Lead-Based Paint Regulations: Subpart J and K

Subpart J Rehabilitation

Subpart K Acquisition, Leasing, Support Services and Operations

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Trainers

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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





- 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

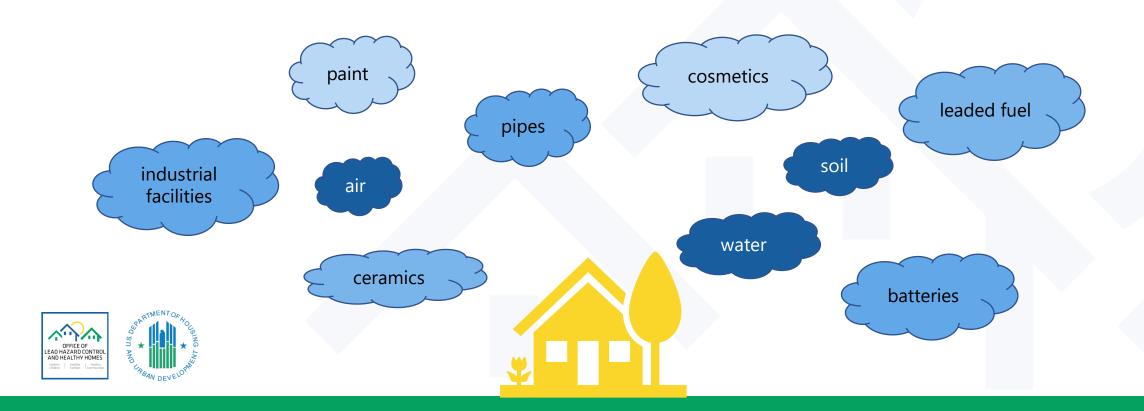




Lead Safe Housing Rule Basics

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

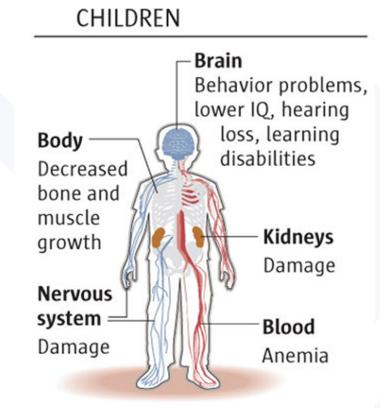
 Workers in certain construction and industrial fields may be exposed to high levels of lead – prevent "take-home" exposure





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 <u>primary prevention</u>

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 LBP-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. The 100 days begins with the first payment. Payments used to cover arrears (back payments) is not included in the 100 days.





Limited Exemption from Lead Safe Work Practices and Clearance

- Rehab that does not disturb painted surfaces
- For rehab work on unit with assistance ≤\$5,000/unit and the work area is below the de minimis threshold.
- 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: HUD uses the confirmed blood lead level of 5 μ g/dL, while the CDC recently lowered the reference value to 3.5 μ g/dL. HUD will continue to take action for confirmed blood lead levels at 5 μ g/dL at this time.





HUD Regulation Subparts

| Subparts | Assistance Type | Program |
|----------|---|--------------------|
| A | Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property | All |
| В | General Requirements and Definitions | All |
| C D | Disposal of Housing Project-Based Rental Assistance | Non-HUD Federal |
| F | HUD-Owned Single Family Property | SF Hsg |
| G | Multifamily Mortgage Insurance | MF Hsg |
| Н | Project-Based Rental Assistance | Hsg, PIH |
| ı | 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

Community Development Block Grant Program HOME Investment Partnerships (HOME) Housing Trust Fund Indian Housing Block Grant Program Indian Community Development Block Grant Program Housing Opportunities for Program (SHOP) Persons with AIDS

Homeownership of **Multifamily Units Emergency Solutions Grants Continuum of Care (CoC) Interest Reduction Payment Grant program** Flexible Subsidy-Capital **Improvement Loan Program Self-Help Homeownership**

*Not an exhaustive list





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

Homeownership of **Community Development Multifamily Units Block Grant HOME Investment Emergency Solutions Grants Partnerships (HOME) Indian Housing Block Grant Continuum of Care (CoC) Program Indian Community Housing Opportunities for Development Block Grant Persons with AIDS Program Self-Help Homeownership Housing Trust Fund (HTF)** Program (SHOP)





*Not an exhaustive list

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

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

 Applies to almost all target housing, public and private, built before 1978, including childoccupied 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/cm²





Key Steps in LBP Compliance Process





Pamphlet



LOOK

- Enhanced visual assessment
- Risk assessment
- Inspection





- Standard Treatments
- Interim controls
- Hazard abatement





Clearance









Depends on activity





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 | \$5,001 - \$25,000 | > \$25,000 |
|--|---|--|---|
| Approach to Lead Hazard Evaluation and Reduction | Do no harm (1) | Identify and control lead hazards (3) | Identify and abate lead hazards (4) |
| Notification | Yes | Yes | Yes |
| Lead Hazard Evaluation | Paint Testing (of surfaces to be disturbed) | Paint Testing and Risk Assessment | Paint Testing and Risk Assessment |
| Lead Hazard Reduction | Repair surfaces disturbed during rehabilitation | Interim Controls | Abatement (Interim Controls on exterior surfaces not disturbed by rehabilitation) |
| Clearance | Lead safe work practices Clearance | Lead safe work practices Clearance | Lead safe work practices Clearance |
| Ongoing Maintenance | For HOME rental only | For HOME rental only | For HOME rental only |
| EBLL Requirements | No | No | No |
| Options | 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 |
|--|---|---|
| Approach to Lead Hazard Evaluation and Reduction | Identify and stabilize deteriorated paint (2) | Identify and stabilize deteriorated paint (2) |
| Notification | Yes | Yes |
| Lead Hazard Evaluation | Visual Assessment | Visual Assessment |
| Lead Hazard Reduction | Paint Stabilization | Paint Stabilization |
| Clearance | Safe work practices | Safe work practices |
| Clearance | Clearance | Clearance |
| Ongoing Maintenance | No | Yes |
| EBLL Requirements | No | No |
| | Test deteriorated paint; | Test deteriorated paint; |
| Options | Use safe work practices only on lead-based paint surfaced | 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' house is exempt from the LSHR because they are elderly.

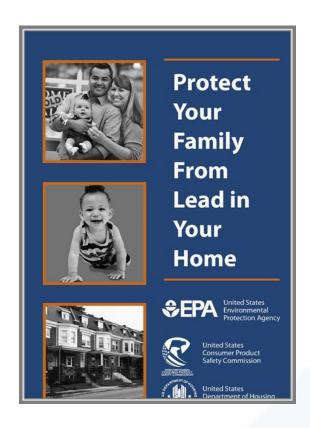




Step 1. Disclose

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:





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 Pai

The interiors of older homes and spartments often have layers of lead-based paint on the walls, ceilings, window sills, door paint and primers may also have been used on outside porches, mainting, garages, for excepted and lamp point. When he is a real changer for babies and young children. Children cor of the or pointed railings, window around. Children can also mear! lead even if they do not specifically set paint chips. For example, when of outs particles containing lead, they may get these particles on their hands, but their hands into their of the size.

Hazards of Lead-Based Pair

Lead poisoning is dangerous-especially to children under the age of seven (7). It can event bindness and even deat

Symptoms of Lead-Based Paint Poisoning

Has your child been especially cranky or irritable? Is he or she eating normally? De the dots he or she complain about headsches? Is your child unwilling to play? These may be signs of lead postcoming your complaint on the man that you should not be concerned if you believe your of leading the contraction of the property of the contraction of the contra

Advisability and Availability of Blood Lead Level Screening

If you suspect that your child has eaten chips of paint or someone told you your child has an elevrated blood lead level, tentument is vasible. Conts health department for hea, health department for health and neatment are available through the Medical Program for those who immediably northy the Community Development or other agency to will not health to territory the community Development or other agency to will not health to territory the community Development or other agency to will not health to territory the community Development or other agency to will not be then to test you set for lead to the doc.

If the test shows that the set shows that it head to remain the health agreement for health and the provided in the part of the agreement of the part of the pa

Precautions to Take to Prevent Lead-Based Paint Poisoning

You can avoid lead-based paint poisoning by performing some prev
there places where the point is pealing, fishing, chipping, or powde
(a) Cover all funtiture and appliances;

- (b) Get a broom or stiff brush and remove all loose pieces of pair ork, window wells and ceiling
- (c) Sweep up all pieces of paint and plaster and put them in a par THEM.
- (d) Do not leave paint chips on the floor in window wells. Damp dowsills in and around the work area to remove all dust and paint particles. Keeping these areas clear of paint chips, dust and dirt is easy:
- (e) Do not allow loose paint to remain within your children's reac pick loose paint off the lower part of the walls.

Homeowner Maintenance and Treatment of Lead-Based Paint H

Vater leaks from faulty plumbing, defective roofs and exterior holes or As a homeowner, you should take the necessary steps to keep your ho breaks may admit rain and dampness into the interior of your home. T ge walls and ceilings and cause paint to peel, crack or flake. These conditions should be corrected immediately. Before repainting, all surf cracking, chipping or loose should be thoroughly cleaned by scraping or brushing the loose paint from the surface, then repainting with two (paint. Instead of scraping and repainting, the surface may be covered with other material such as wallboard, gypsum, or paneling. Bew sed paint is removed by scraping or sanding, a dust is created, which may be hazardous. The dust can enter the body either by breathing 1 a 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 of lead-based paint should take place when there are no children t eliminate the hazard. Remember that you as an adult play a or pregnant woman on the premises. Simple painting over defective lead-base major role in the prevention of lead poisoning. Your actions and awareness abo. nake a big difference.

Tenant and Homebuyer Responsibilities

Signature of recipient

You should immediately notify the management office or the agency through which yo if the unit has flaking, chipping, powdering or peeling paint, water leaks from plumbing, or a defective roof. You should co-operate win.

I have received a copy of the Notification entitled "Watch Out".

I have received a copy of the pamphlet, "Protect Your Family From.

| Printed name of recipient |
|---------------------------|
| |
| |

Exhibit V

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

have received a copy the notice entitled:

> ad-Based Paint Vaur

> > гу 1993

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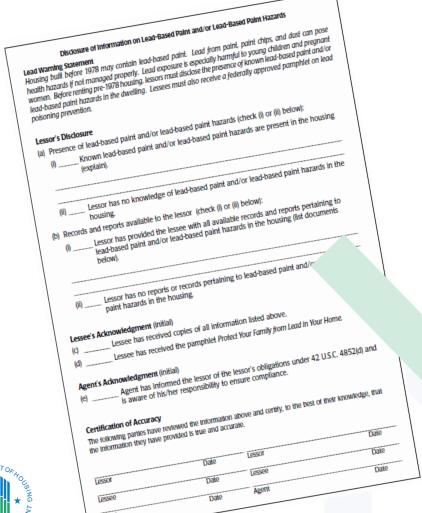
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The Correct Disclosure



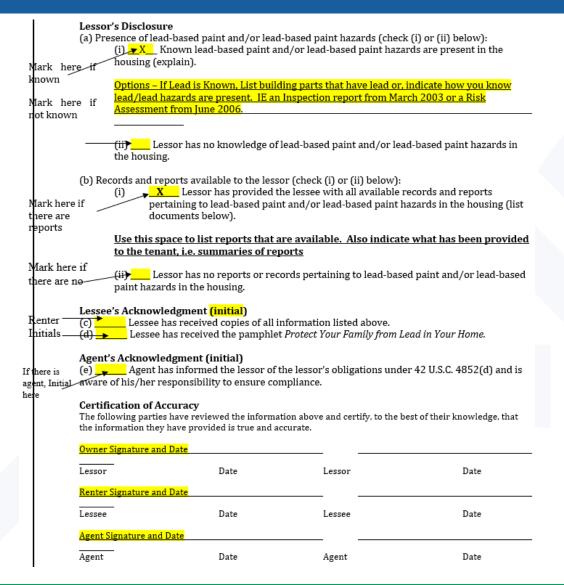






States with modified disclosure form: MA, RI, DC

The Correct Disclosure







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.

| ro | operty Owner and Address: | _ |
|----|--|--------------|
| | Part 1: Exemptions from All Requirements of 24 CFR Part 35 | |
| | the answer to any of the following questions is yes, the property is exempt from the rec CFR 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 ¹ housing? (i.e. over age 62) [35.115(a)(3)] | ☐ YES ☐ NO |
| • | Is this housing dedicated for the disabled ² ? [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 |
| 44 | the://files.hudovchange.info/resources/decuments/LSHP.Screening.E | or Evemption |





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

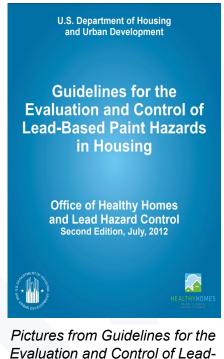


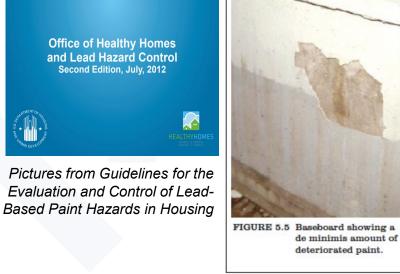


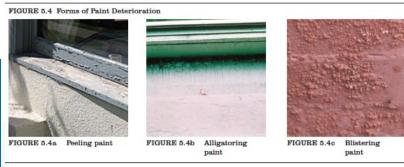
Available Resources

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/healt hy homes/lbp/hudguidelines















Lead Safe Housing and Healthy Homes Mailing List

Go to https://www.hudexchange.info/mailinglist/

Email Updates

Sign up to receive email updates on HUD policy guidance, training opportunities, resources, critical deadlines, program support, and more.

Privacy Statement: When you register for a mailing list, we won't share your email address with anyone outside HUD. For more information, read the HUD Exchange Website and Privacy Policies.

Sign Up Now!

Subscribe to Email Updates

Update your preferences

Unsubscribe

Subscribe to Email Updates

| Email Address * | | Zip Code |
|--|---|---------------------------------------|
| | 1 | |
| I'd like to receive email updates about: | | |
| 811 Capital Advance | | ☐ Lead Safe Housing and Healthy Homes |

<u>Update Your Preferences</u>

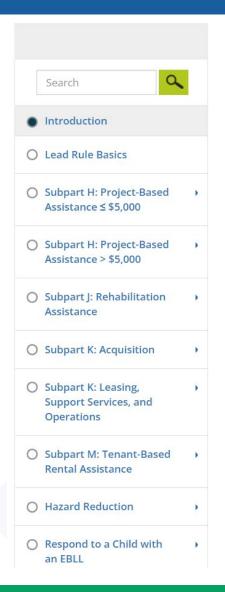
- IDIS Integrated Disbursement and Information System
- Lead Safe Housing and Healthy Homes
 - Multifamily Housing Preservation





Lead Safe Housing Rule (LSHR) Toolkit

https://www.hudexchange.info/ programs/lead-basedpaint/lshr-toolkit/introduction/



Lead Safe Housing Rule Toolkit



Introduction

The tools in the Lead Safe Housing Rule Toolkit help practitioners understand and comply with the federal lead rules. The rules apply to almost all ownership, rentals, and sales of pre-1978 housing regardless of occupants or federal assistance to keep children and families safe from lead.

Lead Rules Basics

If you are new to the lead regulations, review Lead Rules Basics.

Choose the type of activity you are working in, or operating, to access the tools and information for that activity. If you are not sure which applies to you, view Which Subpart Do I Use?

Project-Based Assistance (PBA): Subpart H with A, B, and R

PBA rules and tools apply to rental properties receiving ongoing assistance that reduce occupants' rents. Assistance is tied





Resources

- OLHCHH homepage: <u>www.hud.gov/lead</u>
- Lead Regulations Landing Page: 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
- LSHR Toolkit: https://www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/introduction/
- Interpretive Guidance on LSHR: <u>https://portalapps.hud.gov/CORVID/HUDLBPAdvisor/info/documents/LSHRGuidance21June04.htm</u>
- 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
- 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

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?

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Q&A