

# Lead-Based Paint Regulations: Subpart J and K

Rehabilitation, Acquisition, Leasing, Support Services  
and Operations

February 2021

*We will be starting momentarily*





# Webinar Logistics

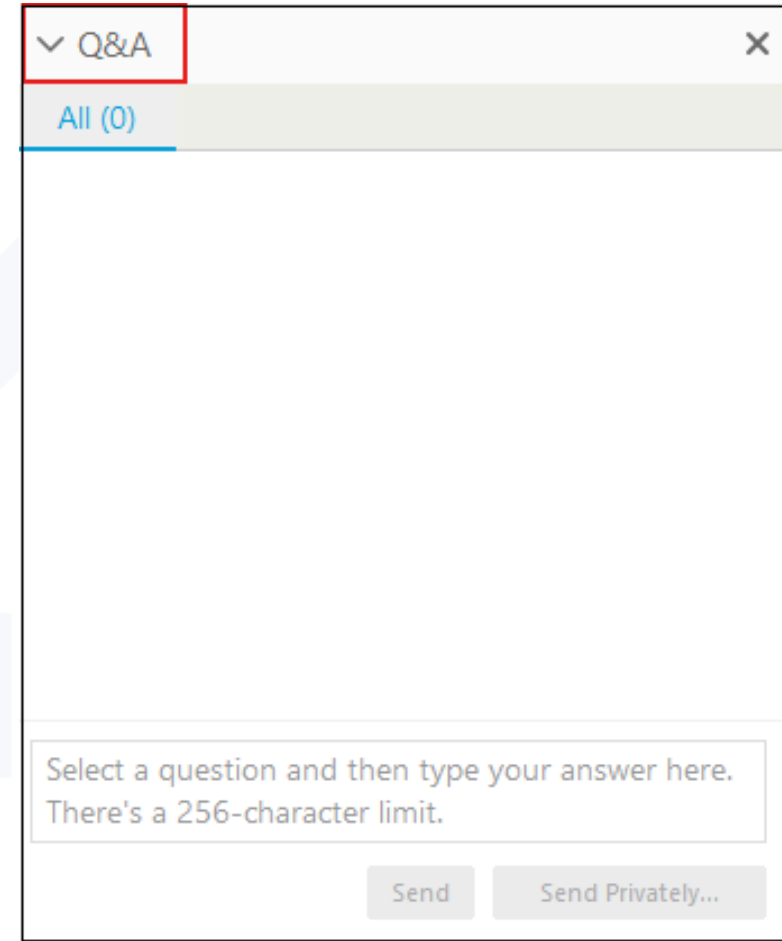
# Webinar Instructions

- PowerPoint and webinar recording will be available on the HUD Exchange
- Participants in 'listen only' mode
- Submit content related questions in Q&A box on right side of screen
- For technical issues, request assistance through the Chat box



# Questions?

- Please submit your content related questions via the Q&A box
- Send to Host, Presenter and Panelists
- Questions will be answered during the webinar



Q&A

All (0)

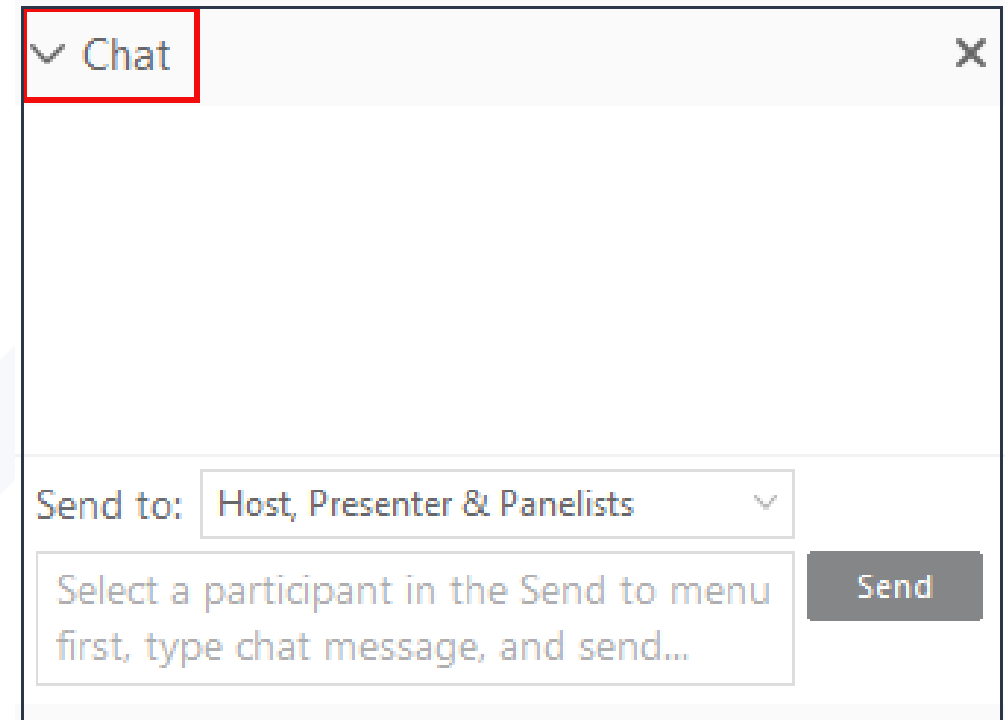
Select a question and then type your answer here.  
There's a 256-character limit.

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# Questions?

- Please submit audio/visual or other technical questions via the Chat box
- Send the message directly to the Host
- Host will work directly with you to resolve those issues



# Lead-Based Paint Regulations: Subpart J and K

Subpart J Rehabilitation

Subpart K Acquisition, Leasing, Support Services and Operations

February 2021



# Trainers

**Kris Richmond, ICF**

**Les Warner, ICF**

**Bruce Haber, HUD OLHCHH**

**Karen Griego, HUD OLHCHH**





# Series Overview



# Goals for this Training Series

- Understand the significance of an elevated blood lead level (EBLL)
- Gain a deeper understanding of the Federal Lead-Based Paint Regulations
- Determine the types of HUD assistance and/or HUD programs that trigger the requirements of Subparts J or K
- Review the key documentation requirements (i.e. testing, hazard control, notification)
- Introduce key terms
- Provide a tour of the available resources

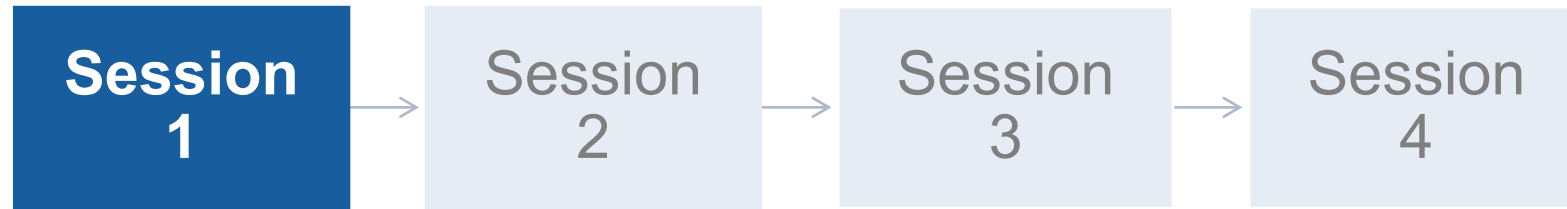


# Webinar Series Format

- Four weekly sessions
  - Up to 2 hours
  - 1-hour Office Hours will occur on the day after the webinar to review homework and answer questions
- Session 1 is mandatory, then choice of remaining sessions
  - Participants administering operating programs/projects including rehabilitation should attend Sessions 1-3
  - Those administering programs without rehab but including leasing, operations, or homebuyer should attend Session 1 and Session 4
  - See the Agenda and Subpart J and K to determine what sessions you need
- Some participants may want to attend all four sessions
- Links of recordings will be available



# Webinar Series Agenda



## Session 1

- LSHR Basics
- Regulatory Subparts per Assistance Type

## • Session 2

- Subpart J: Rehab Requirements for Planning

## • Session 3

- Subpart J: Rehab Requirements for Construction and Clearance

## • Session 4

- Subpart K: Acquisition, Leasing, Support Services and Operation Programs



# How experienced are you with the lead regulations?

**A.** I am new to applying lead regulations

**B.** I have some experience with applying lead regulations

**C.** I know how to perform all the key steps in the lead-based paint compliance process



# What types of programs are you operating?

**A. Rehabilitation (homeowner or rental)**

**B. Homebuyer/Acquisition**

**C. Leasing and Support services**

**D. Two or more types of programs**



# Which Sessions Should I Attend?

- All participants should attend or watch Session 1.
- Attend Sessions 2-4 depending on needs/activities undertaken within their programs
  - If completing rehabilitation work, attend Sessions 2 and 3
  - If completing acquisition, homebuyer assistance, leasing, support services, and operations, attend Session 4
  - If completing projects including acquisition and rehabilitation work over \$5,000/unit, attend all Sessions

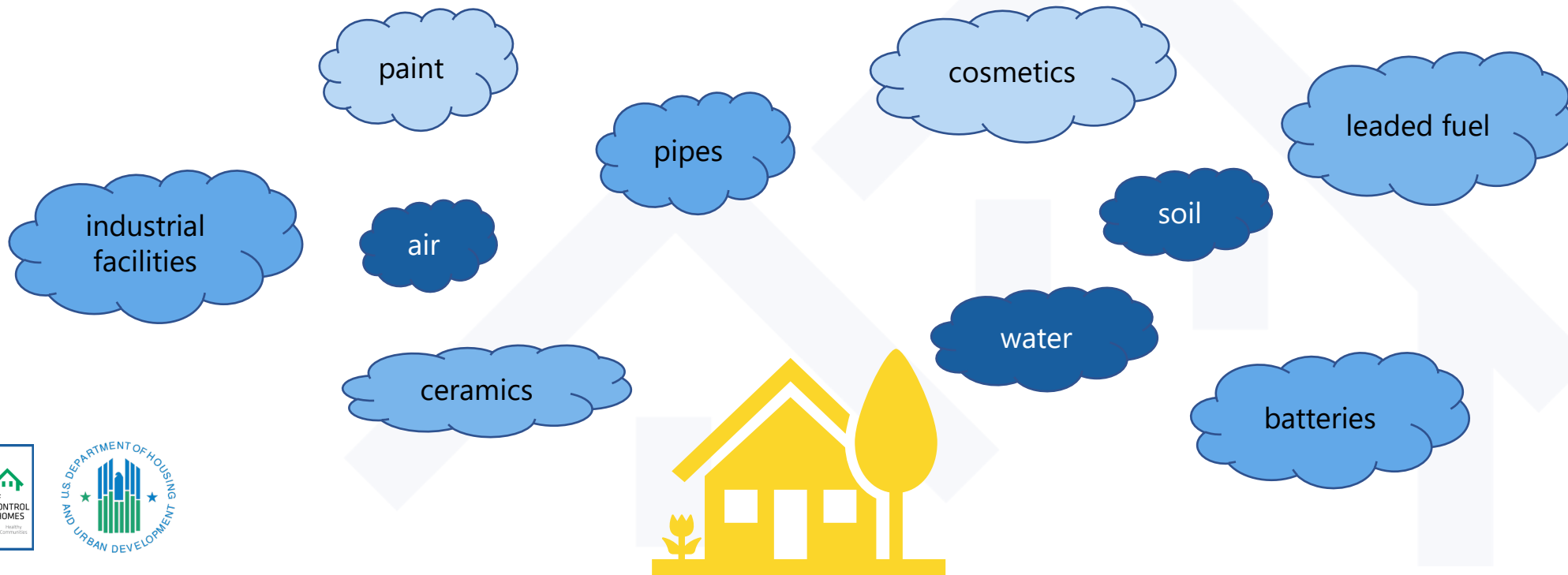




# **Lead Safe Housing Rule Basics**

# Defining the Problem

- Lead is a naturally occurring element and in manufactured products
- Found in all parts of our environment:





# Defining the Problem

## Who is at highest risk?

### Children under age 6

- Bodies absorb more lead are more sensitive to effects than adults
- More likely to accidentally ingest lead

### Pregnant women

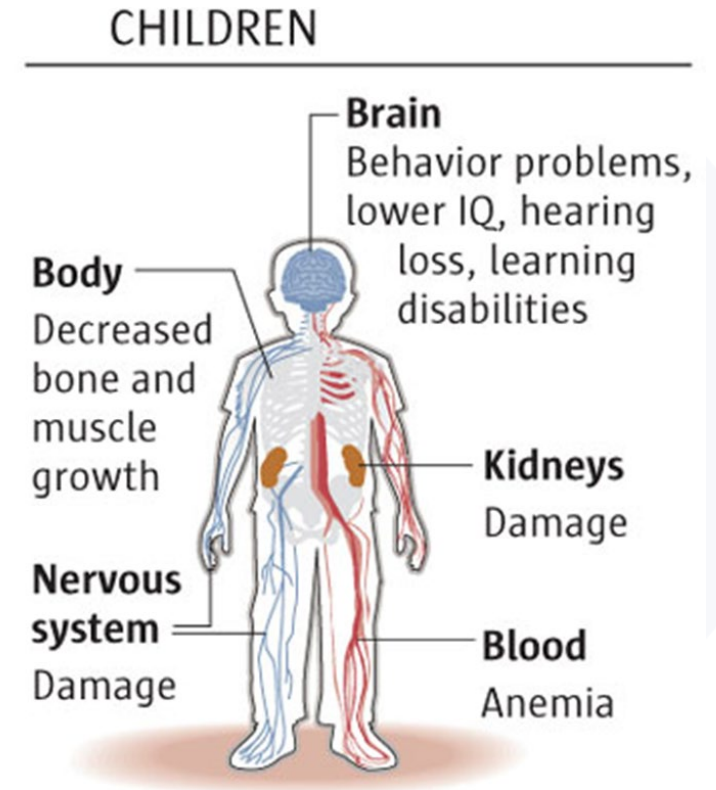
- Elevated blood lead level can expose the developing child

### Certain workers

- Workers in certain construction and industrial fields may be exposed to high levels of lead – prevent “take-home” exposure

# Children and Exposure to Lead

- How do children get lead in their blood?
  - Putting objects in their mouths
  - Playing in soil or floors with lead dust from friction and impact surfaces (doors, windows)
  - Eating paint chips
- What is the “trigger level” of lead in a child?
  - 5 µg/dL



# Lead Safe Housing Rule (LSHR)



## PURPOSE:

To protect children in assisted target housing through primary prevention

Target Housing defined: *Any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any zero-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing).*

# Lead Regulations Apply **Except** When:

- Property constructed **after January 1, 1978**
- **Zero-bedroom units** and SROs (in the works to be removed)
- Housing designated exclusively for the **elderly** or persons with **disabilities** **unless** if a child less than 6 resides or expected to reside there
- Properties found to be **lead-free** by a LBP inspection or where all LBP has been identified, **removed**, and clearance achieved



# Lead Regulations Apply **Except** When:

- An **unoccupied property** that is to be demolished, provided that it remains unoccupied until demolition
- **Emergency Action** necessary to protect life, health and safety, or further damage to the structure (e.g., after a natural disaster or fire)
  - This exemption DOES NOT APPLY to restoration/rehabilitation of such damaged property
- Subpart K does not apply if the assistance being provided is emergency rental assistance or foreclosure prevention assistance that is 100 days or less. This exemption expires 100 days after the initial payment or assistance.



# Limited Exemption from Lead Safe Work Practices and Clearance

- Rehab that **does not disturb** painted surfaces:
- Lead safe work practices are not required when minor maintenance or activities disturb painted surfaces that are less than de minimis\* levels:
  - 2 sq. ft. per interior space
  - 10% of small component type
  - 20 sq. ft. for exterior work

*\* Note: HUD de minimis levels are more protective than the EPA RRP guidelines*



# Federal Lead Regulations

**HUD –  
24 CFR  
Part 35**

- **Subpart A:** Lead Disclosure Rule ←
- **Subpart B:** General LSHR Requirements & Definitions
- **Subpart H, J, K, L, M:** LSHR Program Requirements
- **Subpart R:** LSHR Methods and Standards ←

**EPA –  
40 CFR  
Part 745**

- **Subpart F:** Lead Disclosure Rule ←
- **Subparts D, L, Q:** Lead-Based Paint Activities Rule ←
- **Subparts E and Q:** Renovation, Repair, and Painting (RRP) Rule

*Note: Recent changes in the EPA rule went into effect on **January 6, 2020** and additional proposed rule changes were released on **6/17/2020***



# HUD Regulation Subparts

Subparts	Assistance Type	Program
<b>A</b>	Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property	All
<b>B</b>	General Requirements and Definitions	All
<b>C</b> <b>D</b>	Disposal of Housing Project-Based Rental Assistance	Non-HUD Federal
<b>F</b>	HUD-Owned Single Family Property	SF Hsg
<b>G</b>	Multifamily Mortgage Insurance	MF Hsg
<b>H</b>	Project-Based Rental Assistance	Hsg, PIH
<b>I</b>	HUD-Owned and Mortgagee-in-Possession Multifamily Property	MF Hsg



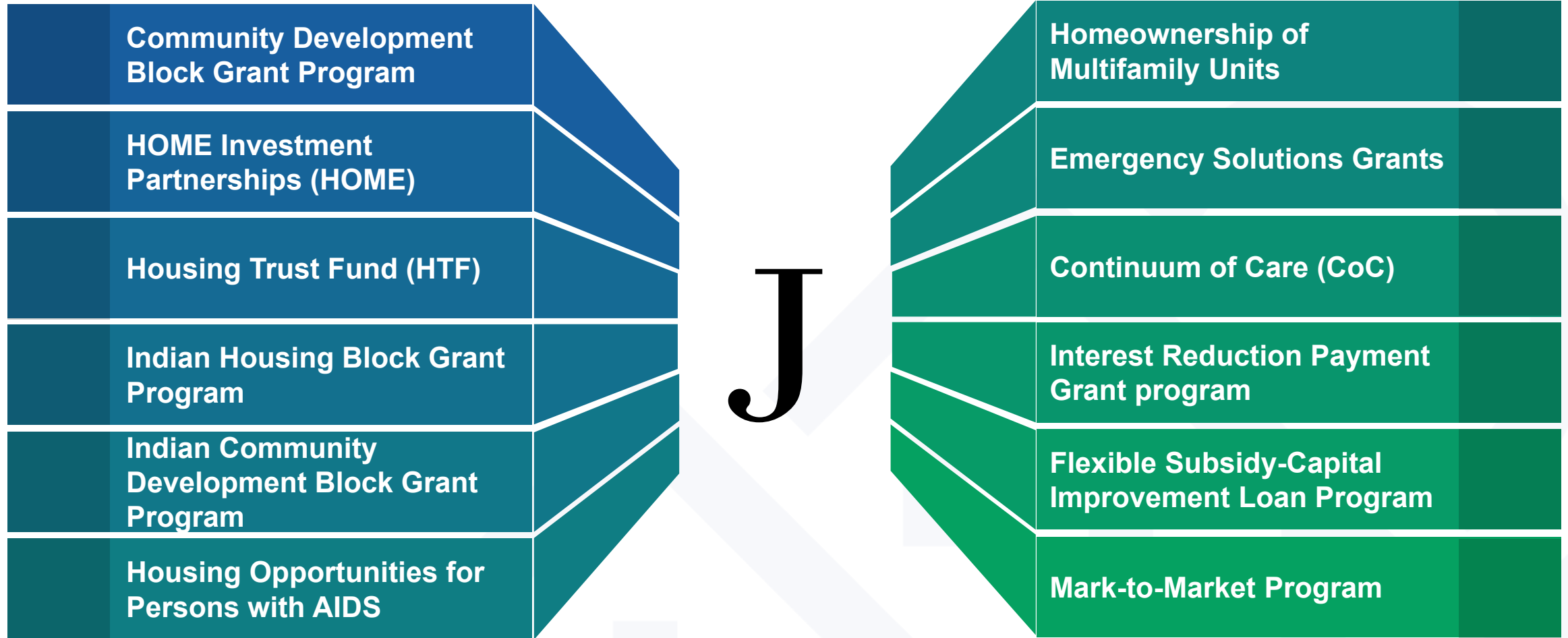


# HUD Regulation Subparts by Programs

Subparts	Assistance Type	Programs
J	Rehabilitation	All
K	Acquisition, Leasing, Support Services, or Operation	CPD, PIH
L	Public Housing Programs	PIH
M	Tenant-Based Rental Assistance	PIH, CPD
R	Methods and Standards for Lead-Based Paint Hazard Evaluation and Hazard Reduction Activities	All
E, N-Q	Reserved	



# Subpart J – Examples of Rehabilitation Programs

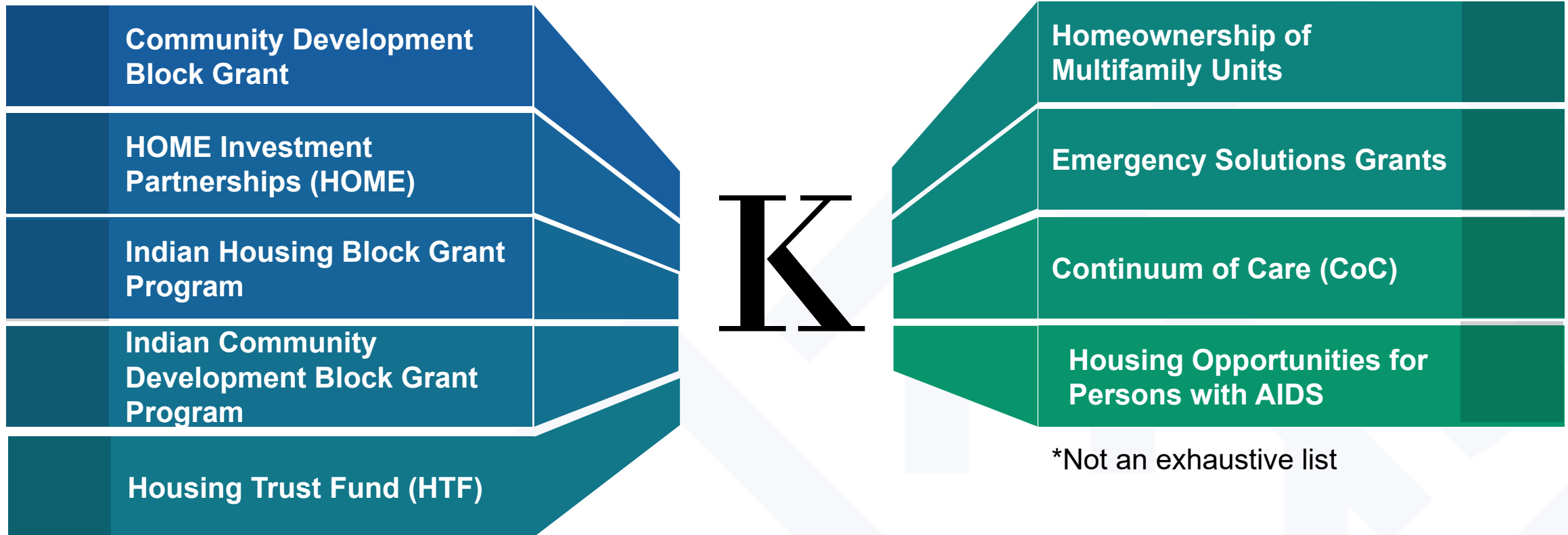


J

\*Not an exhaustive list



# Subpart K – Examples of Acquisition, Leasing, Support Services, and Operations Programs



# Federal Lead Regulations

## HUD/EPA's Lead Disclosure Rule

- Applies to almost all housing, public and private, built before 1978. Effective March 1996 (except exemptions mentioned earlier)

## HUD's Lead Safe Housing Rule (LSHR)

- Applies to almost all Federally–assisted and Federally-owned housing built before 1978. Effective September 2000
- Amendments (EBLL) effective **2/13/17**

## EPA's Renovation, Repair, and Painting (RRP) Rule

- Applies to almost all target housing, public and private, built before 1978, including child-occupied facilities such as schools and day-care facilities. Effective April 2010



# Key Definitions (ref. §35.110)

- **Target Housing** – built before 1978, with some exceptions
- **Lead-Based Paint Hazards**
  - Deteriorated LBP
  - Dust with lead-levels at or above the dust-lead hazard standard
  - Soil with lead-levels at or above the soil-lead hazard standard
  - Friction, impact or chewable surfaces with LBP and an associated dust-lead hazard
- **Lead-Based Paint** – paint or other surface coatings that contain lead equal to or exceeding 1.0 mg/cm<sup>2</sup>



# Key Steps in LBP Compliance Process



## DISCLOSE

- Pamphlet



## LOOK

- Enhanced visual assessment
- Risk assessment
- Inspection



## TREAT\*

- Standard Treatments
- Interim controls
- Hazard abatement



## CLEAR\*

- Clearance



## TELL

- Notification

# Four Approaches to Address Lead-Based Paint

- **Approach 1:** Do no harm
- **Approach 2:** Identify and Stabilize Deteriorated Paint
- **Approach 3:** Identify and Control Lead-Based Paint Hazards
- **Approach 4:** Identify and Abate Lead-Based Paint Hazards



# Summary Chart: Rehabilitation (Subpart J)

	≤ \$5,000	\$5,000 - \$25,000	> \$25,000
<b>Approach to Lead Hazard Evaluation and Reduction</b>	Do no harm (1)	Identify and control lead hazards (3)	Identify and abate lead hazards (4)
<b>Notification</b>	Yes	Yes	Yes
<b>Lead Hazard Evaluation</b>	Paint Testing (of surfaces to be disturbed)	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
<b>Lead Hazard Reduction</b>	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim Controls on exterior surfaces not disturbed by rehabilitation)
	Lead safe work practices Clearance	Lead safe work practices Clearance	Lead safe work practices Clearance
<b>Ongoing Maintenance</b>	For HOME rental only	For HOME rental only	For HOME rental only
<b>EBLL Requirements</b>	No	No	No
<b>Options</b>	Presume lead-based paint; Use safe work practices on all surfaces	Presume lead-based paint and/or hazards; Use standard treatments	Presume lead-based paint and/or hazards; Abate all applicable surfaces





# Summary Chart: ALSSO (Subpart K)

	Acquisition	Leasing, Support Services, and Operations
<b>Approach to Lead Hazard Evaluation and Reduction</b>	Identify and stabilize deteriorated paint (2)	Identify and stabilize deteriorated paint (2)
<b>Notification</b>	Yes	Yes
<b>Lead Hazard Evaluation</b>	Visual Assessment	Visual Assessment
<b>Lead Hazard Reduction</b>	Paint Stabilization	Paint Stabilization
	Safe work practices Clearance	Safe work practices Clearance
<b>Ongoing Maintenance</b>	No	Yes
<b>EBLL Requirements</b>	No	No
<b>Options</b>	Test deteriorated paint; Use safe work practices only on lead-based paint surfaced	Test deteriorated paint; Use safe work practices only on lead-based paint surfaced



# Knowledge Check

**Scenario:** Mr. and Mrs. Jones live in the Franklin Farm neighborhood, a single-family subdivision. The Jones' are in their mid 70s. They want to have their 1940s home rehabilitated through the city's HOME Program.

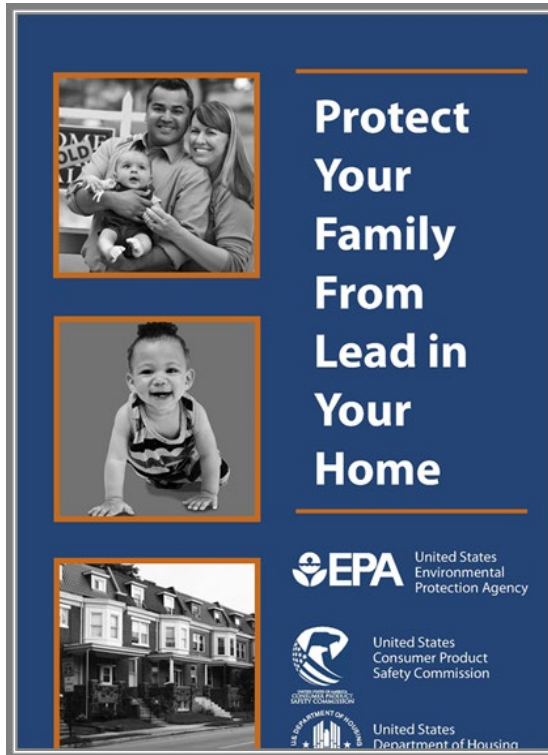
**True or False:** Mr. and Mrs. Jones are exempt from the LSHR because they are elderly.



**Step 1. Disclose**

***Lead Disclosure  
Rule***

# Lead Disclosure Rules



- Applies to almost all pre-1978 for **sale** and **rental** units
- The Owner or Lessor:
  - Provides Pamphlet
  - Provides warning statement
  - Disclose KNOWN information
- Must be completed **BEFORE** any contract is signed

# Disclosure Exemptions

Disclosure is exempt for the following:



## Foreclosure

Sales of target housing at foreclosure



## LBP Free

Found LBP free by a certified inspector



## Short Term Lease

100 days or less where no lease renewal/extension can occur



## Previously Disclosed

Lessor previously disclosed all information required and no conditions have changed

# The Wrong Disclosure

## NOTIFICATION Watch Out for Lead-Based Paint Poisoning

**Sources of Lead-Based Paint**  
The interiors of older homes and apartments often have layers of lead-based paint on the walls, ceilings, window sills, doors, and trim. Lead-based paint and primer may also have been used on outside porches, railings, garages, fire escapes, and lamp posts. When these surfaces are painted, lead-based paint chips or dust may be a real danger for babies and young children. Children may eat paint chips or chew on painted railings, window sills, or doors. Children can also ingest lead even if they do not specifically eat paint chips. For example, when children play on painted surfaces or dust particles containing lead, they may get these particles on their hands, put their hands into their mouths, and ingest lead.

**Hazards of Lead-Based Paint**  
Lead poisoning is dangerous—especially to children under the age of seven (7). It can even cause blindness and even death.

**Symptoms of Lead-Based Paint Poisoning**  
Has your child been especially cranky or irritable? Is he or she eating normally? Does he or she seem to be vomiting? Does he or she complain about headaches? Is your child unwilling to play? These may be signs of lead poisoning. Because there are no symptoms that do not mean that you should not be concerned if you believe your child has been exposed to lead.

**Advisability and Availability of Blood Lead Level Screening**  
If you suspect that your child has eaten chips of paint or someone told you that your child has eaten paint, you should take your child to the doctor. If the test shows that your child has an elevated blood lead level, treatment is available. Contact your local health department for help. If you are on Medicaid, lead screening and treatment are available through the Medicaid Program for those who are eligible. If you are not on Medicaid, you should immediately notify the Community Development or other agency to which you are applying for rehabilitation assistance. If you are on Medicaid, you may be eligible for assistance to pay for the cost of the blood lead level test. If your unit does not have a lead-based paint hazard, you may be eligible for assistance to pay for the cost of the blood lead level test.

**Precautions to Take to Prevent Lead-Based Paint Poisoning**  
You can avoid lead-based paint poisoning by performing some preventive maintenance. Look at your walls, ceiling, doors, door frames and trim. Some things you can do immediately to protect your child's health are:

- Cover all furniture and appliances;
- Get a broom or stiff brush and remove all loose pieces of paint from window wells and ceilings;
- Sweep up all pieces of paint and plaster and put them in a paper bag and throw them away. Do not burn them.
- Do not leave paint chips on the floor in window wells. Damp mops and vacuum cleaners should be used to pick up paint chips. Keeping these areas clear of paint chips, dust and dirt is easy.
- Do not allow loose paint to remain within your children's reach.

**Homeowner Maintenance and Treatment of Lead-Based Paint Hazards**  
As a homeowner, you should take the necessary steps to keep your home safe. Water leaks from faulty plumbing, defective roofs and exterior holes or cracks may admit rain and dampness into the interior of your home. These conditions should be corrected immediately. Before repainting, all surfaces should be thoroughly cleaned by scraping, chipping or loose paint should be thoroughly cleaned by scraping or brushing the loose paint from the surface, then repainting with two coats of lead-free paint. Instead of scraping and repainting, the surface may be covered with other material such as wallboard, gypsum, or paneling. Beware of lead-based paint is removed by scraping or sanding, a dust is created, which may be hazardous. The dust can enter the body either by breathing it in or by use of heat or paint removers could create a vapor or fume which may cause poisoning if inhaled over a long period of time. Whenever you use lead-based paint should take place when there are no children or pregnant woman on the premises. Simple painting over defective lead-based paint does not eliminate the hazard. Remember that you as an adult play a major role in the prevention of lead poisoning. Your actions and awareness about lead-based paint can make a big difference.

**Tenant and Homebuyer Responsibilities**  
You should immediately notify the management office or the agency through which you are renting the unit if the unit has flaking, chipping, powdering or peeling paint, water leaks from plumbing, or a defective roof. You should co-operate with the management office or the agency in the repair of the unit.

**I have received a copy of the Notification entitled "Watch Out for Lead-Based Paint Poisoning" AND I have received a copy of the pamphlet, "Protect Your Family From Lead-Based Paint."**

Printed name of recipient \_\_\_\_\_ Date \_\_\_\_\_  
Signature of recipient \_\_\_\_\_

After carefully reading this notice, please detach this receipt and return it to your local housing authority, landlord, management office, or community development office.

### RECEIPT

I have received a copy of the notice entitled:

Lead-Based Paint  
Protect Your Family From Lead-Based Paint  
1993

Print Full Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

© U.S. GOVERNMENT PRINTING OFFICE:1993-351-558

Exhibit V



# The Correct Disclosure

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**

**Lead Warning Statement**  
 Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

**Lessor's Disclosure**

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):  
 (i) \_\_\_\_\_ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).  
 \_\_\_\_\_  
 (ii) \_\_\_\_\_ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

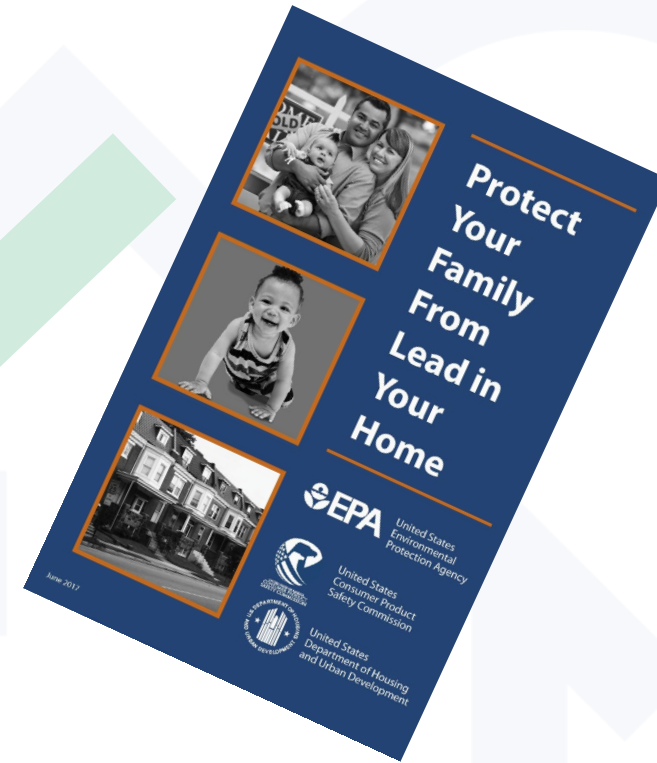
(b) Records and reports available to the lessor (check (i) or (ii) below):  
 (i) \_\_\_\_\_ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).  
 \_\_\_\_\_  
 (ii) \_\_\_\_\_ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Lessee's Acknowledgment (initial)**  
 (c) \_\_\_\_\_ Lessee has received copies of all information listed above.  
 (d) \_\_\_\_\_ Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

**Agent's Acknowledgment (initial)**  
 (e) \_\_\_\_\_ Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**  
 The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

_____	_____	_____	_____
Lessor	Date	_____	Date
_____	_____	_____	_____
Lessee	Date	_____	Date
_____	_____	_____	_____
Agent	Date	_____	Date



States with modified disclosure form: MA, RI, DC



# The Correct Disclosure

## Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

Mark here if known

(i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

Mark here if not known

Options - If Lead is Known, List building parts that have lead or, indicate how you know lead/lead hazards are present. IE an Inspection report from March 2003 or a Risk Assessment from June 2006.

(ii)  Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

Mark here if there are reports

(i)  Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

**Use this space to list reports that are available. Also indicate what has been provided to the tenant, i.e. summaries of reports**

Mark here if there are no

(ii)  Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

## Lessee's Acknowledgment (initial)

Renter Initials

(c)  Lessee has received copies of all information listed above.

(d)  Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

## Agent's Acknowledgment (initial)

If there is agent, Initial here

(e)  Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) and is aware of his/her responsibility to ensure compliance.

## Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

### Owner Signature and Date

_____	_____	_____	_____
Lessor	Date	Lessor	Date

### Renter Signature and Date

_____	_____	_____	_____
Lessee	Date	Lessee	Date

### Agent Signature and Date

_____	_____	_____	_____
Agent	Date	Agent	Date







**Documentation**

# Lead Requirements Screening Worksheet

## LEAD SAFE HOUSING REQUIREMENTS SCREENING WORKSHEET

**This worksheet should be placed in the project file for any residential property that is assisted with Federal funds. Parts 1 and 2 should be completed for all projects. Parts 3 and 4 should be completed for rehabilitation projects.**

Property Owner and Address: \_\_\_\_\_

### Part 1: Exemptions from All Requirements of 24 CFR Part 35

*If the answer to any of the following questions is yes, the property is exempt from the requirements of 24CFR Part 35. The regulatory citation of each exemption is cited as additional guidance.*

- ❖ Was the property constructed after January 1, 1978? [35.115(a)(1)]  YES  NO
- ❖ Is this a zero-bedroom unit? (e.g. SRO, efficiency) [35.115(a)(2)]  YES  NO
- ❖ Is this dedicated elderly <sup>1</sup> housing? (i.e. over age 62) [35.115(a)(3)]  YES  NO
- ❖ Is this housing dedicated for the disabled <sup>2</sup>? [35.115(a)(3)]  YES  NO
- ❖ Has a paint inspection conducted in accordance with 35.1320(a) established that the property is free of lead-based paint? [35.115(a)(4)]  YES  NO

<https://files.hudexchange.info/resources/documents/LSHR-Screening-For-Exemption-or-Limited-Exemption.pdf>



# Lead Safe Housing Rule: DOCUMENT, DOCUMENT

- Requires more documentation than the EPA RRP rule
- Keep copies of Certifications, training, evaluations, abatement reports, and clearance
- Documents must be kept at least 3 years
  - Actual record keeping is life of the project/building(s) - records must be disclosed to prospective buyers and tenants





**Available  
Resources**

# Lead Rule Compliance Advisor

MONDAY, MAY 02, 2016

HUD.GOV  
U.S. Department of Housing and Urban Development



Lead Rule Compliance Advisor

**Start Over**

**Print**

**Resources**

**Interpretative Guidance**

**Glossary**

**Help**

Healthy Homes and Lead Hazard Control website

## Welcome I

[Skip This Introduction](#)

Welcome to the **Lead Rule Compliance Advisor**. This Advisor was designed to present the requirements of the Lead Safe Housing Rule (LSHR). By analyzing your responses to a short number of questions, the Advisor generates a report of project-specific requirements that can be saved on your computer in a word-processing program or printed for the file. Along the way, the Advisor provides links to related resources including a glossary, related regulations, guidance, and sample forms used by many programs and field staff to implement the LSHR's requirements. By using the Advisor, HUD field staff will be better able to provide accurate and consistent guidance to HUD grantees and program participants, and to monitor their lead-related activities.

### Using the Advisor

Please note that you must complete these questions in one sitting or "session." The Advisor does not store your answers. If you close your browser or navigate away from the Advisor you will be required to start again from the beginning.

To transition from one screen to the next in the Advisor you must select one of the available answers and click the *Next* button at the bottom of the screen. If you do not make a selection, clicking on *Next* simply will reload the screen—you must select an answer before you can move on. Please note that your results and any external links may open in a new browser window or tab.

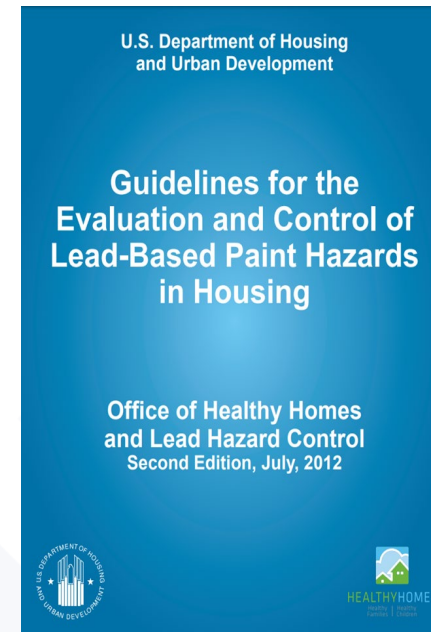
For more information on using the Advisor—including advice about compatible screen resolutions and browsers—please see **Advisor Help**. After using the Advisor please **email your feedback to HUD**.



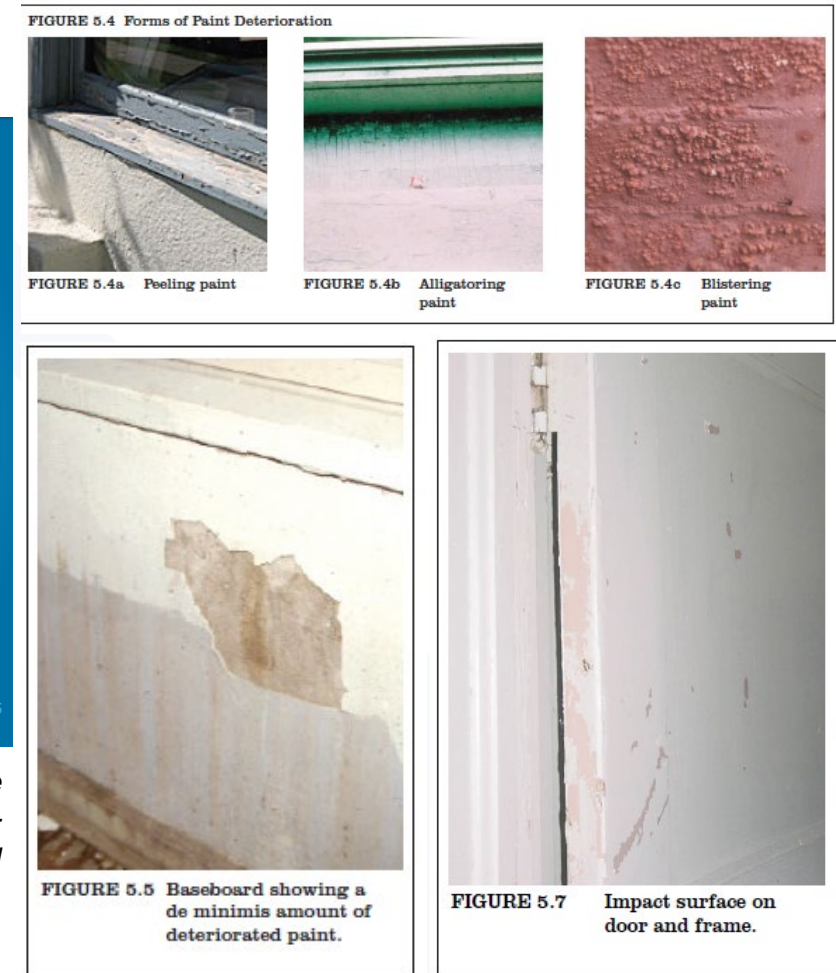
<https://portalapps.hud.gov/CORVID/HUDDLBPAdvisor/welcome.html>

# Guidance and Performance Criteria

- HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing
- Detailed instructions and standards for how to evaluate and reduce hazards
- Cited by EPA in its lead rules as a “documented methodology.”
- 2012 most recent version:  
[https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)



*Pictures from Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*



# Resources

- OLHCHH homepage: [www.hud.gov/lead](http://www.hud.gov/lead)
- Lead Regulations Landing Page: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/enforcement/regulations](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/regulations)
- Lead-Based Paint: <https://www.hudexchange.info/programs/lead-based-paint/>
- Lead Safe Housing Rule (LSHR) Training: <https://www.hudexchange.info/trainings/lead-based-paint/lshr>
- Lead Compliance Advisor: <https://portalapps.hud.gov/CORVID/HUDLBPAdvisor/welcome.html>
- Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing 2012 Edition [https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)
- HUD Exchange CDBG-DR page: <https://www.hudexchange.info/programs/cdbg-dr/>
- HUD Exchange CDBG-MIT page: <https://www.hudexchange.info/programs/cdbg-mit/>
- Health Effects of Lead – Gross Science Video: <https://www.youtube.com/watch?v=76RKSQgduVQ>

Contact OLHCHH: [leadregulations@hud.gov](mailto:leadregulations@hud.gov)



# Schedule for Upcoming Webinar Sessions

✓ **Completed: Session 1:** Rehabilitation, Acquisition, Leasing, Support Services, and Operations

➔ **Next: Session 2** Subpart J: Rehab Planning Phase

- **Session 3** Subpart J: Rehab Construction Phase
- **Session 4** Subpart K: Acquisition, Leasing, Support Services and Operation Programs





# Which Sessions Should I Attend?

- All participants should attend or watch Session 1.
- Attend Sessions 2-4 depending on needs/activities undertaken within their programs
  - If completing rehabilitation work, attend Sessions 2 and 3
  - If completing acquisition, homebuyer assistance, leasing, support services, and operations, attend Session 4
  - If completing projects including acquisition and rehabilitation work over \$5,000/unit, attend all Sessions





**Q&A**

# Lead-Based Paint Regulations: Subpart J and K

Subpart J: Rehabilitation Planning Phase

February 2021

*We will be starting momentarily*





# Webinar Logistics

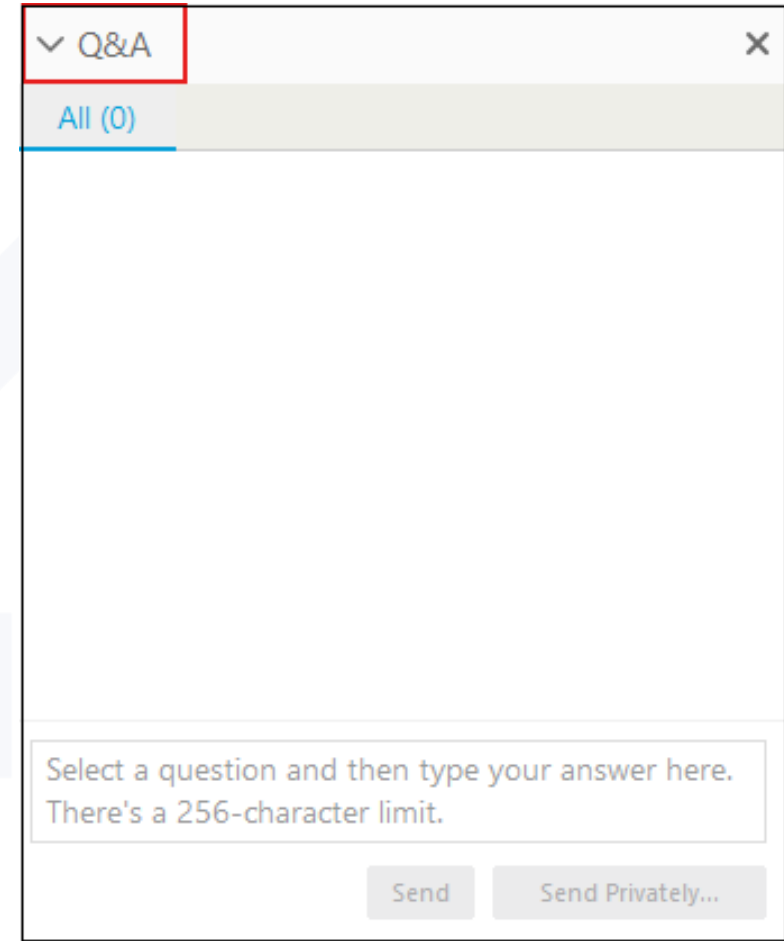
# Webinar Instructions

- PowerPoint and webinar recording will be available on the HUD Exchange
- Participants in 'listen only' mode
- Submit content related questions in Q&A box on right side of screen
- For technical issues, request assistance through the Chat box



# Questions?

- Please submit your content related questions via the Q&A box
- Send to Host, Presenter and Panelists
- Questions will be answered during the webinar



Q&A

All (0)

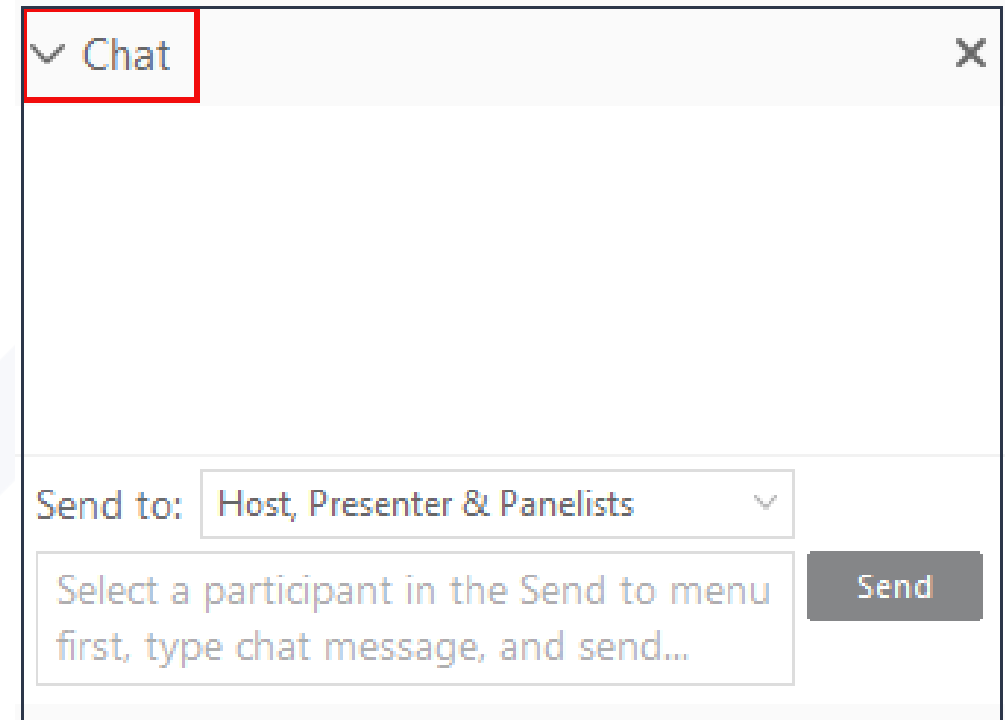
Select a question and then type your answer here.  
There's a 256-character limit.

Send Send Privately...



# Questions?

- Please submit audio/visual or other technical questions via the Chat box
- Send the message directly to the Host
- Host will work directly with you to resolve those issues



Chat

Send to: Host, Presenter & Panelists

Select a participant in the Send to menu first, type chat message, and send...

Send



# Lead-Based Paint Regulations: Subpart J and K

## Session 2: Subpart J: Rehabilitation Planning Phase

February 2021





# Trainers

**Kris Richmond, ICF**  
**Les Warner, ICF**

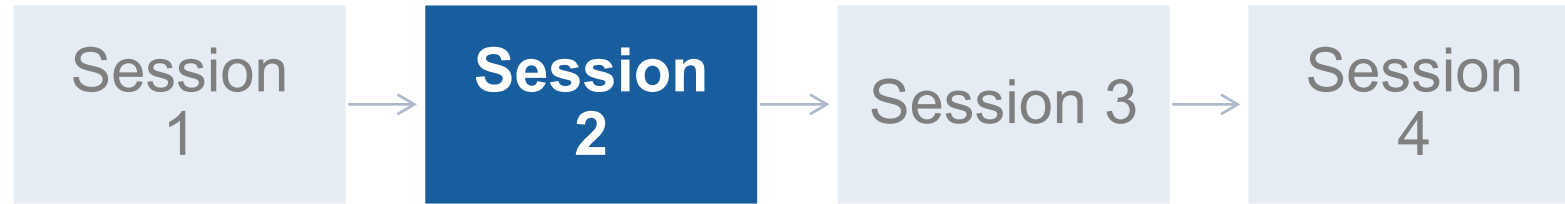
**Bruce Haber, HUD OLHCHH**  
**Karen Griego, HUD OLHCHH**  
**Jerry Freese, HUD OLHCHH**





# Series Overview

# Webinar Series Agenda



- **Session 1**

- LSHR Basics
- Regulatory Subparts per Assistance Type



- **Session 2**

- Subpart J: Rehab Requirements for Planning

- **Session 3**

- Subpart J: Rehab Requirements for Construction and Clearance

- **Session 4**

- Subpart K: Acquisition, Leasing, Support Services or Operation Programs

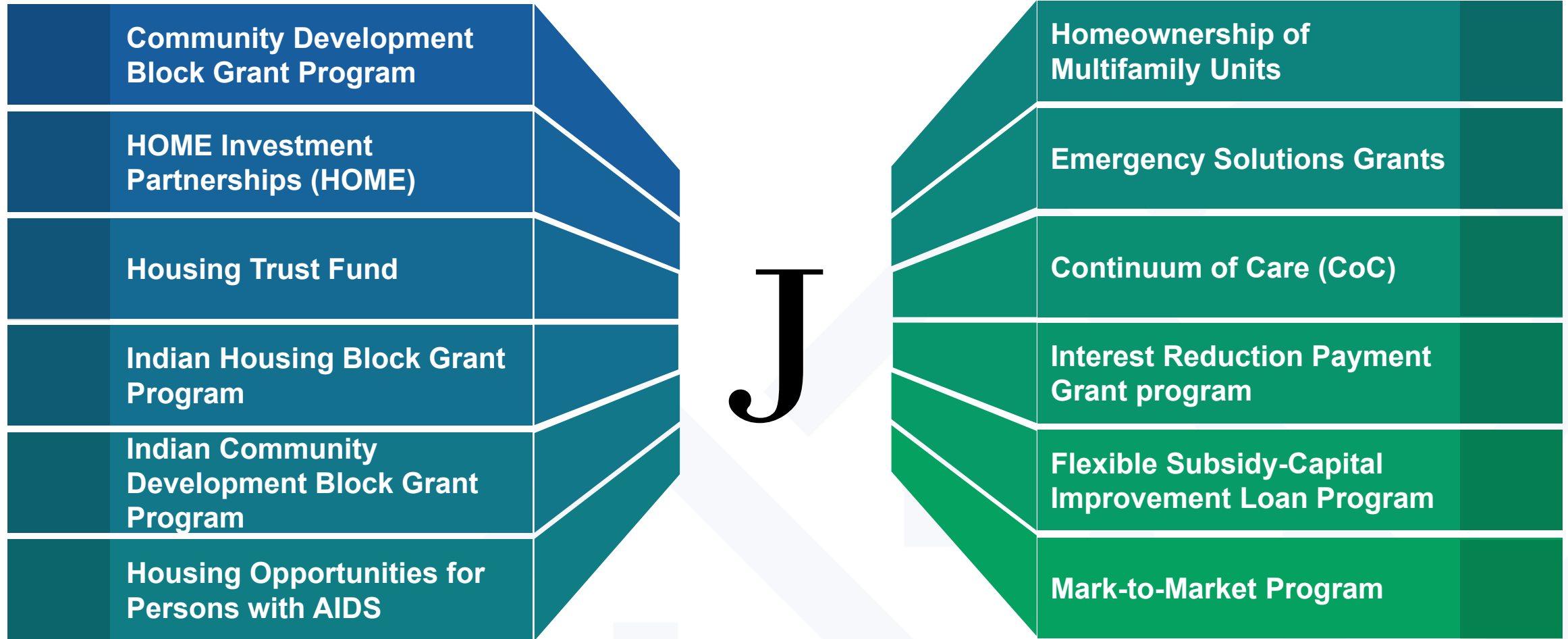


# Goals for this Training

- Review how costs are calculated
- Show requirements for three levels of hazard reduction
- Track project costs
- Explain risk assessment and project planning
- Provide refresher on notification requirements
- Review requirements for construction:
  - Contracting
  - Final inspections and clearance



# Subpart J – Examples of Rehabilitation Programs



\*Not an exhaustive list



# Federal Lead Regulations

## HUD/EPA's Lead Disclosure Rule

- Applies to most housing, public and private, built before 1978. Effective March 1996 (except exemptions mentioned earlier)

## HUD's Lead Safe Housing Rule (LSHR)

- Applies to most Federally–assisted and Federally-owned housing built before 1978. Effective September 2000
- *Amendments (EBLL) effective 2/13/17*

## EPA's Renovation, Repair, and Painting (RRP) Rule

- Applies to almost all target housing, public and private, built before 1978, including child-occupied facilities such as schools and day-care facilities. Effective April 2010



# Key Steps in LBP Compliance Process



## DISCLOSE

- Pamphlet



## LOOK

- Paint testing
- Risk assessment
- Inspection



## TREAT

- Repair
- Interim controls
- Hazard abatement



## CLEAR

- Clearance



## TELL

- Notification to owners and residents

The background features a solid teal color with a large, faint, stylized graphic of a house and a sun. The house is composed of several thick, dark teal lines forming its roof and walls. The sun is represented by a large, light teal arc on the right side of the image.

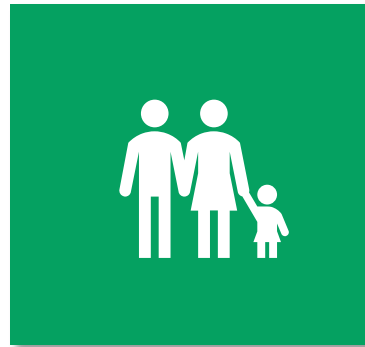
# Housing Rehabilitation Programs



# Programs Affected: Federally Affected Rehab Programs



**Most pre-1978 properties**



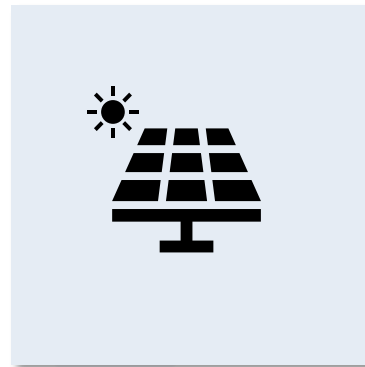
**Owner occupied single-family rehab**



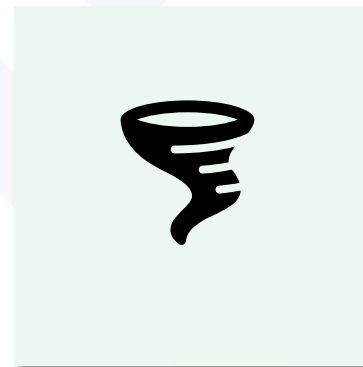
**Multifamily rehab**



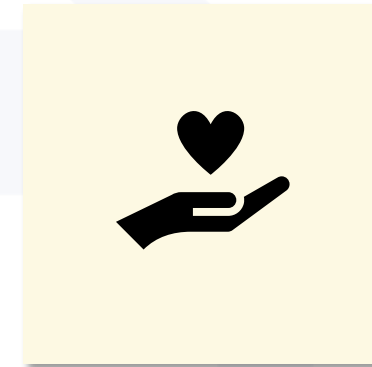
**Acquisition + rehab**



**Weatherization**



**Disaster Recovery**



**CARES Act**



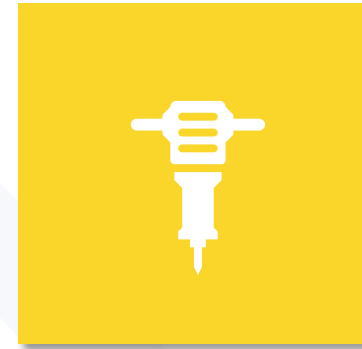
# Programs/Buildings Not Affected



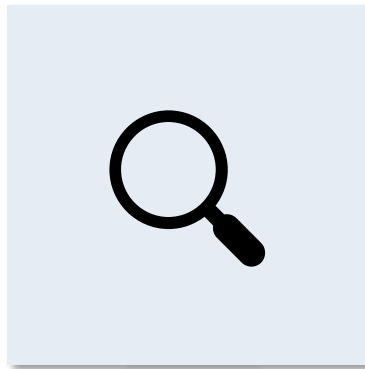
**Emergencies**



**Repairs that do not disturb painted surfaces**



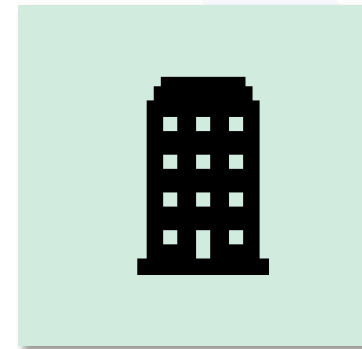
**Unoccupied until demolition**



**Inspected units with no lead paint**



**Elderly and disabled housing**



**Zero-Bedroom Units**



# Exterior Repair Programs are Not Exempt

- Exterior repair/beautification programs usually in \$5,000 - \$25,000 range
- In many cases, programs incorrectly assume that interior lead hazard control work is not required and skip testing and hazard control work
- Lead rules for \$5,000 - \$25,000 range require risk assessment.
  - If results indicate LBP hazards on the interior (paint or dust), interim control work to the interior hazards is required



# Historic Preservation

- Limited Exemption...
  - Properties listed or eligible for the National Register, if requested by the SHPO, may conduct interim controls instead of abatement
- Historic Preservation Brief 37
- HUD Guidelines – Chapter 18



# Exemptions Limited to Specific Repair/Rehab work

- Work area is below the de minimis threshold
- Lead safe work practices **NOT** required when minor maintenance or activities disturb painted surfaces that are less than de minimis levels:
  - 2 sq. ft. per interior space
  - 10% of small component type
  - 20 sq. ft. for exterior work

*Note: HUD de minimis levels are more protective than the EPA RRP guidelines*



# Key Actors

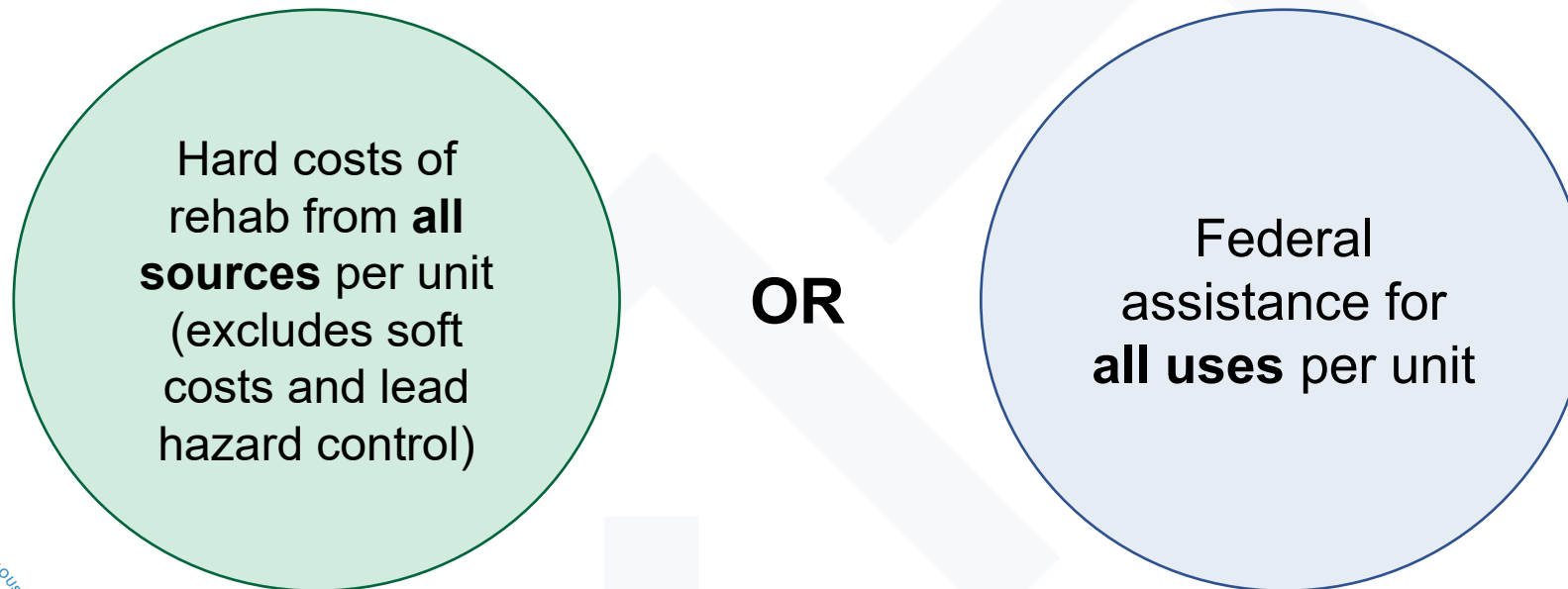
- Program staff
  - Homeowner intake, Inspectors, Compliance staff, Finance Dept
  - Ideally the Specification Writer (In-house or not) will be qualified as a certified Risk Assessor
  - Training is often an eligible cost
- Traditional participants in rehab
  - General contractors, painters, plumbers, electricians
  - General contractors should all be RRP Certified at a minimum
- Lead specialists
  - Certified paint inspectors, risk assessors (RA), and clearance examiners
  - Certified or trained lead contractors, lead abatement supervisors, and RRP workers



# Required Approach to Hazard Evaluation/Control: Level of Rehabilitation Assistance

**Level of Rehabilitation Assistance** determines the required approach to lead-based paint testing and lead hazard control measures

The amount of rehabilitation assistance is the **lesser** of two amounts:



# Costs that are Not Counted in Rehabilitation Hard Costs

The following soft costs are **not** counted in calculating rehab hard costs:

- Financing fees
- Credit reports
- Legal, accounting, insurance, architectural and engineering fees
- Staff, overhead, or administrative costs
- Acquisition of the property
- Appraisals
- Relocation costs
- Environmental review
- Lead hazard evaluation and reduction costs\*

\*Costs of rehabilitation that would have been performed in the absence of the lead-based paint regulation should **not** be excluded.





# Calculating the Level of Rehab Assistance – Example 1

## Example 1

- A single-family home is rehabilitated for **\$50,000** (rehabilitation hard costs \$23,000 and lead hazard reduction costs \$27,000).
- Total CDBG assistance is receiving a **\$50,000** from the city's CDBG Program.

### Show Your Work

Federal Assistance: \$50,000

Rehab Hard Cost: \$23,000

Lesser of the two is \$23,000

### Answer

The level of rehabilitation assistance is \$23,000.



# Calculating the Level of Rehab Assistance – Example 2

## Example 2

- A family is participating in a rehabilitation and refinancing program. The total amount of HOME assistance is **\$60,000**.
- The hard costs of rehabilitation are **\$26,000**.

### Show Your Work

Federal Assistance: \$60,000

Rehab Hard Cost: \$26,000

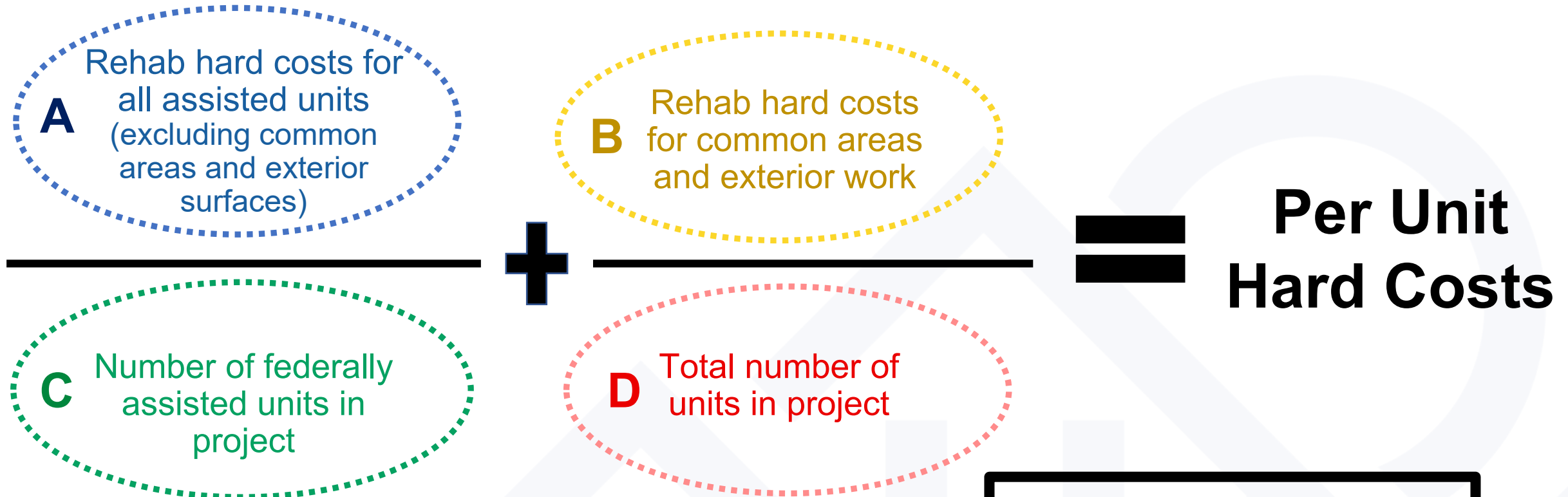
Lesser of the two is \$26,000

### Answer

The level of rehabilitation assistance is \$26,000.



# Per Unit Hard Costs for Multifamily Mixed Projects



$$\frac{A}{C} + \frac{B}{D} = \text{Per Unit Hard Costs}$$



# Calculating the Level of Rehab Assistance – Example 3

## Example 3

- A 20-unit property will spend **\$65,000** to rehabilitate the structure
- The rehab will include **\$20,000** in hard costs for repairs to exterior and common areas
- And **\$45,000** in hard costs for 15 HOME-assisted units

### Show Your Work

A/C + B/D = per unit hard costs

$$\frac{\$45,000}{15 \text{ units}} + \frac{\$20,000}{20 \text{ units}} = \$3,000 + \$1,000 = \$4,000$$

### Answer

The per unit hard costs are  
\$4,000/unit.

# Subpart J – Rehabilitation Summary

	≤\$5,000	\$5,000 - \$25K	>\$25,000
<b>Approach to Lead Hazard Evaluation &amp; Reduction</b>	Do no harm (1)	Identify & control lead hazards (3)	Identify & abate lead hazards (4)
<b>Notification</b>	Yes	Yes	Yes
<b>Lead Hazard Evaluation</b>	Paint Testing (surfaces to be disturbed)	Paint Testing & Risk Assessment	Paint Testing & Risk Assessment
<b>Lead Hazard Reduction</b>	Repair surfaces disturbed during rehabilitation	Interim Controls	Hazard abatement (interim controls on exterior not disturbed by rehab)
	Lead Safe Work Practices Clearance	Lead Safe Work Practices Clearance	Lead Safe Work Practices Clearance
<b>Ongoing Maintenance</b>	HOME rental only	HOME rental only	HOME rental only
<b>EBLL Requirements</b>	No	No	No
<b>Presumptions</b>	Presume LBP – Safe work practices on all painted surfaces	Presume LBP and/or hazards – standard treatments on all painted surfaces	Presume LBP and/or hazards – abate all applicable surfaces



# How does *Level of Rehab Assistance* Influence Evaluation and Lead Hazard Control Requirements?

**< \$5,000**

- Presume or test disturbed painted surfaces
- Repair surfaces disturbed during rehabilitation

**\$5,000 - \$25,000**

- Presume or test disturbed painted surfaces
- Risk assessment
- Interim controls or abatement of all hazards (If presume, use standard treatments on all deteriorated and friction and impact surfaces)

**> \$25,000**

- Presume or test disturbed painted surfaces
- Risk assessment
- Abate all hazards

**Remember:** Anywhere lead is found or presumed, lead safe work practices, clearance and lead hazard reduction notice are required.



# Decision Making Process to Test or Presume

- Level of assistance indicates level of evaluation and hazard reduction required
- Use results to decide whether to evaluate or presume lead-based paint
- Ideally the program inspector is also a certified Risk Assessor



# Options - Presuming the Presence of LBP

If  $\leq$  \$5,000

- Repair all painted surfaces

If \$5,000 - \$25,000

- Standard treatments for the entire unit

If  $>$  \$25,000

- Abate applicable surfaces





# Notice of Presumption

- Provided within 15 days of presuming Lead-Based Paint
- Identifies locations of Presumption Notice form
  - Bare soil
  - Dust locations
  - Other presumed lead hazards both interior and exterior (such as windows, doors, trim, walls, floors, ceilings, fences, cladding, outbuildings, porches etc.

## LEAD HAZARD PRESUMPTION NOTICE - SAMPLE FORM

*The property listed below has not been evaluated for lead-based paint but it has been presumed that lead-based paint or lead based paint hazards are present.*

Address/location of property or structure(s) this notice of presumption applies to:

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Types of Presumption (Check all that Apply)

Lead-based paint is presumed to be present.

Lead-based paint hazard(s) is(are) presumed to be present.

<https://files.hudexchange.info/resources/documents/LSHR-Lead-Hazard-Presumption-Notice-Sample-Form.pdf>





**Step 2. Look**  
***LBP Evaluation***

# LBP Evaluations

Paint testing	Risk Assessment	LBP Inspection
<p>Determine if painted surfaces contain LBP</p> <ul style="list-style-type: none"> <li>Using methods such as an XRF analyzer or lab analysis</li> </ul>	<p>Identifies LBP hazards</p> <ul style="list-style-type: none"> <li>Sampling of deteriorated paint, dust, bare soil (risk based), water (optional)</li> </ul>	<p>Surface-by-surface investigation to determine if LBP is present above HUD thresholds; not if LBP is an immediate hazard</p> <ul style="list-style-type: none"> <li>Sampling of painted surfaces (dust, bare soil, and water testing is optional)</li> </ul>
<p>Purpose: Testing paint surfaces to be disturbed</p>	<p>Purpose: Interim controls, sale of property or turnover, documentation of absence of lead hazards</p>	<p>Purpose: Abatement, renovation/weatherization, sale or turnover of property, remodeling/repainting</p>
<p>If no inspection conducted, any painted surface that was not replaced after 1977 must be assumed to contain LBP</p>	<p>Final report: Lead Hazard Control Plan with options for interim controls or certification of LBP compliance</p>	<p>Final report: Whether LBP is present, where it is located, and at what concentrations</p>
	<p>Environmental Investigation is an enhanced Risk Assessment with review of other sources of lead exposure (EI not required in Subpart J)</p>	<p>Combined Risk Assessment &amp; Inspection may prove more cost effective than separate investigations</p>



# New EPA Dust Hazard Standards Effective 1/6/2020

(Not Yet for EPA Authorized States)

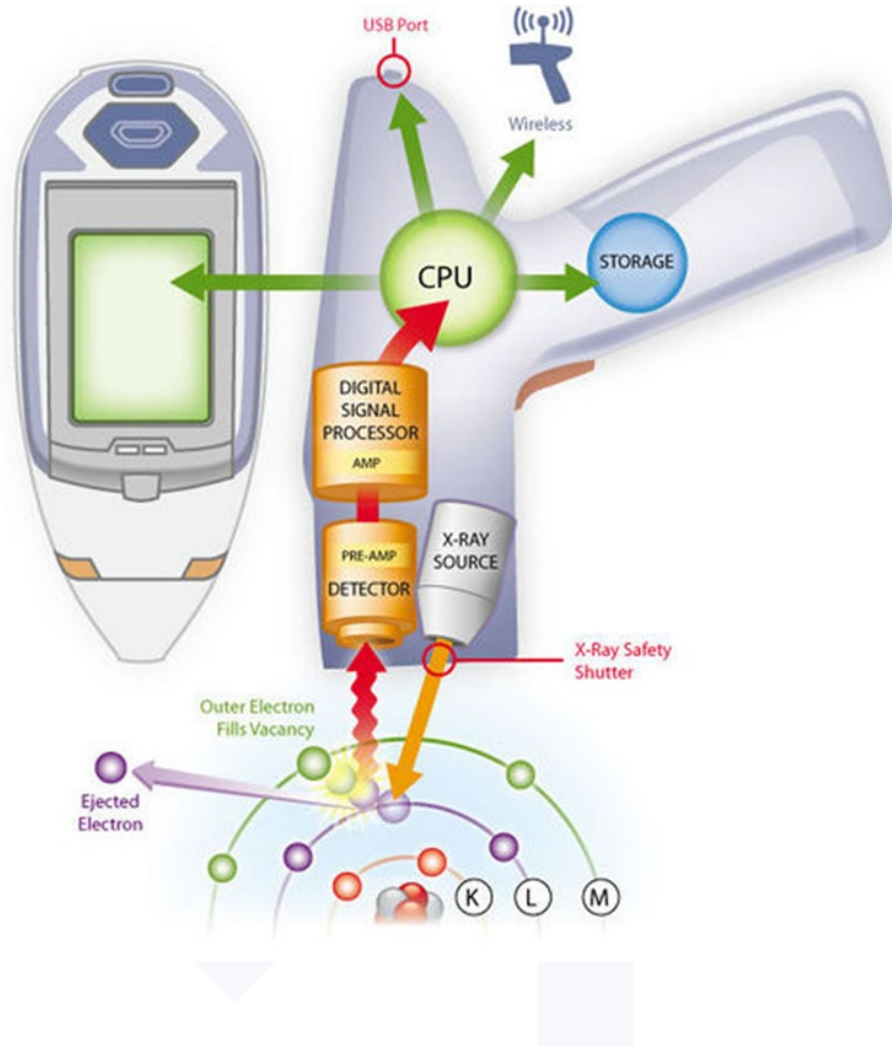
Media	New Lead Level – Risk Assessment	Old Lead Level – Risk Assessment
Paint	1 mg/ cm <sup>2</sup>	1 mg/ cm <sup>2</sup>
Dust (wipe sampling only; single-surface or composite) Carpeted Floors Hard Floors Interior Window Sills	10 µm/ft <sup>2</sup> 10 µm/ft <sup>2</sup> 100 µm/ft <sup>2</sup>	40 µm/ft <sup>2</sup> 40 µm/ft <sup>2</sup> 250 µm/ft <sup>2</sup>
Bare Soil: Bare soil in play areas Bare soil in non-play areas	400 µm/ft <sup>2</sup> 1,200 µm/ft <sup>2</sup>	400 µm/ft <sup>2</sup> 1,200 µm/ft <sup>2</sup>
Water (optional) – first draw, 250mL	20 ppb (µm/L)	20 ppb (µm/L)

**Find out if you work in an EPA Authorized State:**

<https://www.epa.gov/lead/lead-abatement-inspection-and-risk-assessment>



# X-Ray Refractive Fluorescence (XRF) Device



# Finding Appropriate Firms and Individuals

- RFP/RFQ should include specific information on:
  - License and certification requirements
  - Type of evaluation to be performed: Risk assessment, inspection, clearance, or combination
  - See [HUD Guidelines](#) for more information
- Some grantees and property owners/managers report they can not find trainers, contractors, paint inspectors, risk assessors, or clearance technicians they need
  - Locate [Certified Renovation Firms](#) and [RRP Training Providers](#) from EPA's [Lead homepage](#)
    - Some states have their own RRP Programs. See state agency for more info.
  - Contact the [local entitlement \(CDBG/HOME\) grantee](#) for referrals
  - Contact [Lead-Based Paint Hazard Control Grantees](#)



# HUD LSHR incorporates EPA Regulations

## 24 CFR 35.1320

- (a) *Lead-based paint inspections and paint testing.* Lead-based paint inspections shall be performed in accordance with methods and standards established either by a State or Tribal program authorized by the EPA under 40 CFR 745.324, or by the EPA at 40 CFR 745.227(b) and (h). Paint testing to determine the presence or absence of lead-based paint on deteriorated paint surfaces or surfaces to be disturbed or replaced shall be performed by a certified lead-based paint inspector or risk assessor.



# What is in a Risk Assessment?

- On-site investigation to determine the existence, nature, severity, and location of LBP hazards
  - Must be conducted by a certified risk assessor
- Visual inspection to locate deteriorated paint, including extent and causes
- Background information on physical characteristics of dwelling and occupants' patterns that may cause LBP exposure to child < 6 years of age
- Test for presence on each friction or impact surfaces with deteriorated paint
- Dust samples from windowsills and floors
- Soil samples

Note: Risk Assessor **must** have the preliminary rehab specs in hand to perform a proper Risk Assessment





# What is in a Risk Assessment Report?

A risk assessment report by the certified risk assessor or firm conducting the risk assessment explaining the results of the investigation and options for reducing LBP hazards

The report includes:

- Summary of the property, basic inspection information, and results
- Full explanation of testing methodology and results
- Lead hazard control plan
- Detailed laboratory analysis forms and data including XRF data

View details on the [Risk Assessment Report Checklist](#)



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## LEAD HAZARD EVALUATION NOTICE – SAMPLE FORM

Address: \_\_\_\_\_

\_\_\_\_\_

Evaluation Completed (circle one):    Paint Inspection        Paint Testing        Risk Assessment

Date: \_\_\_\_\_

Summary of Results:

\_\_\_\_\_ No lead-based paint or lead-based paint hazards were found.

\_\_\_\_\_ Lead-based paint and/or lead-based paint hazards were found. See attachment for details

<https://files.hudexchange.info/resources/documents/LSHR-Lead-Hazard-Evaluation-Notice-Sample-Form.pdf>

# Lead Hazard Evaluation Notice Sample Form

# Lead Hazard Evaluation Notice

- **Single-family buildings**
  - Full report is provided directly to homeowner
  - If unit is tenant occupied, tenant receives notice of evaluation
- **Multifamily buildings**
  - Distribute to each household or
  - Post in central location where all residents can access it
- **Documenting the Results**
  - Notice and reports of all evaluations must be made available to residents if requested.
- **Timing**
  - Notice must be provided within 15 days after results determined.





**Step 3. Treat**

***LBP Hazard  
Reduction***

# Lead Hazard Reduction

## Repair (rehab $\leq$ \$5,000)

- Repair surfaces disturbed during rehab

## Interim Controls (rehab \$5,000 - \$25,000)

- Set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards

## Abatement (rehab $>$ \$25,000)

- Set of measures designed to permanently eliminate lead-based paint hazards

# Lead Hazard Treatments

## Repair

- Repair of paint disturbed during rehab includes:
  - Surface preparation
  - Applying a new coat of paint
  - Worksite containment
  - Specialized cleaning
  - Clearance

## Interim Controls

- Temporarily reduce exposure to LBP hazards includes
  - Repairs
  - Painting
  - Temporary containment
  - Specialized cleaning
  - Clearance
  - Ongoing maintenance
  - Management and resident education

## Abatement


- Permanently eliminate LBP hazards includes
  - Removal
  - Enclosure/encapsulation
  - Replace components
- All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures

# Rehabilitation Planning

Program staff should:

- Plan the rehab and hazard reduction before work starts
- Write specs for hazard control work

Issues to consider include:



**Who will  
do the  
work**

**Timing &  
sequencing of  
rehab and  
hazard  
reduction**

**Whether to  
relocate  
occupants**

# Contractor Selection

- Staff check

## Qualifications



## Certifications



## References



- Contractors submit bids for work
- Program may opt to maintain list of pre-qualified lead contractors

**Note:** It is the law (EPA RRP) that trainers are trained and certified if they work on any pre-1978 housing and/or child-occupied facilities regardless of funding source.



# EPA Renovation, Repair and Painting Rule (RRP)

Contractors performing RRP projects that disturb lead-based paint in homes, childcare facilities and pre-schools built before 1978 must:

- Have their firm certified by EPA or an EPA authorized state
- Use certified renovators trained by EPA-approved training providers
- Follow lead-safe work practices
- Provide “Renovate Right” pamphlet
- VIOLATIONS: Civil Money Penalties \$41,056 /unit



# LSHR and RRP: Planning and Setting-Up the Job

Requirement	HUD Lead Safe Housing Rule (LSHR)	EPA Renovation, Repair and Painting Rule (RRP)
<b>Determination that LBP is present</b>	Certified LBP inspector or risk assessor (not EPA testing kits)	Certified renovators use an EPA- recognized test kit
<b>Training</b>	<p>All workers and supervisors must complete a HUD-approved curriculum in lead safe work practices. Renovation firms must be certified. At least one certified renovator must be at the job or available when work is being done.</p> <p><b>Exception:</b> Non-certified renovation workers need only on-the-job training if they are supervised by a certified LBP abatement supervisor who is also a certified renovator</p>	<p>EPA or <u>EPA authorized States</u> certify renovation firms and accredit training providers that certify renovators.</p> <ul style="list-style-type: none"> <li>• Only the certified renovator is required to have classroom training.</li> <li>• Workers must receive on-the-job training from the certified renovator.</li> </ul>
<b>Pre-Renovation</b>	HUD requires conformance with EPA regulations, including EPA's Pre-Renovation Education Rule	Education Renovators must hand out the <u>Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools</u> pamphlet.



# LSHR and RRP: During the Job

Requirement	HUD Lead Safe Housing Rule (LSHR)	EPA Renovation, Repair and Painting Rule (RRP)
<b>Treating LBP hazards</b>	Depending on type and amount of HUD assistance, lead hazards are treated using "interim controls" or "ongoing lead-based paint maintenance"	EPA generally requires that renovations in target housing be performed using lead safe work practices
<b>Prohibited Work Practices</b>	HUD prohibits 6 work practices: <ul style="list-style-type: none"> <li>• EPA's 3 prohibited work practices plus</li> <li>• Heat guns that char paint</li> <li>• Dry scraping or sanding farther than 1 ft. of electrical outlets</li> <li>• Use of a volatile stripper in poorly ventilated space</li> </ul>	EPA prohibits 3 work practices: <ul style="list-style-type: none"> <li>• Open flame burning or torching</li> <li>• Heat guns above 1100 degrees F</li> <li>• Machine removal without HEPA vacuum attachment</li> </ul>
<b>Threshold minimum amounts of interior paint disturbance which trigger lead activities</b>	HUD has a more protective interior de minimis threshold than EPA for lead safe work practices. HUD also uses this lower threshold for clearance and occupant notification.	EPA's interior threshold for minor repair and maintenance activities is higher than HUD's de minimis threshold.



# LSHR and RRP: End of Job

Requirement	HUD Lead Safe Housing Rule (LSHR)	EPA Renovation, Repair and Painting Rule (RRP)
<b>Confirmatory Testing</b>	HUD requires a clearance examination done by an independent, 3 <sup>rd</sup> party instead of the certified renovator's cleaning verification procedure	EPA allows cleaning verification by the renovator or 3 <sup>rd</sup> party clearance examination. The cleaning verification does not involve sampling and laboratory analysis of the dust.
<b>Notification to Occupants</b>	HUD requires the designated party to distribute notices to occupants within 15 days after lead hazard evaluation and control activities in/of their unit (and common areas, if applicable)	EPA has no requirement to notify residents who are not the owners after the renovation



# Monitoring Construction

In addition to regular monitoring, check for:

- Occupant protection measures
- Worksite preparation
- Daily cleanup
- Safe work practices and avoiding prohibited practices
- Worker protection (employer's responsibility)



## Protection of Occupants' Belongings and Worksite Preparation for Projects with Lead Hazard Reduction Activities

Property Address: \_\_\_\_\_ Owner: \_\_\_\_\_

Name of Individual Completing this Form: \_\_\_\_\_

Organization: \_\_\_\_\_

Date Completed: \_\_\_\_\_

Instructions: Check all activities performed to protect occupants' belongings and prepare the worksite.

---

Whether or not temporary relocation of occupants is required before and during lead hazard reduction activities, the worksite must be carefully prepared and occupants' belongings protected. Check all that apply.

- Occupants were appropriately notified that their belongings would be protected during the work and what, if anything, they would need to do to prepare for the project.
- Occupants' belongings in the containment area were (check one):
  - relocated to a safe and secure area outside the containment area.
  - OR

Find more information in the Post-Work Checklist for Lead Hazard Reduction Activities:

<https://files.hudexchange.info/resources/documents/LSHR-Post-Work-Checklist-for-Lead-Hazard-Reduction-Activities.pdf>

# Occupant Protection in Lead Hazard Reduction

The background features a solid teal color with a large, faint, light-green geometric pattern. This pattern consists of several interlocking shapes, including a large circle on the right side and several angular, zig-zagging lines that create a sense of depth and movement.

# Step 4. Clear

# Clearance

- Hazard reduction work is only complete upon passing a Clearance Examination
- Performed by a certified risk assessor or lead-based paint inspector (or sampling technician supervised and signed off by such)
- Purpose is to assure work was done as specified and site is clear of hazards
- No conflict of interest
  - Clearance examiners must be independent from hazard control, rehabilitation, or maintenance work
  - May work for same firm that provides pre-work paint testing or risk assessment
- Interim Clearance to allow for non-lead workers to enter site is OK, but Final Clearance must also be done

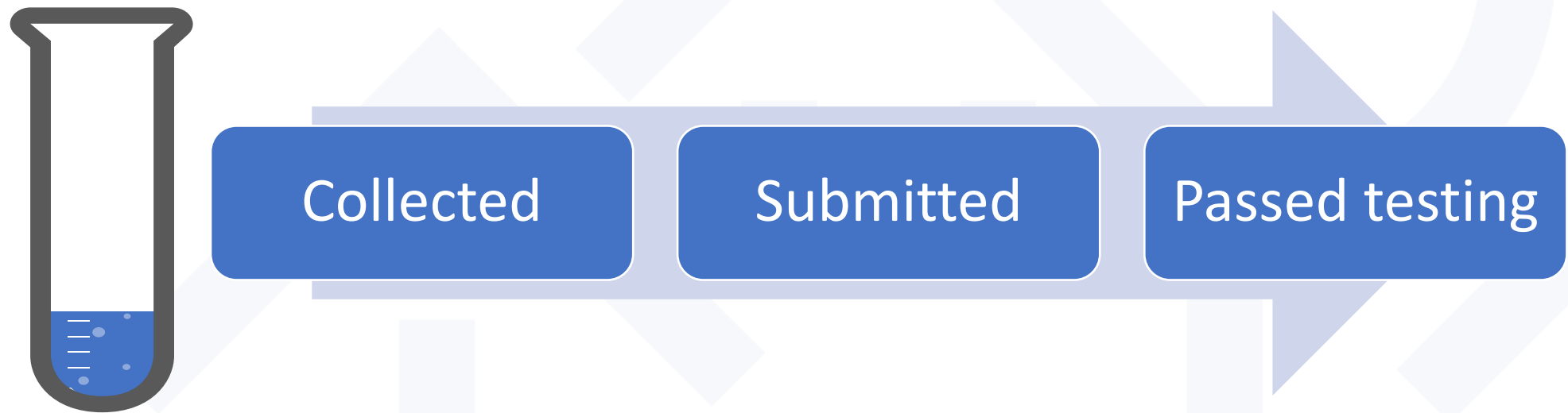




# Clearance (cont.)

- Dust wipe samples must be collected (by certified risk assessor/inspector or his/her clearance technician) and submitted to an accredited laboratory for analysis
- LBP hazard control is not complete until clearance testing is performed and passed

Dust Clearance Levels	
Carpeted Floors	10 $\mu\text{m}/\text{ft}^2$
Hard Floors	10 $\mu\text{m}/\text{ft}^2$
Interior Windowsills	100 $\mu\text{m}/\text{ft}^2$



# Clearance (cont.)

## Includes:

- Visual assessment to determine completion of work, absence of hazards
- Dust sampling, (processed by accredited lab) to measure residual lead-dust levels
- Interpretation of sampling results
- Preparation of a report

## If site fails:

- Worksite must be re-cleaned and
- Another clearance test conducted
- Additional work may be needed if continued clearance failure





# Step 5. Tell

# Notice of Hazard Reduction includes Clearance Results



Occupants must receive a Notice of Hazard Reduction, within 15 days of completion of the work (pass Clearance)

- Activities performed
- Clearance Date
- Tech's ID Info, Contact info
- Visual Inspection Results
- Dust/Locations/ $\mu\text{g}/\text{sf}$
- Lab ID + #
- Reduction Dates
- LBP Remaining
- Contractor ID



# Lead Hazard Reduction Notice

## Sample Notice of Lead Hazard Reduction

Property Address: \_\_\_\_\_ Today's Date: \_\_\_\_\_

### Summary of the Hazard Reduction Activity:

Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

**Location and type of activity.** (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

---

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---

Date(s) of clearance testing: \_\_\_\_\_

Summary of results of clearance testing:

(a) \_\_\_\_\_ No clearance testing was performed.

<https://files.hudexchange.info/resources/documents/LSHR-Sample-Notice-of-Lead-Hazard-Reduction.pdf>



## Sample Notice of Lead Hazard Reduction

Property Address: \_\_\_\_\_ Today's Date: \_\_\_\_\_

### Summary of the Hazard Reduction Activity:

Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

**Location and type of activity.** (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

---

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Date(s) of clearance testing: \_\_\_\_\_

Summary of results of clearance testing:

- (a) \_\_\_\_\_ No clearance testing was performed.  
(b) \_\_\_\_\_ Clearance testing showed clearance was achieved.  
(c) \_\_\_\_\_ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

---

---

### Person who prepared this summary notice

Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact \_\_\_\_\_ at \_\_\_\_\_



**Available  
Resources**


# HUD Exchange Lead-Based Paint Page

Resources and assistance to support HUD's community partners

NEED HOUSING ASSISTANCE? Email Updates Log In

HUD EXCHANGE

Programs Resources Trainings Program Support Grantees News



## Lead-Based Paint

Lead is a naturally occurring element found in air, soil, and water, but it can cause a range of health problems. When lead is absorbed into the body, it can damage the body's organ systems, especially the nervous system. Children under six years of age are at particular risk of damage to the brain and peripheral nerves because they are growing.

Home > Programs > Lead-Based Paint

## Regulations

The Consumer Product Safety Commission banned the use of lead in house paint in 1978. Prior to 1978, lead-based paint (LBP) was commonly used in homes; the older the home, the higher the concentration of lead in the paint. Title X, the Residential Lead-Based Paint Hazard Reduction Act, was passed in 1992. Title X required several Federal agencies, including HUD and the Environmental Protection Agency (EPA) to promulgate regulations designed to, in part, protect people, especially children, living in pre-1978 homes, where LBP may have been used.

The applicability of specific regulatory requirements depends on several housing factors including:

- Age of the housing unit(s)
- Property being disposed of or assisted by the federal government
- Type and amount of HUD assistance
- Whether the dwelling is rental or privately owned
- Whether the dwelling is occupied by a child less than six years of age

Learn more about HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH).

## Lead Disclosure Rule

Requires disclosure of known information on LBP and LBP hazards before the sale or lease of most pre-1978 housing

## Lead Safe Housing Rule

Applies to most pre-1978 "target housing" that is federally owned and/or receiving federal assistance

## EPA's Renovation, Repair, and Painting Rule

Requires firms performing renovation, repair, and painting projects (RRP) that disturb LBP in most pre-1978 homes, childcare, pre-schools, and child-occupied facilities to obtain firm certification and use certified renovators



<https://www.hudexchange.info/programs/lead-based-paint/>



# Guidance and Performance Criteria

[https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)

## HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing

- OLHCHH has published two editions of the Guidelines, a technical manual for lead hazard evaluation and control in federally-assisted housing; cited by EPA in its lead rules as a “documented methodology.”

[https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)

FIGURE 5.4 Forms of Paint Deterioration



FIGURE 5.4a Peeling paint



FIGURE 5.4b Alligatoring paint



FIGURE 5.4c Blistering paint

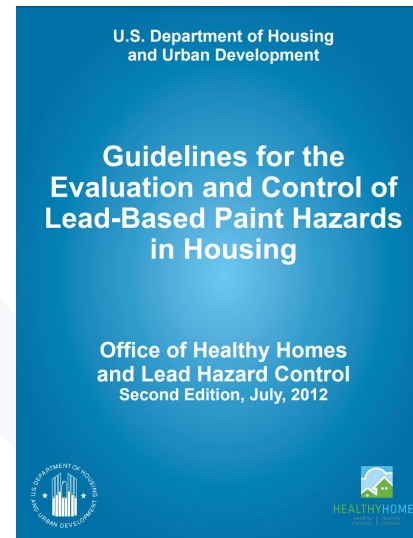


FIGURE 5.5 Baseboard showing a de minimis amount of deteriorated paint.



FIGURE 5.7 Impact surface on door and frame.

*Pictures from Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*





# Resources

- Lead Regulations: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/enforcement/regulations](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/regulations)
- Lead Safe Housing Rule (LSHR) Training: <https://www.hudexchange.info/trainings/lead-safe-housing-rule/>
- EPA page: <https://www.epa.gov/lead>
- Lead Compliance Advisor: <https://portalapps.hud.gov/CORVID/HUDDLBPAdvisor/welcome.html>
- Lead-Based Paint: <https://www.hudexchange.info/programs/lead-based-paint/>

Contact OLHCHH: [leadregulations@hud.gov](mailto:leadregulations@hud.gov)



# Schedule for Upcoming Webinar Sessions

✓ **Completed:** **Session 1** Rehabilitation, Acquisition, Leasing, Services and Operations

✓ **Completed:** **Session 2** Subpart J: Rehab Planning Phase

➔ **Next:** **Session 3** Subpart J: Rehab Construction Phase

- **Session 4** Subpart K: Acquisition, Leasing, Support Services and Operation Programs



The background features a large, faint, light-green graphic of a stylized house. The house has a gabled roof with a chimney on the left side. To the right of the house, there is a large, light-green circular shape that overlaps the roofline. The entire scene is set against a solid, medium-green background.

**Q&A**

# Lead-Based Paint Regulations: Subpart J and K

Subpart J - Rehabilitation: Construction Phase

*We will be starting momentarily*

February 2021





**Logistics**

# Webinar Instructions

- PowerPoint and webinar recording will be available on the HUD Exchange
- Participants in 'listen only' mode
- Submit content related questions in Q&A box on right side of screen
- For technical issues, request assistance through the Chat box



# Questions?

- Please submit your content related questions via the Q&A box
- Send to Host, Presenter and Panelists
- Questions will be answered during the webinar

Q&A

All (0)

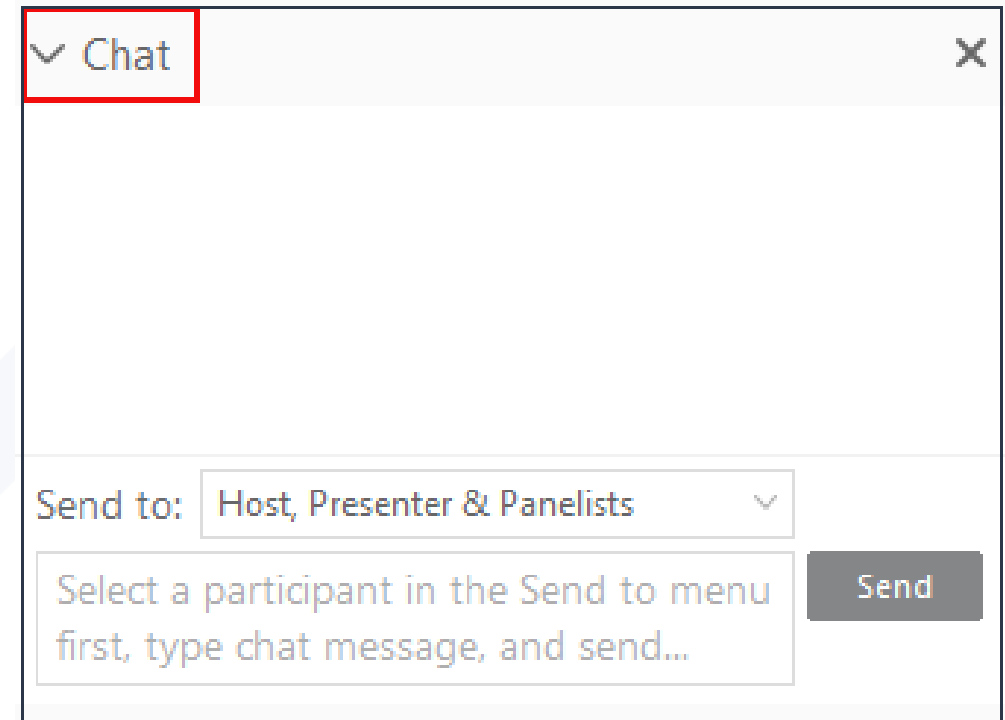
Select a question and then type your answer here.  
There's a 256-character limit.

Send Send Privately...



# Questions?

- Please submit audio/visual or other technical questions via the Chat box
- Send the message directly to the Host
- Host will work directly with you to resolve those issues





# Lead-Based Paint Regulations: Subpart J and K

## Subpart J - Rehabilitation: Construction Phase

February 2021



# Trainers

**Kris Richmond, ICF**

**Les Warner, ICF**

**Bruce Haber, HUD OLHCHH**

**Karen Griego, HUD OLHCHH**





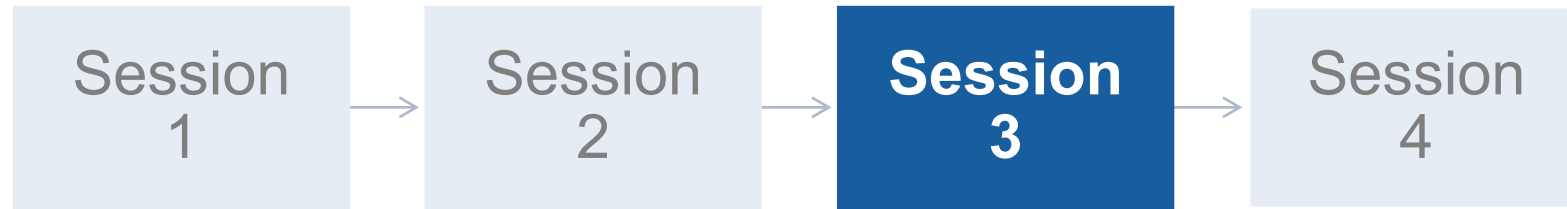
# Series Overview

# Webinar Series Format

- Four weekly sessions
  - Up to 2 hours
  - 1-hour Office Hours will occur on the day after the webinar to review homework and answer questions
- This is week 3
- Links of recordings will be available



# Webinar Series Agenda



- **Session 1**
  - LSHR Basics
  - Regulatory Subparts per Assistance Type
- **Session 2**
  - Subpart J: Rehab Requirements for Planning

- **Session 3**
  - Subpart J: Rehab Requirements for Construction and Clearance
- **Session 4**
  - Subpart K: Acquisition, Leasing, Support Services and Operation Programs



# Goals for this Training Session

- Enhance participants' ability to manage for compliance
- Explore critical decision steps and paths to success
- Explain key terms
- Provide a tour of the available resources



# Note for Session 3 Participants

Session 3 is a continuation and expansion of the material in previous sessions. Some topics overlap, but some **critical** topics are only covered in previous sessions. These include:

- **Exemptions** - Session 3 discussions pertain to **non-exempt** projects, structures, and units
- Determining the “**level of assistance**,” a critical calculation explained in Session 2
- EPA’s Renovation Repair Painting Rule (RRP)

You can start here, but you are strongly encouraged to study the other sessions before managing or monitoring lead hazard control projects



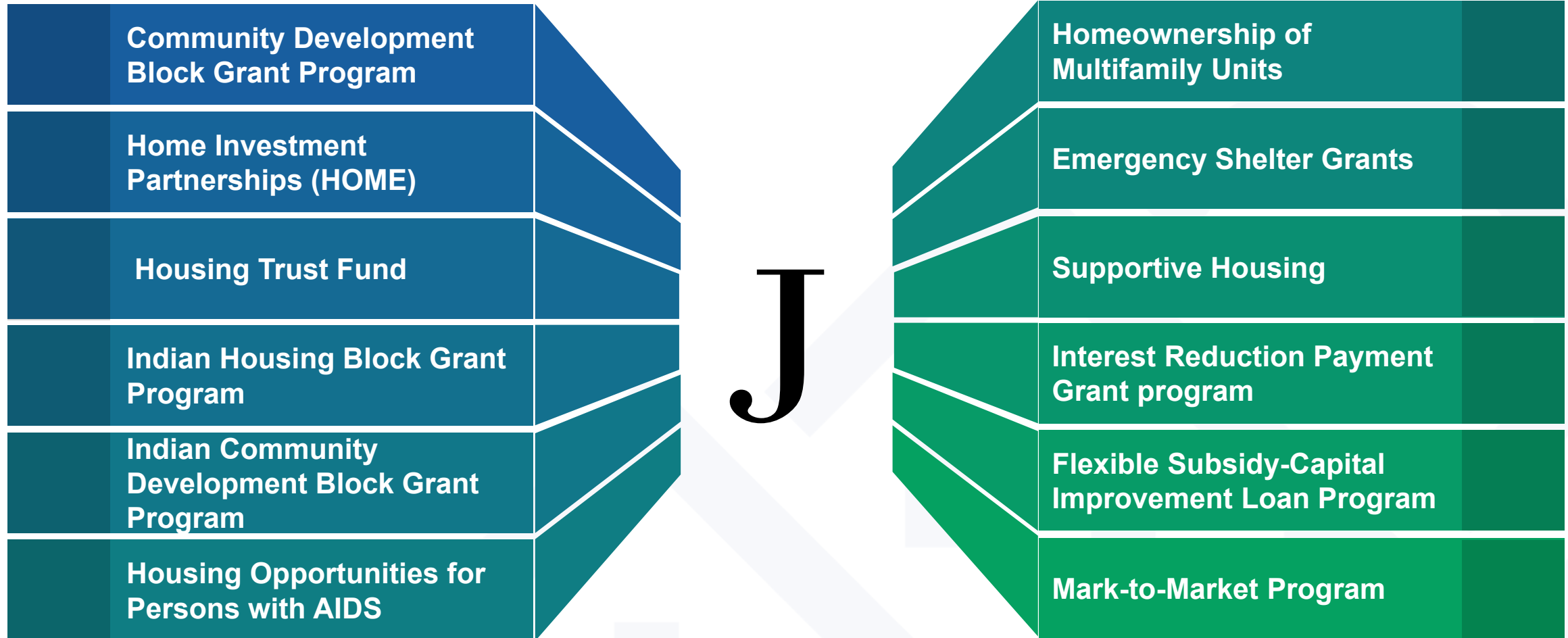
# What types of rehabilitation programs are you operating?

- Homeowner rehabilitation
- Rental rehabilitation
- Acquisition rehabilitation over \$5,000
- More than one of these programs





# Subpart J – Examples of Rehabilitation Programs



J

\*Not an exhaustive list





# Managing for Compliance

# Rehabilitation Requirements Review

Requirement	≤ \$5,000	\$5,000 - \$25,000	> \$25,000
<b>Notification</b>	Same for all categories		
<b>Evaluation</b>	Paint Testing	Risk Assessment and paint testing	
<b>Reduction</b>	Repair paint	Interim Controls	Abatement
	Lead safe work practices and worksite clearance	Lead safe work practices and unit clearance	
<b>Ongoing Maintenance</b>	For HOME rental only		
<b>EBLL Requirements</b>	Not required		



# Insular Areas: Federal Funding ≤ \$5,000/unit

## US territories (24 CFR 35.940)

- Including American Samoa, Guam, Mariana Islands, Micronesia, Republic of the Marshall Islands, Republic of Palau, Puerto Rico, and Virgin Islands
- No lead hazard **evaluation** requirements
- Lead hazard **reduction** requirements are the same
  - Repair any paint disturbed during rehab
  - Lead safe work practices during rehabilitation and repair of disturbed paint
  - Pass clearance examinations after work is completed and before occupants return



# Insular Areas: Federal Funding > \$5,000/unit

- Reduced lead hazard **evaluation and reduction** requirements
- Visual assessment to identify deteriorated paint
  - No paint testing or risk assessment requirement
- Paint stabilization on all deteriorated paint and surfaces disturbed by rehab
  - No interim controls or abatement requirements
- Dwelling units and common areas that service those units must pass a clearance examination before occupants are allowed to occupy rooms or spaces where paint stabilization took place



# Key Actors

- Program staff
  - Homeowner intake, Inspectors, Compliance staff, Finance Dept
  - Ideally the Specification Writer (In-house or not) will be qualified as a certified Risk Assessor
  - Training is often an eligible cost
- Traditional participants in rehab
  - General contractors, painters, plumbers, electricians
  - General contractors should all be RRP Certified at a minimum
- Lead specialists
  - Certified paint inspectors, risk assessors (RA), and clearance examiners
  - Certified or trained lead contractors, lead abatement supervisors, and RRP workers



# Key Steps of Rehabilitation Implementation

1. Program Application and Interview
2. Property Inspection and Specification Development
3. Contractor Selection
4. Work Phase Coordination
5. Pre-Construction Conference
6. Progress Inspections
7. Final Inspection and Clearance
8. Post Rehabilitation



# Rehabilitation Implementation and Compliance

## 1. Program Application and Interview

- Provide pamphlet “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools”
- Explain program requirements for housing quality, lead hazard reduction, and cost limitations
- Determine owner’s desires for rehab project
- Explain the process for development of the final project specifications
- Explain the requirements for occupant protection
- Determine the owner’s ability to limit their use of property or to temporarily relocate during work





# Rehabilitation – Implementation and Compliance

## 2. Property Inspection and Specification Development

- Scope of work is based initially on the rehab or repair needs of the property and requirements within the program
  - Lead hazard reduction measures and costs may add to scope of work
  - Some work can be considered rehab or lead hazard reduction (e.g. window replacement)
- The cost estimate breakdown will determine the required level of evaluation and hazard control



# Capacity and Coordination on Specifications

- Ideally the Specification Writer (In-house or not) will be qualified as a certified Risk Assessor
- The Spec Writer must be knowledgeable about measures and methods to control lead hazards as well as the associated costs
- The reconciliation of all docs may lead to changes
- A Risk Assessor should participate even if LBP is presumed



# Level of Assistance during Specification Design

- Single-purpose non-lead may fall below \$5K, but could easily go over, triggering whole-house hazard reduction
  - Roof, HVAC replacement, major structural or plumbing, rewiring, rebuilding porches, ADA work
- Certain major expenses may qualify as hazard reductions and keep the level of assistance low, (but may not significantly reduce testing, worker qualifications, and lead safe work practices (LSWP) requirements)



# Rehabilitation - Implementation

## 2. Property Inspection and Specification Development – Evaluation

- Lead Hazard Evaluation required:
  - ≤ \$5,000: paint testing
  - > \$5,000: paint testing and risk assessment
  - Option to presume lead-based paint
  - Limited Option for Lead Hazard Screen
- Certified professional conducts evaluation
  - Can certify staff or procure
- Program must notify occupants of results or reasons for presuming LBP
  - Notice of Lead Hazard Evaluation Or Notice of Presumption within 15 days



# Rehabilitation Option: Presume versus Evaluate

- Can presume LBP rather than evaluate, BUT
- Hazard control measures are enhanced, and
- Potentially much greater costs are incurred as level of assistance rises
- Base decision on swabs and/or local experience

Actions if Presuming		
≤ \$5,000	\$5,000 - \$25,000	> \$25,000
Lead safe work practices and clearance required for <b>all painted surfaces</b>	Standard treatments (same methods as interim controls but must be applied to <b>all interior and exterior deteriorated paint including friction and impact surfaces</b> )	Abate <b>all interior and exterior deteriorated paint</b> including friction and impact surfaces and soil; interim controls for exterior not disturbed by rehab



# Rehabilitation - Implementation

## 3. Contractor Selection

- Staff check
  - ✓ Qualifications
  - ✓ Certifications
  - ✓ References
- Contractors submit bids for work
- Program may opt to maintain list of pre-qualified lead contractors
- Supply of participating lead contractors – may need to recruit



# Rehabilitation - Implementation

## 4. Work Phase Coordination - Trades Coordination and Scheduling

- Plan timing and sequencing of rehab and hazard reduction
- Interim Clearance is allowed when Lead Hazard Control work and or deteriorated lead-based paint removal are completed, and the site is appropriately cleaned
- Whether and when to relocate occupants
- Subsequent rehab work by untrained workers may not disturb paint
- Must clear entire site again at final

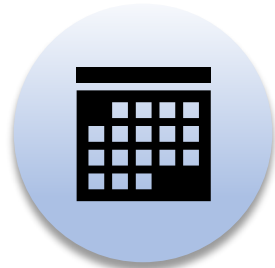


# Rehabilitation - Implementation

## 5. Pre-Construction Conference



Roles and expectations



Work schedule



Responsibilities and coordination



Work method



Special contractual provisions





# Occupant Protections

# Supervising Rehabilitation Work

## 6. Progress Inspections

- Periodic inspections of worksite occur during and at completion of work elements?
- Do staff on project have proper certifications? Are PPE's in use?
- Are lead safe work practices being followed?
  - No prohibited methods, working wet, working with HEPA vacuum dust capture tools
- Proper containment or work sites, dust control, signage?
- Occupant protections in place?
- HEPA vac, plastic, tape, cleaning equipment and supplies on site?

**Note:** Failure to protect workers and occupants is common. Don't let that be a hallmark of your program!



# Key Resources: Occupant Protection

- [Safe Work Practices: Renovate Right Brochure](#) (p. 8-10)
- Control Dust, Segregate Work Area and HVAC, Work wet, Clean wet, Clean w/ HEPA vac
- [Interpretive Guidance](#)
  - #S4: Lead Safe Units
  - #R13: Interim Clearance
  - #J24: Elderly Consent
- Forms
  - [Post-Work Checklist for Lead Hazard Reduction Activities](#)
  - [Guidance on Relocation](#)
- [HUD Guidelines Chapter 8 Resident Protection and Worksite Preparation](#)





**Identify the Unsafe Conditions in the Illustration**





**Identify the Unsafe  
Conditions in the  
Illustration**



**Identify the Unsafe  
Conditions in the  
Illustration**

# Occupant Protection During Lead Hazard Reduction

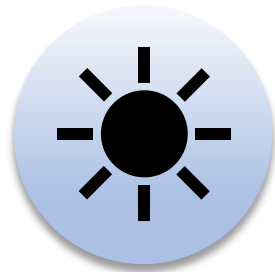
- Occupants and their belongings must be protected during lead hazard reduction work
  - May include leaving the unit or temporary relocation until clearance is achieved
- Relocation required
  - When tenants required to be out of the unit and cannot return until clearance is achieved
  - If work area can be contained but resident will be restricted from needed parts of unit (kitchen, bathrooms) for more than an 8-hour workday
  - Program must decide how and if to reimburse for relocation costs for owner-occupants



# When is Relocation Not Required?



Work does not disturb paint



Interior work completed in 1 period of 8 daytime hours



Only exterior is treated



Occupants have safe access to unit (incl. sleeping area, bathroom, kitchen); treatment completed in 5 calendar days



Elderly occupants after consent



# Appropriate Temporary Units

- For short term relocation the tenants could be housed in a hotel/motel and provided with meal vouchers
- Longer timelines will require the temporary unit to be functionally equivalent
- Multifamily rental projects can be staged to treat vacant units and then shift residents on site
- Temporary unit must be lead-safe
  - Use post 1978 units, or
  - Perform a clearance examination to document unit free of hazards



# Does Temporary Relocation Trigger URA?

## Tenants

- Covered by URA because they are involuntary participants
- All out of pocket expenses will be covered including temporary housing, storage, and other related costs
- Need to be provided notices per HUD 1378 Handbook

## Owner Occupants

- Generally are not covered by URA because they are voluntary participants
- Grantee will need an optional relocation (non-URA) policy to define the temporary relocation benefits
- Although this is non-URA the LSHR requires the protection of occupants and their possessions during lead-hazard reduction work



# 7. Final Inspection and Clearance

- Prior to final clearance, grantee should ensure that:
  - All specified work is complete and satisfactory
  - All lead hazard reduction measures and cleaning are completed
  - Inspectors must be careful not to contaminate the work site after cleaning
  - No less than one hour after work has been completed conduct clearance exam



## 7. Final Inspection and Clearance (cont.)

- Clearance exam must be conducted before project completion
- Combined visual and quantitative environmental evaluation procedures to determine no lead-based paint hazards remain
- HUD's [\*Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing\*](#) has a chapter 15 on clearance and provides a “Clearance Report Review Worksheet” with recommended fields
- If outside party is hired, the parties conducting the lead hazard reduction activities and clearance must be independent of each other



# Who Conducts a Clearance Examination?

- Clearance on all projects involving abatement (as defined by EPA) must be done by a certified risk assessor or a certified lead-based paint inspector.
- For properties covered by HUD's Lead Safe Housing Rule, clearance of non-abatement work may be performed by a certified risk assessor or lead-based paint inspector, or by a certified sampling technician.
  - In practice, there are very few such technicians.
  - Where applicable, check with your state lead abatement program for state-specific requirements.



# Clearance Report and Notice

- Occupants must receive a Notice of Hazard Reduction, including:
  - Contact information and date of notice
  - Hazard reduction activities performed
  - LBP remaining, and
  - Clearance results
- Send within 15 days of completion of the hazard reduction work
- Work is complete when clearance is achieved!



# Contents of Abatement and Clearance Reports

Clearance Report	Abatement Report
Property address.	Property address.
<p>Clearance examination information:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Date of the clearance examination.</li> <li><input type="checkbox"/> Name, address, and signature of each person performing the clearance examination including certification number.</li> <li><input type="checkbox"/> Visual assessment results.</li> <li><input type="checkbox"/> Dust sample analysis, in <math>\mu\text{g}/\text{sq. ft.}</math>, by location of sample.</li> <li><input type="checkbox"/> Name and address of each laboratory that conducted the dust sample analysis, including their identification number.</li> </ul>	<p>Clearance examination information:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Date of clearance testing.</li> <li><input type="checkbox"/> Name, address, and signature of each certified risk assessor or inspector conducting clearance sampling.</li> <li><input type="checkbox"/> Clearance testing results and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analysis.</li> </ul>
<p>Hazard reduction or maintenance information:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Start and completion dates of the hazard reduction or maintenance activity.</li> <li><input type="checkbox"/> Name and address of each firm or organization conducting the hazard reduction or maintenance activity, and the name of each supervisor assigned.</li> <li><input type="checkbox"/> A detailed, written description of the hazard reduction or maintenance activity, to include: <ul style="list-style-type: none"> <li>➤ Methods;</li> <li>➤ Locations of exterior surfaces or soil;</li> <li>➤ Interior rooms;</li> <li>➤ Common areas; and/or</li> <li>➤ Components where the hazard reduction activity occurred, and any suggested monitoring of encapsulants or enclosures.</li> </ul> </li> </ul>	<p>Abatement information:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Start and completion dates of abatement.</li> <li><input type="checkbox"/> Name and address of each certified firm conducting the abatement, and the name of each supervisor assigned to the abatement project.</li> <li><input type="checkbox"/> Occupant protection plan.</li> <li><input type="checkbox"/> A detailed, written description of the abatement, to include: <ul style="list-style-type: none"> <li>➤ Methods used;</li> <li>➤ Locations of rooms; and/or</li> <li>➤ Components where abatement occurred, the reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.</li> </ul> </li> </ul>



# Key Resources: Final Inspection

- [Post Construction SWP Certification](#)
- [Sample of a Clearance Report](#)
- [Worksheet for Clearance Report Review](#)
- [Worksheet for Abatement Report Review](#)
- [Sample Notice of Lead Hazard Reduction](#)







**Ongoing Maintenance  
During Affordability Period**

# Subpart J Requirements for Ongoing Maintenance

## 8. Post Rehab

- Property owners of rental units assisted with **HOME funds** must incorporate ongoing LBP maintenance activities in regular building operations (Sec. 35.1355(a))
- A documented visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measures must be performed at **unit turnover** and **every twelve months**
- Owner must request in writing that rental occupants monitor LBP surfaces and inform the owner of potential lead hazards.

**Exception:** If an LBP inspection indicates that no LBP is present, or a clearance report indicates all LBP has been removed the property is exempt from LBP maintenance requirements



# Ongoing Maintenance

<b>Remaining LBP</b>	If any LBP remains after the abatement, ongoing monitoring must be included as part of ongoing building operations to ensure that interim controls have not failed
<b>Disclosures</b>	Issued to new tenants prior to the execution of a lease along with the disclosures required with testing and clearance
<b>Records</b>	Maintained to document the initial lead hazard reduction or abatement work completed on all units and the ongoing efforts to maintain compliance
<b>Deteriorated Paint</b>	Identified by the visual inspection on interior and exterior surfaces located on the residential property shall be stabilized unless tested to determine it is not lead paint
<b>Bare Soil</b>	Treated with interim controls except for bare soil tested and determined no lead hazard
<b>Safe Work Practices</b>	Used when performing any maintenance or renovation work that disturbs LBP and clearance achieved
<b>Failed Enclosure</b>	Encapsulation or enclosure of LBP that have failed will need to be addressed and clearance achieved





# **Building Capacity and Program Design**

# Planning for Compliance

- What steps to take next
  - Use Toolkit and [24 CFR Part 35](#) for additional details
- Find qualified contractors
- Program procedures
- Program design
- Training needs
- Outreach needs
- Resources available and resources needed
- Monitoring – internal, subgrantees, owners



# Achieving Staff or Contractor Capacity

- Grantee or subrecipients need adequate LSHR knowledge to oversee procurement and implementation of rehabilitation projects triggering the LSHR
- Program can hire outside paint inspectors or risk assessors or have staff certified
- Procured capacity will trigger federal procurement following an RFP/RFQ process
- Grantees determines staffing for visual assessments, risk assessments, clearance testing, and the delivery of all required notices
- Staffing includes oversight of temporary relocation, construction, and ongoing monitoring



# Training Staff and Contractors



Identify certified  
contractors and  
staff



Determine  
training sources



Establish training  
timetable



Policy  
Who is trained?  
Who pays for training?



Determine costs

# Procedures and Monitoring

- Establish office and field procedures for completion of all required items
- Review the file checklist and documentation at every project stage
- Establish procedures and standards for the approval of contractor invoices, including submission of documents and photographs and on-site and/or video inspection by grantee staff
- Institute periodic review by third party monitor
- For states and other remote grantees, update procedures to require electronic transmission of documents and video inspections
- Enforce – no documentation, no payment

[More information in Ch. 24 of CPD Monitoring Handbook for LSHR](#)





# Program Review

## Monitoring

Document a consistent assessment of projects except for units that qualify for an exemption

## Knowledge

Provide training as needed and demonstrate that staff are knowledgeable about HUD's LSHR, the EPA RRP rule, and local program procedures for recordkeeping

## Lead Safe Work Practices

Use video, pictures and on-site inspections to show work is completed using Lead Safe Work Practices anytime a painted surface larger than the de minimis amounts are disturbed

## Occupant Protection

Document that temporary relocation required by the LSHR relocates tenants to units free of lead hazards and their belongings are protected





**Available  
Resources**


# HUD Exchange Lead-Based Paint Page

Resources and assistance to support HUD's community partners

NEED HOUSING ASSISTANCE? Email Updates Log In

HUD EXCHANGE

Programs Resources Trainings Program Support Grantees News



## Lead-Based Paint

Lead is a naturally occurring element found in air, soil, and water, but it can cause a range of health problems. When lead is absorbed into the body, it can damage the body's organ systems, especially the nervous system. Children under six years of age are at particular risk of damage to the brain and peripheral nerves because they are growing.

Home > Programs > Lead-Based Paint

## Regulations

The Consumer Product Safety Commission banned the use of lead in house paint in 1978. Prior to 1978, lead-based paint (LBP) was commonly used in homes; the older the home, the higher the concentration of lead in the paint. Title X, the Residential Lead-Based Paint Hazard Reduction Act, was passed in 1992. Title X required several Federal agencies, including HUD and the Environmental Protection Agency (EPA) to promulgate regulations designed to, in part, protect people, especially children, living in pre-1978 homes, where LBP may have been used.

The applicability of specific regulatory requirements depends on several housing factors including:

- Age of the housing unit(s)
- Property being disposed of or assisted by the federal government
- Type and amount of HUD assistance
- Whether the dwelling is rental or privately owned
- Whether the dwelling is occupied by a child less than six years of age

Learn more about HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH).

## Lead Disclosure Rule

Requires disclosure of known information on LBP and LBP hazards before the sale or lease of most pre-1978 housing

## Lead Safe Housing Rule

Applies to most pre-1978 "target housing" that is federally owned and/or receiving federal assistance

## EPA's Renovation, Repair, and Painting Rule

Requires firms performing renovation, repair, and painting projects (RRP) that disturb LBP in most pre-1978 homes, childcare, pre-schools, and child-occupied facilities to obtain firm certification and use certified renovators



<https://www.hudexchange.info/programs/lead-based-paint/>

# Resources

- OLHCHH homepage: [www.hud.gov/lead](http://www.hud.gov/lead)
- Lead Regulations: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/enforcement/regulations](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/regulations)
- Lead Safe Housing Rule (LSHR) Training: <https://www.hudexchange.info/trainings/lead-safe-housing-rule/>
- EPA page: <https://www.epa.gov/lead>
- Lead Compliance Advisor: <https://portalapps.hud.gov/CORVID/HUDLBPAdvisor/welcome.html>
- Lead-Based Paint: <https://www.hudexchange.info/programs/lead-based-paint/>
- HUD Guidelines: [https://www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines)

Contact OLHCHH: [leadregulations@hud.gov](mailto:leadregulations@hud.gov)



# Schedule for Upcoming Webinar Sessions

✓ **Completed: Session 1:** Rehabilitation, Acquisition, Leasing, Services and Operations

✓ **Completed: Session 2 Subpart J:** Rehab Planning Phase

✓ **Completed: Session 3 Subpart J:** Rehab Construction Phase

➔ **Next: Session 4 Subpart K:** Acquisition, Leasing, Support Services and Operation Programs





**Q&A**

# Lead-Based Paint Regulations: Subpart K

Acquisition, Leasing, Support Services and Operations

*We will be starting momentarily*

February 2021





**Logistics**



# Webinar Instructions

- PowerPoint and webinar recording will be available on the HUD Exchange
- Participants in 'listen only' mode
- Submit content related questions in Q&A box on right side of screen
- For technical issues, request assistance through the Chat box



# Questions?

- Please submit your content related questions via the Q&A box
- Send to Host, Presenter and Panelists
- Questions will be answered during the webinar

Q&A

All (0)

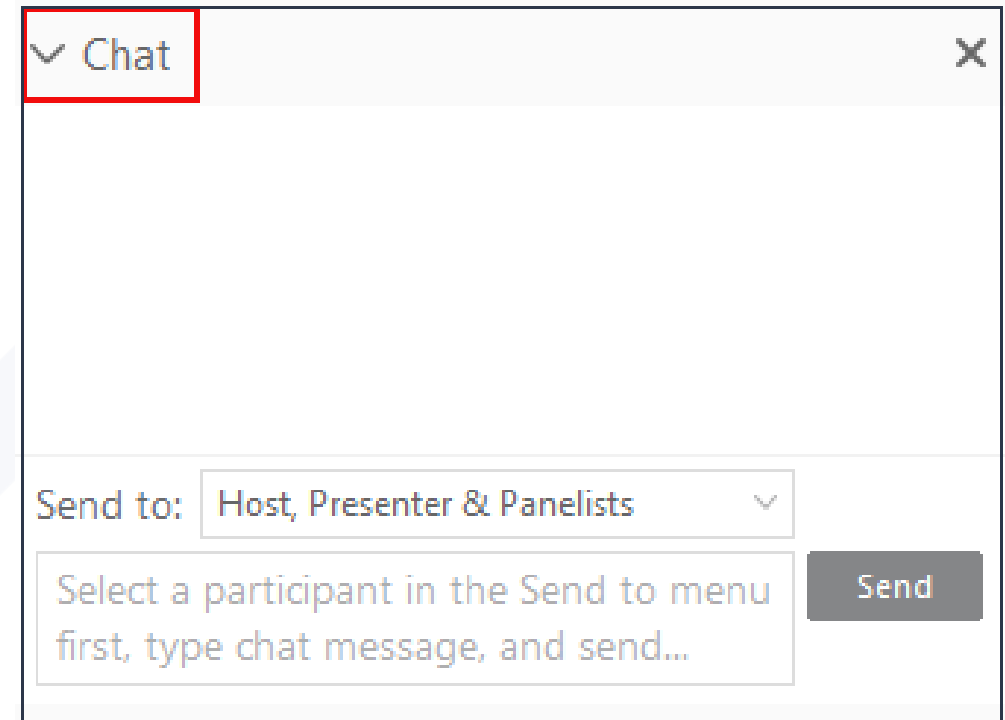
Select a question and then type your answer here.  
There's a 256-character limit.

Send Send Privately...



# Questions?

- Please submit audio/visual or other technical questions via the Chat box
- Send the message directly to the Host
- Host will work directly with you to resolve those issues



The image shows a screenshot of a chat interface. At the top left, there is a dropdown menu labeled 'Chat' with a downward arrow, which is highlighted with a red box. To the right of this menu is a close button 'X'. Below the menu is a large, empty text input area. At the bottom of the chat box, there is a 'Send to:' dropdown menu currently set to 'Host, Presenter & Panelists'. Below this is a text input field containing the placeholder text: 'Select a participant in the Send to menu first, type chat message, and send...'. To the right of this input field is a dark grey 'Send' button.



# Lead-Based Paint Regulations: Subpart J and K

Subpart K: Acquisition, Leasing, Supportive Services,  
and Operations

February 2021



# Trainers

**Kris Richmond, ICF**  
**Les Warner, ICF**

**Bruce Haber, HUD OLHCHH**  
**Karen Griego, HUD OLHCHH**





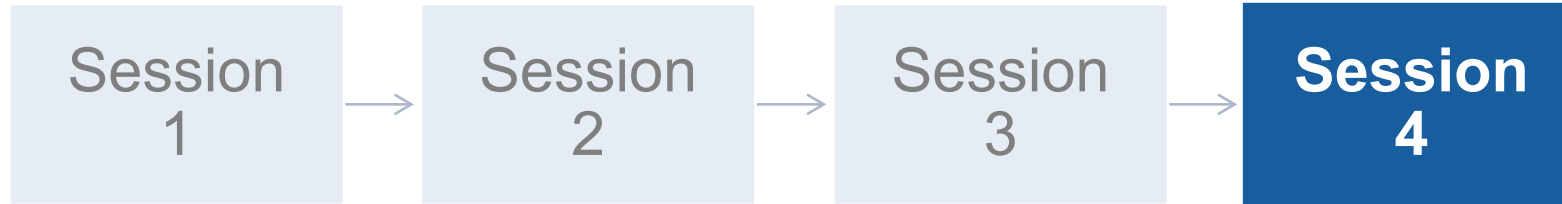
# Series Overview

# Webinar Series Format

- Four weekly sessions
  - Up to 2 hours
  - 1-hour Office Hours will occur on the day after the webinar to review homework and answer questions
- Session 1 was mandatory, then choice of remaining sessions
  - Participants administering operating programs/projects including rehabilitation should attend Sessions 1-3
  - Those administering programs without rehab but including leasing, operations, or homebuyer should attend Session 1 and Session 4
  - See the Agenda and Subpart J and K to determine what sessions you need
- Some participants may want to attend all four sessions
- Links of recordings will be available



# Webinar Series Agenda



- **Session 1**

- LSHR Basics
- Regulatory Subparts per Assistance Type

- **Session 2**

- Subpart J: Rehab Requirements for Planning

- **Session 3**

- Subpart J: Rehab Requirements for Construction and Clearance

- **Session 4**

- Subpart K: Acquisition, Leasing, Support Services and Operation Programs





# Goals for this Training Session

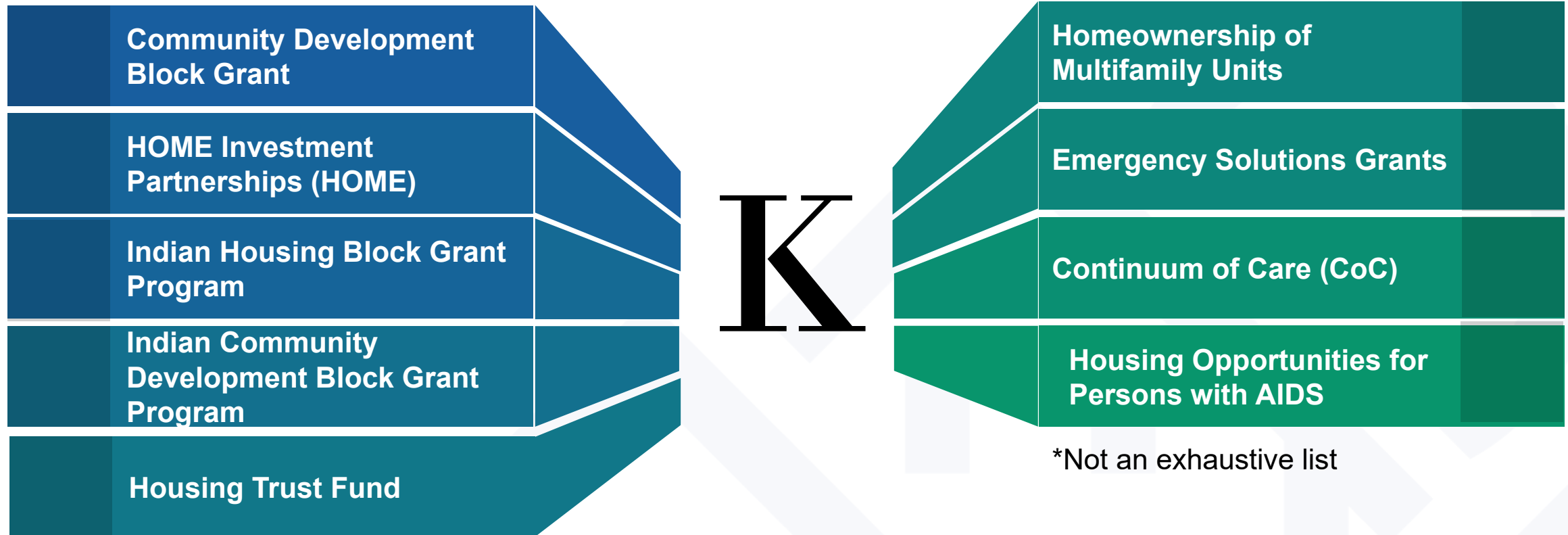
- Gain a deeper understanding of the Federal Lead-Based Paint Regulations
- Determine the types of HUD assistance and/or HUD programs that trigger the requirements of Subpart K
- Review the key minimal documentation requirements (i.e., visual assessment, paint stabilization, notification) plus more stringent options
- Introduce key terms and program procedure recommendations
- Provide a tour of the available resources



# Activities that Trigger LSHR by Subpart

Subpart	Type of Activity
<b>K</b>	HUD assisted residential properties when the assistance is <b>limited to:</b> acquisition, leasing, support services, or operation
<b>H</b>	HUD assistance for project-based
<b>M</b>	HUD assistance for tenant-based rental assistance
<b>J</b>	HUD assistance for acquisition and rehabilitation over \$5,000
<b>C</b>	Federal support solely in the form of mortgage insurance or sale of federally-owned housing

# Subpart K – Examples of Acquisition, Leasing, Support Services, and Operations Programs



# Lead Safe Housing Rule Applies **Except** When:

<b>Date</b>	Property constructed on or after January 1, 1978
<b>Zero and Single Bedroom Units</b>	Exemption does not apply if a child less than age 6 resides or is expected to reside in the dwelling unit
<b>Elderly and Persons with disabilities housing</b>	Housing for the elderly, or a residential property designated exclusively for persons with disabilities <ul style="list-style-type: none"><li>• Exemption does not apply if a child less than age 6 resides or is expected to reside in the dwelling unit</li></ul>
<b>LBP Free</b>	Properties found to be LBP free by an inspection, or where all LBP has been identified, removed, and clearance achieved

*Information from 24 CFR 35.115*



# Lead Safe Housing Rule Applies **Except** When (Cont.):

<b>Unoccupied to be demolished</b>	An unoccupied property that is to be demolished and remains unoccupied until demolition
<b>Emergency repairs</b>	Emergency repairs to protect life, health, safety or structure
<b>No paint disturbed</b>	Rehabilitation that does not disturb a painted surface
<b>Adverse weather</b>	Compliance with requirements for testing and remediation may be reasonably delayed due to adverse weather conditions <ul style="list-style-type: none"> <li>• Exterior work can be postponed until weather allows it</li> </ul>
<b>&lt; 100 days</b>	Subpart K requirements do not apply for emergency payments of less than 100 days duration <ul style="list-style-type: none"> <li>• Extension of assistance (Including CARES program) triggers full compliance</li> </ul>





**Basics**

# Key Steps in LSHR Compliance Process



## DISCLOSE

- Pamphlet, lead warning, knowledge



## LOOK

- Visual Assessment
- Test or presume



## TREAT

- Paint stabilization



## CLEAR

- Clearance



## TELL

- Notification to residents



## MAINTAIN

- Ongoing relationship--LBP maintenance
- Visual assessment

# Lead Disclosure Rules

## Subpart A

- Applies to almost all pre-1978 for sale and rental units
- Occupants and Buyers must receive:
  - Pamphlet
  - Proper disclosure form
  - **All known** information (LBP, evaluations, hazards, and remediation)
- Must be completed and signed copy retained **before** any contract is signed



**Protect  
Your  
Family  
From  
Lead in  
Your  
Home**

 United States  
Environmental  
Protection Agency

 United States  
Consumer Product  
Safety Commission

 United States  
Department of Housing  
and Urban Development

June 2017





# Visual Assessment

## Visual Assessment – required for all units

- An inspection by a trained inspector to identify deteriorated paint, paint chips, dust and other debris
- Online HUD Visual Assessment training is recommended for all housing counselors and inspectors – Easy and Important!  
<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>
- Keep records (copy to buyers/occupants recommended)



# Limited Exemption from Lead Safe Work Practices and Clearance

- Rehab that **does not disturb** painted surfaces:
- Lead safe work practices are not required when minor maintenance or activities disturb painted surfaces that are less than de minimis\* levels:
  - 2 sq. ft. per interior space
  - 10% of small component type
  - 20 sq. ft. for exterior work

*\* Note: HUD de minimis levels are more protective than the EPA RRP guidelines*



# Subpart K Considerations

- If the Visual Assessment identifies deteriorated paint, it must be repaired (stabilized).
- If the area of paint to be disturbed exceeds the HUD de minimis, then certain requirements apply.
- The buyer/owner may test the paint and if no LBP is found proceed without further requirements OR
- May presume the presence of LBP and use qualified contractors following HUD protocols
  - More information on presumption in session 2



# Paint Stabilization Using Lead Safe Work Practices

- Paint stabilization means:
  - Removing loose paint and other material from the surface to be treated
  - Repairing any defects in the substrate of a painted surface causing paint to deteriorate
  - Applying a new protective coating or paint
- Safe Work Practices are detailed methods for:
  - Controlling dust, protecting occupants, segregating the work area and HVAC, and cleaning effectively
- Work wet, clean wet, clean with HEPA
- Must be followed by formal third-party Clearance inspection and Notice to residents



# EPA Renovation, Repair and Painting Rule (RRP)

Contractors performing projects that disturb lead-based paint in homes, childcare facilities and pre-schools built before 1978 must:

- Have their firm certified by EPA or an EPA authorized state
- Use certified renovators trained by EPA-approved training providers
- Follow lead-safe work practices
- Provide “Renovate Right” pamphlet
- VIOLATIONS: Civil Money Penalties \$41,056 /unit



# HUD LSHR More Stringent than RRP in Some Ways

- For applicable work, RRP contractors must be used, but HUD requirements must be met
- Contracts should specify both
- Key differences include:
  - The de minimis area exception for HUD is smaller than in RRP
  - HUD requires testing for paint using lab testing, an approved XRF, or paint chip testing, not the swabs allowed in RRP
  - HUD requires formal post-work Clearance inspection by approved third party
- HUD requires formal Notice to buyer/occupant

For details, view the [HUD's LSHR and EPA's RRP Comparison Chart](#)



# Clearance and Notice

- Clearance of non-abatement work performed by a certified risk assessor or LBP inspector
  - Can be a certified sampling technician in limited situations. In practice, there are very few such technicians.
  - Some variations among states
- No conflict of interest
  - Clearance examiners are independent from hazard control, rehabilitation, or maintenance work
  - May work for same firm that provides pre-work paint testing or risk assessment
- Occupants receive a [Notice of Lead Hazard Reduction](#) within 15 days of work completion
  - Contact information and date
  - Activities performed
  - LBP remaining, and
  - Clearance results



# Risk Assessors and LBP Inspectors

- **Lead-Based Paint Inspectors** may perform inspection and post-abatement and non-abatement clearance activities
- **Risk assessors** may perform inspection, post-abatement and non-abatement clearance, lead hazard screen, and risk assessment activities





# Finding Appropriate Firms and Individuals

- Some grantees and property owners/managers report they cannot find trainers, contractors, paint inspectors, risk assessors or clearance technicians they need
- Locate [Certified Renovation Firms](#) and [RRP Training Providers](#) from EPA's [Lead homepage](#)
  - Some states have their own RRP Programs
- Contact the [local entitlement \(CDBG/HOME\) grantee](#) for referrals
- Contact [Lead-Based Paint Hazard Control Grantees](#)



# Ongoing Maintenance - If Ongoing Relationship

Maintain the unit and common areas lead safe for continued occupancy.\* Lead safe means no deteriorated lead paint or failed hazard control methods.

<b>Who</b>	Owner/Operator/Program
<b>What</b>	<ol style="list-style-type: none"><li>1. Ensures a trained visual assessor conducts regular visual <u>assessments</u></li><li>2. Responds to and clears new or deteriorated LBP hazards identified in the assessment</li><li>3. Repairs any failure of abatement methods such as encapsulation or enclosure controls</li><li>4. Written notice asking residents to report deteriorated paint and any failure of encapsulation or enclosure</li></ol>
<b>When</b>	Visual assessments at unit turnover and every twelve months, whichever is sooner

**\*Ongoing maintenance not required if LBP was completely removed**

**\*Not required for homebuyer or DPA**



# Knowledge Check

## 1. True or False?

A Risk Assessment is the required evaluation method for Subpart K.

## 2. Who can perform paint stabilization?

- a) PHA employee
- b) RRP Certified Contractor or Workers
- c) Any contractor working on the home





# Acquisition and Homebuyer Specifics

# Homebuyer Programs Affected

- Homeownership programs funded by:
  - HOME
  - CDBG
- Potential homeownership assistance programs:
  - Downpayment assistance
  - Closing cost assistance
  - Loan guarantee
  - Subsidized interest rates
  - Finance acquisition



# Which Subpart is Triggered?

## Subpart K

- Acquisition + Rehab **Under** \$5,000
- Subpart K provides more stringent requirements for rehab under \$5,000
  - Lead hazard reduction: paint stabilization of **all** deteriorated painted surfaces and clearance before occupancy

## Subpart J

- Acquisition + Rehab **Over** \$5,000
- Risk Assessment, paint testing, interim controls, and LSWP on painted surfaces to be disturbed
- Sessions 2 & 3 covered rehab - see recordings



# Determining Level of Rehabilitation Assistance

**Level of Rehabilitation Assistance** determines the required approach to lead-based paint testing and lead hazard control measures

The amount of rehabilitation assistance is the **lesser** of two amounts:

Hard costs of rehab from **all sources** per unit (excludes soft costs and lead hazard control)

**OR**

Federal assistance for **all uses** per unit



# Level of Assistance Example

**Example:** A family is purchasing a home. They are receiving \$10,000 in assistance for down payment, closing costs, and rehabilitation costs. The hard costs of rehabilitation are \$4,500.

Hard costs of  
rehab from **all**  
**sources** per  
unit:  
**\$4,500**

Federal  
assistance for  
**all uses** per  
unit:  
**\$10,000**

The level of assistance is \$4,500. Subpart K is triggered.





# Acquisition/Homebuyer: Requirements

	Acquisition/Homebuyer
<b>Approach to Lead Hazard Evaluation and Reduction</b>	Identify and stabilize deteriorated paint (2)
<b>Pamphlet</b>	Yes
<b>Notification</b>	Yes
<b>Lead Hazard Evaluation</b>	Visual Assessment
<b>Lead Hazard Reduction</b>	Paint Stabilization Lead safe work practices Clearance
<b>Ongoing Maintenance</b>	Not provided in homebuyer programs
<b>EBLL Requirements</b>	No
<b>Options</b>	Test deteriorated paint; Use safe work practices only on lead-based paint surfaced



# Homebuyer: Key Actors

- Administering agencies
  - State, city and county governments
- Program grantees
  - City and county governments
  - Nonprofit organizations
- Staff and contractors
  - Counselors and intake staff
  - Inspectors and contractors
- Program participants
  - Homebuyers



# Homebuyer: Implementation

## Key Homebuyer Program Activities

1. Application
2. Home selection
3. Purchase contract
4. Home inspection
5. Purchase negotiation and address lead hazards
6. Closing
7. Post-purchase counseling



# Homebuyer: Implementation

## 1. Application

- Application process used to:
  - Determine basic eligibility
  - Provide information and education
  - Select applicants
- Provides an opportunity to:
  - Distribute the Protect Your Family from Lead in Your Home pamphlet and educate the potential homebuyer about requirements
- Consider adding a module on lead-based paint to the local counseling program



# Homebuyer: Implementation

## 2. Home Selection

- Lead hazard education as part of any counseling or orientation helps homebuyer identify and evaluate potential homes
- Final home approval by program depends on physical inspection for Decent Safe and Sanitary (DSS) and Visual Assessment!
  - Often not possible, but inspection by program ideally occurs before purchase contract is executed.
  - Contracts **MUST** include options for buyer to inspect and request repairs



# Homebuyer: Implementation

## 3. Purchase Contract

- Seller must provide disclosure statement, AND
- Homebuyer option to evaluate (risk assessment or paint testing) per Subpart A
- Buyer may also opt for just Visual Assessment
- If lead-based paint hazards are found the homebuyer can:
  - Withdraw from contract/select another home or
  - Renegotiate the contract
  - But, not necessarily without penalties
  - Options depend on the specific language in the contract
- Contract and/or Repair request should specify RRP, SWP and Clearance



# Homebuyer: Implementation

## 4. Home Inspection



- Inspection after offer is accepted
- Visual assessment for deteriorated paint in pre-1978 homes – **Trained Visual Assessor**
- Inspection report to homebuyer and agency
- Online HUD Visual Assessment training is recommended for all housing counselors and inspectors

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>



# Homebuyer: Implementation

## 5. Purchase Negotiation and Addressing Lead Hazards

- Before purchase, lead hazards must be addressed:
  - Any painted surfaces that fail inspection must be stabilized.
  - Work must be performed by RRP trained or supervised workers
- [Sample Form: Checklist for Lead Hazard Reduction Activities](#)
- **After work, HUD-approved Clearance** – Must be Certified Third Party
  - Required before occupancy
- Homebuyer must receive Clearance and Notice of Lead Hazard Reduction activities.





# Homebuyer: Implementation

## 6. Closing

- Document receipt of the lead-based paint pamphlet
- See the toolkit form for residents at closing



**Protect Your Family From Lead in Your Home**

 United States Environmental Protection Agency

 United States Consumer Product Safety Commission

 United States Department of Housing and Urban Development

June 2017

# Homebuyer: Implementation

## 7. Post-purchase Counseling

- Helps reduce delinquency and default rates
- Educate about safe work practices (maintenance/repairs)



The background is a solid teal color. It features several large, faint, semi-transparent geometric shapes. On the left, there are two large, overlapping chevron-like shapes pointing upwards and to the right. On the right side, there is a large, faint number '2' composed of thick, rounded lines. The text is centered in the lower half of the image.

**Leasing, Support Services,  
and Operations Specifics**

# Leasing, Support Services, and Operations

## Programs Affected

- Typically, these activities are found in special needs programs funded by:
  - CDBG, HOPWA, ESG, CoC
- Programs may include:
  - Acquisition or leasing of residential property
  - Support services and operations related to residential structures
- Special cases
  - For rehabilitation > \$5,000 (See Subpart J)
  - For tenant-based rental assistance (TBRA) (See Subpart M)



# LSSO Housing: Requirements

	Leasing, Support Services, or Operation
<b>Approach to Lead Hazard Evaluation and Reduction</b>	Identify and stabilize deteriorated paint
<b>Pamphlet</b>	Yes
<b>Notification</b>	Yes
<b>Lead Hazard Evaluation</b>	Visual Assessment
<b>Lead Hazard Reduction</b>	Paint Stabilization Safe work practices Clearance
<b>Ongoing Maintenance</b>	Yes, if ongoing assistance is provided
<b>EBLL Requirements</b>	No
<b>Options</b>	Test deteriorated paint; If LBP is NOT identified through XRF or paint chip sampling, no LSHW or clearance



# LSSO Housing: Key Actors

- Grantees are responsible, but may assign duties to others
  - State, city and county governments
- Administering agencies
  - City and county governments
  - Subrecipients
  - Nonprofit organizations
- Program participants
  - Occupants
  - Property owners



# LSSO Housing: Implementation

## Initial Actions

- Visual assessment – Trained Inspector
  - Plus, program required property standards, ex: HQS or equivalent program requirement
- Owner notification of visual assessment results
- Paint stabilization and cleanup – RRP Certified Contractor or workers
- Clearance prior to occupancy – Third Party
- [Checklist for Lead Hazard Reduction Activities](#)



# LSSO Housing: Implementation

## Ongoing Actions

- Notices (Lead hazard pamphlet, disclosure forms, Test/Presume, Lead Hazard Control, Clearance)
- Ongoing maintenance of painted surfaces
  - Incorporate into building operations
  - Visual assessment every 12 months/at turnover
  - Paint stabilization within 30 days of notification
- Recordkeeping





# Subpart K Leasing vs. Subpart M TBRA

## Subpart K Leasing

- Activity may include short term emergency payments or payment of deposit for eligible tenant
- Typically does not constitute an ongoing rental subsidy for tenant, but might include ongoing support to the operator – maintenance required
- Eligible units must meet property standards

## Subpart M Tenant-Based Rental Assistance

- Ongoing rental assistance which is tied to the tenant rather than a specific location
- TBRA generally is provided on an ongoing basis, **not** emergency payments of 100 days or less
- Allows eligible tenant families to locate and rent privately owned housing
- Eligible units must meet property standards



# Emergency Payments

- Emergency payments are subject to Subpart K (Not M) but is exempt for first 100 days
  - Exempt from conducting a visual inspection and possible clearance actions prior to providing the emergency payments to keep the tenant in their current unit
- 100-day exemption is tied to the unit, not the occupant
  - Program administrators should keep cumulative number of days of assistance in mind
  - Ex: If a resident has assistance in January and moves out in April and a new resident applies in April, the exemption no longer applies since more than 100 days have passed.
- CDBG funds provided as emergency payments can be utilized to assist a household at risk of eviction
  - Maximum of 90 days



# CDBG-CV Emergency Payments Example

- CARES Act CDBG-CV funds are being used by grantees to address the impact of COVID-19
- Short Term Housing Assistance is being provided; CDBG-CV notice includes a waiver of the 3-month limit to allow for up to emergency payments up to 6-months
- Subpart K only exempts this activity up to 100 days
- If CDBG-CV funds are used for emergency payments for rental or mortgage payments that exceed 100 days a visual assessment, paint stabilization, and clearance testing will be required
- Other exemptions may apply such as a unit constructed on or after January 1978



# Emergency Shelters

If HUD funds are being used to operate an emergency shelter, is the shelter subject to the lead-based paint regulation?

- Depends on the configuration
- Most emergency shelters are exempt, because they fall under the definition of zero-bedroom dwellings
- If the shelter does not qualify for the zero-bedroom exemption, it is covered by the regulation

**NOTE:** If children under 6 occupy a shelter, or zero bedroom unit, lead-safe policies must be in place regardless of the length of the occupancy.



# Program Design Considerations



## Standards

Specify the standards eligible units must meet to receive assistance



## Applicant Warning

Do not execute purchase agreements prior to evaluation or utilize an inspection clause



## Staffing

Include certified visual assessor(s) to complete the required evaluations



## Policies and Procedures

Incorporate the Subpart K requirements and the collection of the required documentation



## Homebuyer Education

Information about the risks of lead-paint hazards

# Program Review

- Does program design promote lead-safe housing?
- Do procedures assure timely and efficient compliance?
- Are all parties fully aware of procedures and provided with forms and tools?
- Do beneficiaries understand how they can promote lead safety?
- Are inspectors trained in visual assessment or risk assessment?
- Are contractors trained and certified in RRP?



# Knowledge Check

1. What order should the following activities occur in a special needs housing program?

- A. Distribute pamphlet, visual assessment, paint stabilization, clearance
- B. Visual assessment, paint stabilization, distribute pamphlet, clearance

2. Who may conduct paint stabilization and clearance?

- A. The same worker must conduct paint stabilization and clearance
- B. Paint Stabilization:** Trained or supervised worker  
**Clearance:** Certified RA, LBP inspector, or clearance technician
- C. Paint Stabilization:** Certified RA, LBP inspector, or stabilization technician  
**Clearance:** Trained or supervised worker

3. Who is responsible for compliance with lead-based paint requirements?

- A. Housing providers
- B. Property owners
- C. Both





**Available  
Resources**




# HUD Exchange Lead-Based Paint Page

Resources and assistance to support HUD's community partners

NEED HOUSING ASSISTANCE? Email Updates Log In

HUD EXCHANGE

Programs Resources Trainings Program Support Grantees News



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Home > Programs > Lead-Based Paint

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<https://www.hudexchange.info/programs/lead-based-paint/>

# Resources

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Contact OLHCHH: [leadregulations@hud.gov](mailto:leadregulations@hud.gov)





**Q&A**