

Lead Safe Housing Rule Webinar Series
Subpart M, Office Hours, October 6, 2022

Kris Richmond: -- Kris Richmond. I'm with ICF and I'm accompanied today by my colleague Les Warner and we also are fortunate enough to have a number of HUD Office of Hazard Control and Healthy Home staff with us today. We have Bruce Haber, Flora Chavez and Barrett Fisher with us, so they'll also be helping us to answer questions.

So, in case you have never been to one of our webinars before, what we typically do for the office hours is that we'll review our exercises so hopefully you had an opportunity to do the homework last night. And then we'll see if there's any questions that came in the Q&A box; remember that's at the top of your screen. You can click on that Q&A box and type in questions. We'll answer those and then if there's not a flood of question coming in, Les has a number of questions that came in yesterday and he will start to explain those and go over those answers as well.

So, I'm going to pull up the office hour exercises. You should be able to see that on your screen. The limitation of WebEx is -- however those, when I scroll down my page, you're not going to see me scrolling down. So, there is a gray line, a scroll bar that you have to grab on to and move down to move down the page. So, just be aware of that if once we get to question three and you're typing in I can't see question three, you have to move that scroll bar down for you to be able to see the rest of that page. All right.

So, let's get started. The first part of the questions, we're really to have you to start think about the lead safe housing rule as a whole and then we have a scenario to go into. So the first question was asking, how do HUD lead base regulations work in tandem with the CDC and EPA? How does that work and what are some examples? So, you know with the CDC, HUD is using the confirmed flood [ph] level of 5 micrograms per deciliter while the CDC recently lowered their reference value to 3.5 micrograms per deciliter.

And HUD's going to continue to take action for confirmed flood lead levels at 5 micrograms per deciliter at this time. There had been some questions yesterday, well, are they going to lower it. Well, the answer is not right now. That could change, so you want to be watching for any notifications, but at this time HUD is still going to continue to use the confirmed flood level of 5 micrograms per deciliter while CDC has a lower amount right now.

And then with EPA, remember our HUD regulations are working in tandem with the EPA regulations so we have our subpart A with lead safe housing rule which is disclosure and EPA also has a disclosure at subpart F. And then we're also making sure that we are following along with EPA with their DLNQ, the lead base paint activities rule so that we know what kind of certifications people need to have to be able to do the type of work that we need.

So, for tenant based rental assistance we are doing paint stabilization and that needs to be someone who's trained in RRP so you would find that information in the LNQ for EPA. And then we're also following the RRP rule, the ENQ renovation repair and painting rule so that's where you would find more rules and requirements about RRP in there as well.

And then EPA is also reviving the thresholds for testing dust and paint and HUD rules defer to EPA for those numbers. So, those numbers go into effect when EPA makes a change, HUD will

send a notification to let you know about that and Les had talked yesterday about some of the dust numbers changing over the past year so we had that as part of the review that we went over yesterday too.

So, let's look at number two. What projects or units must comply with lead safe housing rule and are subject to EPA and HUD enforcement actions regarding lead base paint? So, obviously this is HUD assisted housing units that are built before 1978 unless there's an exemption. And our owners and our property managers and their maintenance employees are subject to the federal enforcement actions regarding compliance with our federal lead safe housing rule. And program operators and administrators, as well as program staff, are subject to funding impacts and the costs of addressing findings of non-compliances identified.

All right. So, let's look at number three. Remember, I'm scrolling down on my page so you want to scroll down as well. So, what are the types of vendors or contractors and their qualifications that a manager or an owner should have on-call? On-call meaning like accessible, available to them. Well, remember, for TBRA we have to do a visual assessment, that's our way of trying to see if there's deteriorative paint.

So, they need to have someone who's trained as a visual assessor to be able to go and look for that. Your program staff can also have someone trained as a visual assessor, that's that free online HUD training. And then if any deteriorative paint is found, then the owner needs to hire someone who's trained in RRP as a contractor or as a firm or renovators with their workers, that's the renovation, repair and repainting rule that needs to be followed. So, we need to make sure that they have that proper type of certification. Again, it can be their staff but they have to be RRP trained.

And then clearance needs to be achieved. Clearance has to be done by someone different than who did the work. So, we cannot have a conflict of interest with who did the work and then who does clearance, so it has to be a separate entity. So, we need to have someone on call to be able to do clearance. Clearance can be done by a lead base paint risk assessor. It can be done by a certified lead base paint inspector, or if we're also doing paint stabilization, we could have a lead sampling technician do the clearance as well. So, lead sampling technicians can do clearance of non-abatement work and paint stabilization's a much lower level than abatement so we could have lead a sampling technician do our clearance.

All right. So, let's look at number four. List key steps and documents that the owner or program operator must implement to assure the units that they assist are in compliance. So, first we're going to start with disclosure. So, we want to make sure that there's a signed and dated disclosure form the property owner has provided to the tenant. We want to make sure that protects your family from lead in your home. Form or pamphlet has been provided. There should be some tenant instructions that are also provided for the household so they know who to contact if they see any deteriorative paint.

We need to be looking. And so looking we have to ensure that someone who's been in trained visual assessment is doing that review, that they are writing down what they saw and they're perhaps taking photos. That could be the different documentation. And then for treating, again, if

we found deteriorative paint, we want to ensure that we're following paint stabilization and that the people that are doing the paint stabilization have been trained in RRP.

So, we are checking the certification of that. And we're ensuring that the RRP pamphlet, that acknowledgement, if you look at the pamphlet, the back pages of the RRP pamphlet is an acknowledgement that the household and the owner understand what's going on and what the risks are for having this kind of work done, what kind of safety measures are going to be put in place. So, we want to see a copy that they received that RRP pamphlet.

If for some reason our household needs to be relocated, we may not see that too often in TBRA but it could occur. Was there an occupant protection plan put in place? Did temporary relocation happen? What kind of documentation is provided for that? Do we know if they went to a lead safe unit? Do we know what kind of -- were they provided any kind of stipend? We want to see some documentation for that.

Clearance would need to be achieved. So, again, we would need to have someone who's certified to do clearance. That would be our risk accessor. That would be a lead base paint inspector or a clearance technician. And we would want to have a copy of the clearance report.

And then we're telling, so we are notifying what happened so we have a lead hazard reduction activities notice that's going to be given within 15 days of receiving that clearance report. And if we have tenants in this unit already and new lead information has become available, they also now need a new updated disclosure notice. So that would be provided to the tenant at lease renewal.

And then there's ongoing maintenance. And so the ongoing maintenance our owner is doing a visual inspection every year. They are repairing any paint, any deteriorative paint that's found using RRP's certified personnel. They're achieving clearance, again, if that's necessary. Updating disclosure notices as necessary and also requiring that the tenants notify them if they see any additional deteriorative paint.

And then question five, how do you know if your organization is ready to meet compliance. What you need to think about the portfolio of the work that you have. As we went through these materials yesterday, were you able to think about, oh, yeah, we make sure we get a copy of that disclosure notice and put it in our file. Or, you know, when we talk to the tenant they know who they're supposed to contact, what owner or property manager if they see deteriorative paint. You know we have policies and procedures that address these items. So, those are some ways for you to think about and determine whether you think your organization is ready to meet compliance or not.

So, those are some general questions. Let's dive into our scenario. Again, like I said, I have scrolled down to the bottom of this page. You must also scroll down as well.

So, we have our scenario. So, we have a family who's using a housing choice voucher and they are renting a unit in Tucker Commons. And this was built in 1950. So, the family of four has two children, ages four and nine. And this is the first family using HUD assistance for a while and the

landlord can't remember if there's lead in the unit or not. So, what does the public housing agency, that's going to be our grantee or another HUD grantee; maybe this was a home voucher instead of housing choice voucher, so it's the same steps that we need to follow.

What does the Housing Authority or the HUD grantee administrator need to ensure that the landlord does to rent a lead safe unit? Well, first we always check for exemptions. Do we think that this is exempt? And we realize, well, this was built in 1950, so no, it's not exempt. The housing is pre-1978. So, the landlord needs to provide a disclosure notice and the original is going to be kept by the landlord in their files.

And they're going to provide a copy to the Housing Authority. So, the Housing Authority knows that their family has properly received disclosure. And they're going to check that form. They're going to see was it signed by the family, was it signed before the lease or at lease closing. If there was lead in the unit, were any records shared with them. So, they're going to check and they're checking to make sure the proper form is being used. So, they're looking for all those things.

And then the landlord is aware there's a child under six so they now know that they have to follow the other lead safe housing rule requirements. So, we're going to be completing a visual assessment. So, the Housing Authority has someone who's been trained as a visual assessor, they took that free HUD training and they are going through and seeing the condition of the property. So, this might be part of their HQS inspection that they're doing.

And the inspector identifies some deteriorative paint. They saw some paint chips, some dust and some other debris. So, they wrote up, it's not an official notice but they're documenting what they saw and they're providing that to the landlord and they're telling the landlord, my family can't move in here until this has been taken care of. So, that's what we decide to do. We did a visual assessment. I could have an option as a Housing Authority to do a full risk assessment, but it's not required for tenant based rental assistance, so we're just going to do a visual assessment.

So, since we found deteriorative paint I'm telling the owner what needs to happen. And the owner's management, as part of their property management staff, they actually have certified renovators on staff. So, I ask them to show me their certifications. I see that they were trained, the training is current and we talked about paint stabilization. So, they need to repair the physical defect in the sub straight of the painted surface that's causing that deteriorated paint. So, they're going to remove the loose paint and other materials from the surface to be treated and they're going to apply a new protective coating on that area. And they're also going to use lead-safe work practices.

So, the owner staff who's properly trained is making those paint stabilization repairs. And then the owner hires a clearance inspector so there's a lead-base paint inspector in town, he does clearances, he's not associated whatsoever with the property management firm that is dealing with our property at Tucker Commons. So, there's not conflict of interest. They come in and do a clearance. It passes clearance. So, we get a clearance report and we're going to put together a notice of lead hazard reduction activities and that's going to be provided to the owner. The owner is going to have that as records to be able to attach to the disclosure notices moving forward.

Now that everything has passed clearance, our family is able to move into Tucker Commons. And then every year, if our family continues to stay there for the next year, there's ongoing maintenance requirements. And, so, the family is going to be subject to having someone do a visual assessment that's going to come through and check to make sure there's no deteriorative paint. If anything happens during that year and paint becomes deteriorated the family knows who to contact to let them know that this needs to be addressed.

And then as a PHA, I know that I need to coordinate with my Health Department on a quarterly basis. And, so every quarter during this year, since this family has one child under the age of six it's still triggering that coordination. So, we have a memorandum of understanding with the Health Department and I am going to send every quarter a list of the addresses that I'm funding with my Section 8 vouchers to the Health Department. And they're going to compare that to any reported cases of elevated lead levels in the area and then they'll get back to me and let me know if there's match and then I have to take immediate action if there was a match.

So, that's in a nutshell what we would be doing here. Les, is there any questions or anything you want to expand upon?

Les Warner: So, there are no questions in the box. One thing I was going to mention on question number five about how do you know if your organization is ready to meet compliance. One of the things that we tend to suggest is, using the CPD, or depending on what program your funding's coming from, using their monitoring, the HUD monitoring checklist and there will be a separate monitoring checklist for the lead safe housing rule and just taking a look at that.

Because that's what HUD's going to be reviewing when they're looking at your program and it lists out the types of records they're expecting to see in your program files for individual projects. And I think that's a good -- I used to use those as a way to set up our file systems on the front end and think about, okay, we need to make sure that our program is designed in a way that we're going to have collected and held onto each of these items, so we'll be ready to be able to demonstrate that we're fully in compliance with all the requirements.

So, Kris, I'm thinking maybe we'll go into a couple of the things from yesterday that makes sense to point out but we'll remind folks that as you have questions, we encourage you to put those into the question box and we will move back to those if we get some questions in.

Kris Richmond: Les, do you want me to keep control to be able to go to slide numbers or do you want to do that?

Les Warner: Let's switch control.

Kris Richmond: Okay.

Les Warner: So, I've got --

Kris Richmond: I can give you control.

Les Warner: -- I've figured out what slide we need and I think I can do those.

Kris Richmond: Okay. I handed it over to you.

Les Warner: All right. So, let's see if this works. All right. So, we have a number of questions yesterday that kind of were around this issue about not only disclosure but got into this discussion about lead free versus lead safe.

So, you know, there was a question that came in about, I've got a building that's testing negative for lead base paint. So, thinking that they don't need to provide the disclosure form. So, I wanted to kind of go back over that and the particular terminology that's used here. So, when Kris went over the lead disclosure rules yesterday, talking about this applies to essentially all pre-1978 units. But we may have some pre-1978 units that we're able to document that they are lead free.

And, so, lead free means that they have been inspected and it's been determined that there is no lead base paint. We also use this term about lead safe where we have done a visual assessment, we've done a risk assessment and we've determined that we don't have any identified lead hazards. That's different from saying the building is lead free. When we complete our interim controls or abatement and we've done our clearance testing. Same thing with paint stabilization, when we are done we've done our clearance test, at that point in time, that property should be lead safe because we have addressed these identified hazards.

But it is not lead free. And, so, in those lead safe structures, we want to make sure that we continue to provide the disclosure information so those households understand, what is this about lead, why should we be concerned. What should we be watching out for in this unit if we have some of these lead safe surfaces that maybe deteriorate over time. Or maybe there's some alterations that are done.

And that's part of the reason we do this ongoing maintenance where we are doing visual assessments each time we have a turnover of that unit or an annual basis whichever is more frequent. Because we want to make sure that those structures that aren't lead free continue to be lead safe. So, that disclosure must be given for all pre-1978 units except for these exemptions.

And as Kris talked about yesterday that, really the two that we would see, I think with tenant based rental assistance would be where we could document that this building had been tested and was lead free. Or where we have existing tenants that have already been provided that disclosure and there hasn't been a change in those conditions. And, so, we're not having to do an update to that disclosure.

So, I think that answers a couple of questions that was in place. And sort of a related question that we got was about asking, how long is a lead safe certification valid for. So, we're going to be depending on what the subpart, the type of activity is requiring you but for subpart M, we've talked about for ongoing maintenance that, at the point that we are moving someone into that unit, we will have done our visual assessment.

We will have determined that either there are no identified hazards or we will have done paint stabilization, done clearance testing, disclosed that information to the household and we would consider that household, that unit to be lead safe and we would allow that household to move in. But subpart M is going to require that we have this annual visual assessment, once again to make sure that things remain to be lead safe. So, again, it's either annually or at turnover on that unit whichever comes first on that.

All right. And Kris, if you keep an eye on the Q&A box and just holler if we get questions in there. Let's see.

Kris Richmond: I will. It's a very quiet group today.

Les Warner: Yeah.

Kris Richmond: So, please, if you have questions please go ahead in the Q&A, that's what this time is for. We'd love to be able to answer any burning questions you have.

Les Warner: So, we had a lot of questions yesterday, which was perfect because I kind of see the wheels turning on thinking about, okay, staffing wise who can do what task on this, that you're making sure that you either are covered or you're kind of putting a plan in place to make sure you have the folks on call, as Kris talked about in our exercise.

So, there were questions yesterday about, can our in-house maintenance or management, can they test and remediate units. So, under subpart M as we talked about in the exercise, it's a visual assessment that's done. So, that needs to be done by somebody who has been certified as a visual assessor and that's something that is free. It's online, you'd want to make sure you have that certification in place.

At the point that there's any work that needs to be completed, then we have to have an RRP certified person that's going to work on that. So, there were questions about, okay, so I'm certified as a supervisor and I've got staff that are RRP certified, I'm wanting to know, could they do the testing to identify lead and remediate and have somebody else do the clearance. So, for the testing or evaluation that is required under subpart M and we can kind of flip to this -- no, that's not what I was looking for. Let's see. Yes.

So, our evaluation methodology is a visual assessment. So, if you have a staff person that is trained as a visual assessor, yes, they could be completing the visual assessment and determining if there was lead hazards that needed to be addressed. If you have RRP certified staff, they could do the paint stabilization work. And we talked about following safe work practices, making sure we had that certification in place to be able to document that.

But then we had a lot of discussion about then the clearance on this. So, and this person acknowledges, hey we get that we're going to have to have a separate person do the clearance testing on this. And I wanted to just talk a little bit more about why are we making an issue about this conflict of interest.

So, if I'm the RRP contractor, I've done the work, the clearance test is what's going to determine whether I can be paid, whether I have to do additional work. So, if I had done the work and I also was doing the sampling from that work site where I had done the work and done the clean up and preparation for that clearance test, there's some conflict there because I want to make sure I'm going to get paid, that there won't be any delays. That I won't be required based on that testing to come back and do additional clean up on that.

And, so, we want to make sure that that person that is collecting the sampling and then sending it off to the lab for testing; doesn't have this conflict and possible other motivations on how they do that work, where they choose to take a sample. And it reminds me of in my early days when I was monitoring and I would go to grantees and very early on I would have -- I would say to them, okay, can you just pull let's say 20 files.

And I noticed in one of the agencies that the person who was pulling files kind of would look and, oh, no, no, not that one. And they'd kind of -- I realized that there was some self-selection that was happening in those randomly selected files that I was seeing. And I realized, oh, I need to pull those files myself to make sure that I get an appropriate sampling.

And it's the same sort of thing here with the clearance testing, that we want this unrelated third party to be getting those samples so that we have a good test. Because this is so important to make sure that this is now a safe area for that family to reoccupy. We're doing this, we have children under the age of six that are at high risk and so we want to make sure it's done properly.

Kris Richmond: So, Les, we got a couple questions that come in.

Les Warner: Good.

Kris Richmond: So, let's see. The first one that they're asking, what would trigger the need for a risk assessment for a full lead base paint inspection. So, under TBRA an inspection, a lead base paint inspection or a risk assessment, may be done as an option. So, if an owner wants to see if the unit is lead base paint free, they could have a lead base paint inspection or a risk assessment conducted. That's one option because usually like Les said we're doing a visual assessment. Or if you have a case of an elevated lead level child then an environmental investigation would be required and a risk assessment is part of that environmental investigation.

Les Warner: And I would just mention that kind of over the years folks have really found that a lot of times in units there's a real mix of lead paint, non-lead paint in that. And, so, if you did your visual assessment and you identified quite a few places that were deteriorated you're treating, you're hiring an RRP certified contractor to treat those surfaces when it could be that some of those are simply some latex paint that's peeling and so they could be things that your maintenance crew could actually be addressing without the RRP certification if you had tested and determined.

So, there may be cases where you make the determination of, let's figure out is this lead or is this not lead before we decide to move forward. And I would think in some communities you may have easier access. Some programs will have their own staff that are certified as a risk assessor

and have easy access to XRS machines. And so particularly in those cases where it's going to be easy to do, might make sense to do, it's your choice.

Kris Richmond: Great. So, another question came in asking about the coordination, the quarterly coordination with the Health Department. And that's the grantee's responsibility. So the Public Housing Authority, the grantee, it's not the owner's responsibility. It's the grantee's responsibility because you're the one who knows all the addresses that you're funding your tenant base rental assistance program through. So, you need to coordinate with the Health Department on the quarterly basis for doing that.

Les Warner: And we'll go into more detail in that in the EBLL training that we mentioned and encourage folks to sign up for.

Kris Richmond: Great. And then also there was just some comments about RRP cleaning. So, after you're doing your paint stabilization, the RRP contractor should be able to clean in order for that unit to be able to pass clearance, especially if they did containment and followed good work practices, safe work practices. As long as those are in line what they learned in the RRP class then the unit should pass clearance. So, just a little discussion going on about that, but that's all the questions.

Les Warner: I think when folks have where the clearance test where they don't pass it, it's typically, at least in my experience, it's not that the work itself wasn't done, but that they just haven't adequately cleaned up after that to remove all the little bits of debris that either were already there or were generated as part of the work that was done. And so that cleaning usually the fix when you have a failed [ph] clearance, is they're going to go back, they're really going to do a good job of cleaning and then retest.

Kris Richmond: Great. So, I will pop back in if more questions come up.

Les Warner: Okay. So, there was a question about maximum limit in house maintenance that can remediate lead. So, the issue here, when we have tenant based rental assistance, it's going to be the owner's responsibility to pay for the RRP work that needs to be done for that paint stabilization. And, so, there's really not a limit on how much that would be.

Now, we could have a landlord that said, I'm not doing that and in that case we could not continue, we could not allow that tenant using your TBRA to move into that unit. We'd have to find another unit for them. And I don't know if when folks were thinking about this they were thinking about do I need to try to budget for this or they were under subpart J when we're talking about doing rehab, which is a completely different set of requirements, we do a calculation about whether we're doing interim controls versus abatement. That's not coming into play here. Our required lead hazard reduction work is paint stabilization and it's going to be whatever the cost is to complete that.

Let's see. So, there was a question and I think this is just a good sort of reminder. So, there was a question, well, if we have a property that wasn't built prior to 1978 and we got a household that includes a child that's under the age of six, do we have to do a visual assessment. So, and we

happen to have this summary sheet up which is kind of what we need. So keep in mind that we have this for requirements under subpart M that these are applying to our target housing and our target housing is going to be units that were built prior to 1978.

And, so, in this case, we're not having, if it's a '78 or later, we shouldn't have this risk of lead base paint being in that unit. And so we're not required to do our disclosures, we're not required to do the visual assessment because that unit is exempt. And we would be documenting in our file the age of that property.

And I know in some of the other trainings we've had questions about, well, you know, how do I determine when that unit was built. I think in most communities, if you were to look at the county auditor's records, which can be accessed online, for more recent structures they have good records showing when that unit was constructed.

Now, when you get to the 1920s and before, oftentimes they don't have really good information but determining whether this structure was built in 1970 versus 1979, the auditor's records should be a good source on that and I would think folks are going to want to verify the actual age of that structure when they're saying, oh, well, it's exempt because of when it was constructed.

Let's see, handled that. Talked about that. We handled that. I think we talked about that. I think we, Kris, have talked about everything on the list that I kind of targeted for something that we should revisit here.

Kris Richmond: Okay. I think I saw a couple more questions come in. Somebody's asking a hypothetical scenario. A household has a child under six who has tested for EBLL which was reported as required, however, the family resides in a unit that was constructed post-1978. How would this scenario be addressed?

Well, remember we're dealing with pre-'78 units, so technically the lead safe housing rule is not triggered in this scenario. However, as part of the due diligence and best practice, it is wise to refer the family to the Health Department to identify the possible exposure sources.

Les Warner: I think that's part of the Health Department on the sort of environmental investigation on this, trying to figure out and that's not that uncommon to find that actually where that child is coming in to contact with lead could be at a daycare center, could be at grandma's house where they're staying every day after school. But I mean the good news is, we've got a family that's in a lead safe unit.

Kris Richmond: Right. And our HUD staff had shared some examples where there had been elevated level of children in post-'78 units saying that exposure was due to fishing lures and the vapors from melting them to make new lures. So, that's how the child had become with an elevated lead level.

Somebody else had also piped in, Les, when you were talking about how to find the age of a property that they use the county's tax assessor website. They found that that's --

Les Warner: And that's essentially what I'm talking about. The county's auditor's website, tax assessor, yeah.

Kris Richmond: Mm-hmm. Great.

Les Warner: So, there's a question here about the RRP cleaning, the dirty cloth test is not the same as clearance. So, that's right. And that's one of the things that we pointed out yesterday, one of the differences between the RRP requirements and the HUD requirements is that HUD has a higher standard for that clearance test. And, so, instead of doing essentially a wipe test that the contractor themselves could be doing, we're using a third party tester that's then going to be collecting samples and sending them off to a lab.

So, we do have a higher threshold for our clearance testing. And sometimes being clear on the scope of work with contractors and going over that because we will have RRP certified contractors that are generally not working with HUD funds and so may not be up to speed on some of those key differences like we talked about there were differences in the de minimis standards between the HUD and the RRP rule.

Kris Richmond: Les, maybe pull up that handout. It's at the far right at the top. You need to click on that little carrot to see other handouts. It's the last handout listed.

Les Warner: Yep, there we go. I want to say it's the second page on this. Yeah. So, yeah, under this conformity testing at the bottom here, is pointing out the difference between the EPA and the HUD standard on this. And then I'll just note as we talked about on this same handout, the difference between the safe work practices for EPA versus HUD. So, we have some key differences between these two sets of regulations and in these instances, HUD is more stringent.

I'm trying to see if there is -- go back. Kris, I think that's everything in the Q&A also.

Kris Richmond: Okay.

Les Warner: Do we want to mention about the other sessions in the series? Let me see if I can pull up --

Kris Richmond: Yeah, they're on the slides.

Les Warner: Yeah, I'm flipping to see which -- it looks like it's 12.

Kris Richmond: And then there's one at the end too for EBLL.

Les Warner: Yeah. So, we just wanted to mention, so this was the [inaudible] for subpart M but there's also a session for project based assistance and also for public housing that you, depending on the types of activities that your agency is funding, that maybe something you'll also want to sign up for. And then I was trying to flip to, let's see --

Kris Richmond: I think 108, maybe. 107. There we go.

Les Warner: Here's the EBL. So, Kris did an amazing job of trying to compress a much longer training on EBL and the required steps on that. But I think for folks that would potentially be responsible for a compliant response on that, I think you need to attend that longer session, someone from your agency needs to be up to speed on that. And, so, I would really highly recommend that you do that.

And one of the things that Kris was pointing out in the -- there was a particular slide that walked through the steps and also included the timelines on this is that there's some pretty stringent turnaround times on responding to EBL. So, I think it would be important not only to know what those requirements were but also to kind of have a plan of action, have thought about having the capacity to be able to do that in advance. Because I don't think it would be something -- it would be very difficult to meet these requirements without having planned ahead on this.

Kris Richmond: And, Les, can you go to slide 93 because somebody was asking --

Les Warner: Sure.

Kris Richmond: -- is there a link to the EBL training. So, there's a recorded training up there on slide 93. The new training sessions, I'm sorry I did misread the question, they're asking about the new training session. The registration, I think, is going to go out next week. I was reviewing some marketing announcements about it this week. Our HUD clients need to approve that and then we'll send out the registration so watch for it. It'll probably go out next week, if not the week after.

But you can save the date since you know what the upcoming date's going to be. But still register. It should come through the HUD Exchange. So, the way that you found out about this class will be the same way. Yes, thank you. And if you have not already submitted your information to the mailing list, this is how we send out information updates about lead safe housing and healthy homes. So, please get yourself on the mailing list and you'll be one of the first to find out about upcoming new events that are on there.

Okay. Somebody's asking, Les, you want to take this one on? Do you need to get clearance testing any time lead base paint is disturbed?

Les Warner: Yeah. So, we're always going to need to have a clearance test because we're wanting to make sure that it's going to be lead safe for that household and that child that's under the age of 6 that's high risk to be able to occupy that space. So, yeah, we're always having a requirement for clearance testing to be done and we're going to include that information then in the disclosures that go to that household.

Kris Richmond: What if it's below de minimis?

Les Warner: I would --

Kris Richmond: Do you want to go those slides? I think they were at the beginning.

Les Warner: Let me see if we have a number on that.

Kris Richmond: They were at the beginning of your area. I'm looking.

Les Warner: [inaudible] section maybe.

Kris Richmond: Yeah. Look at slide 22.

Les Warner: Okay. Yeah. So, here are de minimis requirements. But I guess, Kris, I would think that a clearance test is still required.

Kris Richmond: Maybe one of our HUD staff can --

Les Warner: Here we go. Okay. So, Bruce is luckily weighing in here. So, if it is under that de minimis level, then clearance is not required. But if it exceeds that then it's greater than the de minimis then clearance would be required.

Kris Richmond: And de minimis is a measurement, a space measurement. So, that's we mean when we talk about de minimis and so you need to look at your interior, exterior, a small component type like a part of a railing or something that's -- what needs to be reviewed to determine if it's larger than de minimis then it does trigger. And if it's smaller than de minimis then it would not trigger.

Les Warner: Let's see. So, there's a question that just came in. Are there any requirements for clearance testing or other documentation for exterior paint stabilization. Yeah, exterior follows the same protocol other than we have the de minimis rule for exterior on 20 square feet. So, anything above that is going to have to have clearance testing. We're going to be doing paint stabilization on that and then have some clearance testing done. And again, our point is to try to make sure that this is going to create a safe environment for that household.

Kris Richmond: Yeah. And then just to highlight on this slide here, about HUD de minimis levels are more protective than EPA or RRP guidelines because the interior is two square feet and what's the EPA one, is it six?

Les Warner: I believe it's six.

Kris Richmond: Yeah, so it's more restrictive for the lead safe housing rule.

Les Warner: Okay. Well, not seeing any additional questions, I think we can end today's session. Again, we encourage you to access any of the other in the series that would be applicable. To also consider having someone attend the EBLL training. And then also using these resources that are posted that we went through as part of the resource list I think will be very helpful to folks. So, thanks everybody for your attention as part of this. Kris, any last?

Kris Richmond: There was a couple last questions that came in. Somebody was saying for exterior work, where is clearance testing done? And it's saying exterior clearance consists of a visual assessment of the work area. There is no dust testing if the interiors were sealed to prevent dust entering because they said if the work was done outside do I still need to do clearance for the tenant's unit. But if the work area was outside and everything was sealed to prevent dust entering, then the exterior would just have that testing done.

And somebody's asking, I thought all TBRA agencies had to ask property owners for any additional units that are federally funded and also meaning other lead base paint requirements. That's really in relation to EBLL. So, where's my EBLL summary slide. We could pull up real quick. Could you pull up 92?

Les Warner: Sure.

Kris Richmond: Yes. This is if you're like half-way down the page, it'll say risk assessment and lead hazard control and other coverage units. And, so, I mentioned yesterday, other coverage units are units that are also receiving some other type of federal assistance. And with TBRA it's really tricky because you may not know, you only know what your program is funding. You might not know that there's another program that's also funding a household in that same property.

And so that's why you really need to coordinate with the owner to find out, are there other HUD assisted units in this property because those would need to have a risk assessment done if the unit that the EBLL child is residing in is found to have lead base paint. So, that's when you would need to talk to the owner to find out about the other unit. So, that's one step.

There's also separate and apart from this that coordination with the Health Department where you are sharing with the Health Department households that you were funding with TBRA. But you wouldn't know what other agencies are doing because you are coordination with the Health Department one on one with that. Hopefully that answers your question.

Yes, and then they're asking about exterior clearance, does the visual assessment still need to be done by a third party and the answer is yes. If you're ever thinking of clearance, third parties is always the right answer. So, clearance under the lead safe housing rule is [inaudible] by a third party who is a certified inspector, risk assessor, or if you're doing non-abatement work can also be a clearance technician.

Les Warner: Which is why we kind of mentioned about in planning, thinking about having that capacity in advance of when you need it and particularly since, if it is an agency themselves, you're going to have to go through a procurement process. A private owner of a property would not be triggering federal procurement but you as agency [technical difficulty] so that little bit of a time delay.

Kris Richmond: Yeah. Okay. Well, I think now we've gotten all the questions. So, if you go to was it our last slide or one of our second to last slides that had the email on it. Maybe it's 106 or 107, maybe the slide before this. There at the very bottom. So, we try to answer your questions

as best as we can. There are so many resources out there but if you ever find yourself stuck, you can always send an email to the Office of Lead Hazard Control and Healthy Homes. That's what OLHCHH stands for. And they are more than willing and able to help answer your question or point you in the right direction of where you can find additional resources.

Thank you for your time today. Thank you so much for our HUD staff. We had Karen Gregio [ph] and Flora Chavez and Barrett Fisher and Bruce Haber on with us today. Thank you to Shareta Clay [ph] for our host and to you, Les, for always providing great explanations on all these questions. So, appreciate everybody's time today. And Les and I will see you at some future training in the future. Thanks, bye.

Les Warner: Bye everybody.

(END)