's being mentioned.

So a couple of aspects about this. So the toolkit that we mentioned has great sample forms, protocols. I would really suggest that you take a look at this based on the subpart that you are operating under, and it's divided based on what those regulatory requirements are.

I think this'll be a really good resource for you. For those of you that may not be aware, this has been updated recently, so there are a lot more resources here than there had been in the past. We also have mentioned there are a series of videos that now are available. The videos include both expertise from HUD, but also certified risk assessors that are part of this.

They are filmed onsite, real live action for this, and they include topics of the paint inspection, risk assessment, clearance exam, and also family interview for an environmental investigation in conjunction with Elevated Blood-Lead Level case, so I think these will be really helpful for you.

These are a new resource, and I think you'll want to visit those if you haven't already. The HUD guidelines for evaluation and control is the go-to manual, and we have separate chapters by topic that I think will be extremely helpful for folks.

If you have not -- if you're not familiar with that already, I would recommend use the link, spend a little time with that, become familiar with that. There is a mailing list that I highly recommend that you sign up for with the HUD Exchange.

This will then have you be automatically notified when there are future trainings like Kris mentioned, this upcoming training on EBLL responses, but also as new resources are provided, other policies are released on that. And so there are instructions here where you can go on, list that as one of your updated preferences, so that you're receiving notices on that.

Just a couple things to mention of upcoming trainings that we have on the calendar at this point, as Kris mentioned, there is a Tenant-Based Rental Assistance training that will be -- this will be repeated in November, and also then have an office hour that will follow that.

There also is public housing, and PHA training that's happening in December, also with an office hour on that. And as Kris mentioned, there's an EBLL training that needs that you -- we want you to know about.

Other resources, and these are, I think, all will be found on the HUD Exchange, and probably on the hud.gov would be the regulations themselves, some of the past training that Kris mentioned. Also, there's a link here for the EPA page which would provide a lot of the information on the RRP rule, some of the training.

You'll see the interpretive guidance, and we've mentioned this in a couple of places. There are specific further guidance goes -- and dives deeper on a topic-by-topic basis. This is where, when you need to learn more about something use -- that interpretive guidance is really helpful for you.

We mentioned the toolkit. We mentioned the videos, and then there is a PIH notice I want to mention on that. And then at the bottom here, there is a contact email, so after the trainings, you've got additional questions that come up, you can submit a question using this contact email at the bottom of this page, and ask for assistance on any of those topics.

So Kris, I know this has been a long haul for everybody involved, and our HUD folks have worked like crazy on answering questions. Kris, anything else you want to point out before we let folks go for the day?

Kris Richmond: No. I mean just -- there are still a lot of questions coming up asking about where do I get the training for visual assessment? So I know when the visual assessment slides, we have the link there, I put the link in the Q&A, again.

You can actually do a Google search. That's what I was trying to do to get the link really quick for visual assessment HUD lead, and the link comes right up to be able to do that. That's a free training. So lots of questions about that.

We also had a lot of questions about, well, if I do the work, if I'm the owner, I'm doing the work, can I do clearance too? And we talked a little bit about the person doing clearance cannot be the person doing the work, so there does have to be a separation there so there cannot be a conflict.

So we had a number of questions about that one, and then just people keep asking, is this going to be recorded? Absolutely. We're recording it. It does take us a little bit of time to get it up because we have to have everything be 508 compliant, and we have to get the transcripts which I always love.

If I've missed a webinar, I actually just pull down the transcripts, and I'll read through it, and then if I feel like I need to listen to the webinar, then I'll listen to the webinar. But I love having the transcripts because I'm more of a visual person to be able to have that. And we are going to be recording tomorrow, so if for some reason you can't join us tomorrow, please make sure that you do go back when the recording is posted.

But Les usually goes through the questions that came in today, and he'll kind of pull out the ones that came in, and see that we need to explain a little more, and we'll do that. We'll entertain new questions coming in as they relate to TBRA in the Lead Safe Housing Rule tomorrow, and then Les, did you talk about the exercise?

Les Warner: So I think I mentioned at the beginning, so we will be doing an exercise tomorrow, so we'd ask folks to take a look at that in advance, and then we'll go through that as the first thing as part of our office hour tomorrow.

Kris Richmond: Great. Yeah. And as we said at the very beginning, these are really standalone trainings Subpart, M, H and L. We were assuming people running Tenant-Based Rental Assistance programs were also not running a project-based assistance program. You are welcome to come to more than just today, but know that the -- a lot of the slides are similar.

We're putting in what the project-based system requirements are, but the whole background of the dangers of lead, and what a risk assessment is like, a lot of that will be repeat. So if you want to hear that again, that's fine.

That is similar information, but then we're interjecting Subpart L, or Subpart H depending on which day we're doing those upcoming trainings. Bruce, or Karen, or Flora, or Barrett, anything else that you would like us to highlight, or clarify? We have a couple more minutes.

Bruce Haber: This is Bruce, Kris. No. I think you've covered it very well. Thank you.

Kris Richmond: Great. Okay. Les, anything else?

Les Warner: I just hope folks will join us to get -- tomorrow. I think that'll be helpful in kind of particularly dealing with some of the common questions, or hearing it once -- some of these issues once again to kind of get clarity on things.

Kris Richmond: Great. Yeah. Thank you, and thanks for hanging with us. This is the first time we've delivered this training, so we weren't quite sure of the timing. When we practice, we practice with all of the subparts together for HUD, and for each other a couple times.

For this first time, we've just done TBRA on its own, so thank you for participating. Thanks for being with us today, and hopefully, most of you will be able to join us tomorrow for our office hours, so thanks, again. Bye, everybody.

Les Warner: Thanks, everybody. Bye-bye.

(END)