

Lead Safe Housing Rule Webinar Series, Subparts J & K

June/July '22 Session 1

Les Warner: Great. Thanks, John. So this is our first session of four, and we're going to be -- this training is covering the Lead Safe Housing Rule, which you would find at 24 CFR -- CFR stands for Code of Federal Regulations. And it's found at part 35. And we're going to be covering Subpart J and Subpart K. And we'll talk about you the agenda and each of our sessions to help you figure out specifically which sessions you need to attend.

But Subpart J covers anytime you're doing rehabilitation and then Subpart K is specific to when you're doing -- you're not doing -- generally, you're not doing rehabilitation or not doing rehabilitation over \$5,000. But this would be for acquisition for leasing, supportive services, and operations. So we'll talk through Subpart K specifically in that session.

So a lot of material to cover. I want to encourage folks to stay with us on all of the sessions that you're participating in and know that we're going to be providing you -- you saw with the link that was provided for the materials. There are a lot of really good handouts which we'll be referring to throughout the training. And I think those will be a good resource for yourself and also for staff as we go through this.

All right. So let's start with some quick introductions. I'm joined today by Kris Richmond, who's going to be my co-train throughout this series. Kris, want to introduce yourself?

Kris Richmond: Hi everybody. Welcome to our session today. My name's Kris Richmond. I'm located in the Northeast in I guess it's in MidAtlantic, Fairfax, Virginia, right outside Washington, DC, Les and I have been training this a number of times. I've been working with Lead Safe Housing Rules since they came out in 1999 and was implemented in 2000. I do a lot of work also with the home program. So glad that you're here today. Thanks.

Les Warner: Great. Thanks, Kris. And I'm Les Warner. I'm based in Southern Georgia, right on the Florida border on the coast where it is very hot today. Although it sounds like a lot of you are in that same situation. And I've had the pleasure of training this course, quite a number of times with Kris, which is great.

We are very lucky also to have both Bruce Haber and also Karen Griego on with us. And they're going to be helping us out as we answer complicated questions and kind of backing us up on this and which is a great thing to have both of you with us. And so hopefully you'll get to meet both of them as we go through this series.

All right. So let's talk a little bit about the series and what we're going to be covering as part of this. So our goals for this training are to make sure you understand, why do we care about the Lead Safe Housing Rule? Why is this so important? So we want to understand the significance of when folks who have been exposed to lead paint hazards and have an elevated blood lead level, what the impact can be for them physically on that.

And we're going to go through in detail the requirements of the federal lead-based paint regulations. So you understand what those requirements are, how they would need to be

implemented. And then we'll be focusing on Subpart J and Subpart K, and how those would be integrated into HUD assisted programs and activities that you were undertaking.

So understanding when they're triggered, what those requirements would be. And as we go along talking about the documentation that's required, so we're going to be talking about things like our testing to determine the level of lead hazard for a particular project. Talking about the hazard control, that's going to be required for that specific undertaking. And then the notifications that will be part of that project.

And you'll hear us talk a lot about notifications, trying to make sure that all through this process, all the other participants, residents, owners are going to be made aware of what we find, what we're doing. And so, that documentation is, as usual, with our HUD programs really important to make sure that we have documentation to show compliance, but also to make sure that everyone is kept informed.

We're going to be going through a lot of key terms as part of this, so that you understand what those terms mean as they're being -- as that we use them throughout the training. And then as I mentioned, we're going to be showing you not only a number of handouts, but we'll give you a tour of some of the available resources that we think will be really helpful for you moving forward on this.

So for our webinar, these are going to be done in four weekly sessions. So these will be just about two hours each time. And they will then be followed on the following day with a one hour office hour session. And so in that office hour session, we'll have some homework to kind of revisit some of those key points, apply them and try them to make sure that you've captured that information.

And that also gives us then an opportunity to answer additional questions that you have after that -- the session that you've had the day before. We'll also take that opportunity to go back through the questions that we've received in that prior day and kind of revisit some of those areas where it seems like there's some common themes or questions on that, just to make sure that everybody has grasped those key items.

So this session -- session one is going to be mandatory for everyone. So if you have other staff members or coworkers that are going to be part of this series, but for some reason have had to miss today, make sure that they know that this session is being recorded and posted, and they will need to make sure that they listen to session one, because that's going to be critical for them as they go through the rest of this series.

We're going to be talking then in a moment that depending on your function and with the Lead Safe Housing Rule and the types of programs that you're administering, some of you who -- anyone who's doing rehabilitation will want to not only attend today, but also sessions two and three, both of those go together. So you need to attend both two and three for that.

For some of you may be running programs where you're not doing any rehabilitation, but you have activities that include leasing operations, home buyer activities -- then you should attend

session one and session four. I think frankly, for a lot of folks, even if you're not currently doing rehabilitation, it would be a great thing to build your knowledge level on that.

And so I would encourage folks to -- if you have the ability, to attend all four sessions just to increase your knowledge on that. So if you look at the agenda, you'll see how those sessions are laid out. And again, all of our sessions are going to be recorded. So if scheduling wise, you end up having to miss a session, use those recorded sessions. And so that you get all of the pertinent information from those sessions.

Let's take a look at the agenda. So today's session, session one. We're going to walk through the basics of the Lead Safe Housing Rule. We're going to also be talking about each of the regulatory Subparts of that rule. And so you'll know where to look for certain aspects of those requirements. And then as I mentioned, session two and session three go together and they are going through Subpart J.

So we talked about this is for any rehabilitation. And so we're going to be talking in the first session a bit about planning, what needs to be in place, staffing, those sorts of things. And then the session three, which is the second part of our Subpart J coverage, we'll be going through those requirements and how those are integrated into the construction and clearance process. So those two session two and three go together. You need to attend both of those if you are undertaking rehabilitation activities, or you want to learn about rehabilitation and what that might entail if you choose to do that in the future.

And then session four, again, is going to be on Subpart K and that's where we're talking about non-rehabilitation projects, including things like Acquisition, Leasing, Supportive Services, and Operations. So I hope folks will take a look at that, make decisions on what sessions are going to be appropriate and encourage your coworkers who are also signed up on this to make those decisions and make sure that you attend accordingly on that.

So we're not able to be in a room where we might kind of go around and ask for introductions, learn a little bit more about you, but what we'd like to do is do sort of a quick poll on this. And our poll question is wanted to know how experienced you are with the lead regulation. So you should see on the right side of your screen, the question has popped up. You can click on one of our three choices here and then click on the submit button, which is at the bottom right hand of your screen. And again, that experience could be at any government level, whether it was federal, state, or local.

John: Poll will be closing in 20 seconds.

Les Warner: All right. So we've got kind of a mixed group here, so we've got quite a lot of folks that are new and so we're going to be covering all the basics. I think getting you started, really helping you to have sort of the basic knowledge that you need.

Some of you, a pretty good number, have some expertise on this. And then we have a few that are saying they really know all of the key steps on this. They worked a lot with this. I always use these as sort of a refresher and also kind of thinking about how is my system set up to make sure

that we are safely implementing all the requirements that we have appropriate documentation. So I think this can be useful for everyone on this.

All right. And then we have another poll question. We want to know -- let me advance this slide, about the types of programs that you're operating. So our choices are rehabilitation, whether that's owner homeowner or rental, home buyer, acquisition programs, leasing, supported services, and some of you may be doing multiple. So you also will have the opportunity to designate D for multiple programs. So if you'll make your most appropriate selection and click the submit button.

John: Poll will be closing in 20 seconds.

Les Warner: Great. All right. So we've got our results in. So we've got a lot of folks that are doing rehabilitation, whether it's homeowner or rental rehabilitation. We have some folks have responded a small on home buyer acquisition, some leasing and supportive services. And so, based on that, it would look like a large number of folks should be attending the first -- at least the first three sessions, because number two and number three -- session three are covering rehabilitation and we have a lot of you that are doing rehabilitation.

And then a smaller group that might only be doing home buyer acquisition or leasing and supportive services. But I would guess that a lot of you have a combination of things on that list. So a lot of you -- it probably will make sense to attend all four sessions based on that. And we'll just mention that if you're doing acquisition or rehabilitation, if you've got acquisition that includes rehabilitation, that's over \$5,000 per unit, then you do need the Subpart J training. And so, you should be attending all four sessions for this.

All right. Thank you for participating in the poll. That really kind of helps Kris and I to know a little bit more about the folks that we have participating today. So let's start in and talk about the Lead Safe Housing Rule basics. So really first off, we want to talk a little bit about -- so what's the issue about lead? So lead is something that's naturally occurring in the environment, but we also have a lot of lead that's in our environment because of manufactured products.

So probably first thing that comes to mind would be lead paint, but we also had fuel, gasoline that we were using, burning in automobiles that included lead. And then of course in manufacturing processes. So some industrial applications with lead, smelters, foundries, those sorts of things. And so we have a number of possibilities of where we might have exposure within our environment that are related to lead.

So the lead was first used in paint, way back prior to 1800. And it was really included as an ingredient because of its durability. For paint, it provided this sort of depth of pigmentation or coloration on that. You will see early ads that talk about lead paint on the exterior kind of is self cleaning that it sheds a little bit. And so looks fresh and clean and holds up for a long period of time.

But there was a recognition over time of the hazards that were related to that. And so lead paint was banned for residential use in 1978. And so that's kind of a key date we're going to be talking

about as we go along with this, that we may have units that were constructed after lead paint was banned in 1978. And so those units can be exempted on that.

So the principle concern about this is the exposure to and particularly with children being exposed to lead hazards within their own homes. And particularly our focus is on housing programs as a housing provider, reinvesting in affordable housing, we want to make sure that that same housing isn't allowing or creating these lead hazards.

And so, things that would be included in that would be lead plumbing, going through pipes. But also we also see some environmental impacts where things that that household is using, like ceramics, toys, jewelry, other things, sometimes some cultural items are -- can be sources of that. And so part of our challenge as part of this will be doing some analysis and trying to figure out where are the hazards coming from and how do we best address those?

So as we define the problem, we want to kind of talk about who's at the highest level of risk. So our focus is going to be on children who are under the age of six, and these are bodies that are growing and developing. And so, they absorb more of the lead than an adult would. And so the impact on children is greater also because of their exposure and thinking about if we've got lead dust, which is a little heavy and has settled, and you've got children that are crawling, that are doing a lot of hand to mouth action.

They're going to be more likely to ingest and be directly exposed to intaking that lead into their bodies. We're also particularly concerned about pregnant women. And again, this can provide an exposure of lead to that developing child. And we obviously -- that is a risk that we want to try to avoid.

And then we're going to be talking throughout this training about things like lead safe work practices, because we also need to think about workers in construction rehabilitation, who on a daily basis because of the work that they're doing, have a higher exposure to lead hazards. And we want to make sure that they're not themselves being impacted by that, but also that they're not essentially taking home those hazards and exposing their household to those exposures.

So we're going to be talking about some safe work practices throughout this training. And that's really the key reason for that. Let's talk a little bit about how the lead impacts children. So mentioned the fact that children have a lot of hand to mouth action, little kids kind of want to stick the building block or whatever it is that's close by. They tend to want to put it in their mouth. So picking up lead, particularly dust, and entering that into their system.

Any place where we have children that are on floors or other surfaces where there's lead dust that's been created from friction surfaces, thinking about doors, windows, where we have that repetitive motion against those painted surfaces generates lead, and that can be part of that exposure. Then we'll be talking about looking for signs of chipping, peeling, unstable painted surfaces, because we also have this risk of children with those paint chips -- eating those.

And I'm told that lead paint has a slightly sweet flavor to it, which would be attractive to a child. I can't say that I have tested that out. But so we're trying to avoid that exposure. And so our

triggering level for lead in a child is five micrograms per deciliter. And so when we have children that have our triggering level of lead, we can then begin to see impact on them. So things like decreasing bone and muscle strength, impacts on their nervous system, behavioral issues, a reduction in their overall IQ, hearing loss, kidney damage, anemia.

So these are all major impacts that we have the opportunity through the way we are conducting the work we're doing. And also what we do in our retrofits of these units that could prevent those exposures from happening. So let's talk a little bit about the Lead Safe Housing Rule. So Congress is essentially holding assisted housing to a higher standard than privately funded housing.

And so, our lead disclosure rule is in place as part of this. And we're making sure that owners, managers are going to make sure that we're going to disclose information. We're going to do our best to make sure that children are going to be protected -- those children in targeted housing.

And so, the rule applies to any housing that was constructed prior to 1978, we said 78 was when lead paint was banned from further use. And we have some exceptions that we're going to be talking about housing that's restricted for elderly or persons that are disabled or zero bedroom housing. But again, these exemptions are based on an expectation that there is no child less than six years, that's going to be residing there.

So we'll be talking about the fact that those exemptions go away if we find that we have a child under six who's in one of these exempted units. So the purpose of the rule is to protect children. And so as part of that, the rule is going to require that a lead hazard notification, evaluation and reduction requirements are going to be in place for all of our HUD housing, except those that we have specific exemptions for.

So it's going to apply -- and here are the exemptions. So we mentioned about property constructed after January 1st, 1978. So in some of your projects, you're going to be trying to determine when was this structure built? Is this a project that would be exempt from the Lead Safe Housing Rule? Also, we mentioned about zero bedroom units or SRO, single room occupancy. Single room occupancy is going to, I believe, be removed from the rule.

And then again, if we have a zero bedroom unit, our assumption is that we're not going to have children in those units, but if we do, that exemption goes away. We also have a housing designated -- an exemption for housing that's designated exclusively for the elderly or persons with disability. Now we oftentimes in programs will have, let's say you're running a local housing rehabilitation program and you have an applicant that the -- we've got two occupants, they're both elderly.

And we sometimes have folks say, well, this unit should be excluded because our occupants are elderly. This is not housing, in this case, that is designated specifically for the elderly. It just happens to be a unit of affordable housing that's currently occupied by elderly. So that would not qualify for that exemption. It's where we have housing that has been constructed or funded and restricted specifically for elderly or disabled. And then again, if we have a child less than six,

that is residing in those units, despite the fact that we have a restriction on occupancy, that exemption will not apply because of the presence of the child.

In some cases you might also have a proposed project where that property has been inspected and determined to not have any lead-based paint. And that in some cases might be a project where there's been previous work that's been done where they have actually identified all lead-based paint and removed it. And then we have clearance to be able to document that.

So we said that lead-based paint was banned in 1978, but it was used less over time. It was more -- it tended to be more expensive. So we sometimes have properties where they have no lead paint, even though it's a pre-1978 unit. So we would need to have that documentation in place if we were going to utilize that exemption.

We also have some additional exemption. So if we have a property that is currently occupied, we are not going to allow it to be reoccupied and this unit is going to be demolished, then our lead regulations are not going to apply because we are not going to have any occupants that would be exposed to any potential hazards there.

We oftentimes have questions about, well, what about where we have some kind of emergency repair? So where we have to do some kind of emergency action, maybe to stabilize this or to protect life, health threatening items, then those emergency actions themselves would be exempt from the lead regulations, but that restoration or rehabilitation that would follow that emergency action is not going to be exempt.

So maybe there's some kind of an issue. Maybe there's a fire and we are going to do some stabilization for that property. And then follow with a rehabilitation restoration on that, that action of the stabilization, which is our emergency action, would be exempted, but the rehabilitation itself would not be. So really important to kind of pay attention to when folks want to use that emergency exemption of breaking out and determining what that actually covers on that.

And again, Subpart K, if we are providing emergency rental assistance or foreclosure prevention, a lot of you using CDBG-CV funds or other sources. This is exempt for a hundred days or less of assistance. And under the CDBG-CV program, that clarification has been that the counting of that hundred days begins with that first payment.

And so we might have someone being assisted with our first payment is for the three months of rent that they are in arrears. And then maybe they have two additional months that they're receiving additional payments as long as that is within that hundred day period, that would be exempt.

If we go beyond that hundred day limit, then this exemption does not apply and we're going to have to follow the requirements that we're going to be going through in Subpart K, where we would be doing an analysis of risks and taking appropriate actions with that.

I'll just mention there is a, CV FAQ that was published on April of 2021. And I think that's included in our resource list. But that would be available on HUD.gov. And I think also on the CDBG-CV landing page on the HUD exchange.

All right. So let's also talk about the -- so there are some cases where we may not be exempt from the lead rule, but we have some -- because of the scope of our project itself, we may be able to determine that we are not going to have to follow Lead Safe Housing Rule. So in some cases we might be doing rehabilitation that does not disturb any painted surfaces.

Maybe we're running a sewer line connecting into the basement of that unit. Not disturbing any painted services or we're replacing a furnace. We may well be doing our project -- our limited project where we're not going to disturb any lead paint surfaces. And so based on that scope of work, we would be able to say that there -- this is exempt. In other cases, we also have a limited exemption where that work area is quite small. And so this is the -- our de minimis rule and it's where we're doing like minor maintenance, where we are disturbing very small painted surfaces.

So those -- the regulations on this are two square foot for interior spaces, 10 percent of a small component type or 20 square feet of exterior work. And so, in many of these, we will be looking at a cumulative on that to make that calculation. So for instance, if we are installing the new furnace and we are going to be installing a new thermostat on a painted wall and disturbing that surface only as part of that project, then we probably -- depending on how large your thermostat is, you're probably going to be able to work within this de minimis rule.

So when you are working within that de minimis requirement, you're not required to use our safe work practices, but it's always encouraged as part of that. So keep in mind, one thing I really want to point out is that there are differences between the HUD Lead Safe Housing Rule and the EPA renovate remodel rule.

And so I think we have charts that we're going to be looking at later that will go into more detail on that, but our de minimis rules are different between those two programs that's going to be important for you to note. So for instance, for HUD, that two square foot per interior space, the EPA rule is six square feet.

Also, the -- so we have the same regulation for exterior work and for the small component type. But so we need to make sure sometimes you're going to have contractors who have previously only worked under the EPA rule. And so we need to make sure that they understand there are differences between the two rules and we'll talk later about some implications on testing and clearance. But this is one of the areas where there is a difference on that.

All right. Kris, do we have questions that we want to pause and address before we move into the next section?

Kris Richmond: We had a couple questions that came in that HUD have been answering. I think one, when you were talking about the zero bedroom unit, people were asking, well, is that a studio or an efficiency unit? And yes, the answer to that is yes. People were asking about, well, is this age five? Or is this age six? The regulations say children under the age of six. So you take

that a step further, probably is five, but we're trying to be as protective as possible. So we use that language under the age of six.

There's some other -- a little more complex questions coming in. We do have a few advanced people, so we're going to -- I think we should wait to get into those. And I do -- if you're super new, don't even look at the Q and A box right now. Pay attention to what Les and I are talking about. You will have plenty of time tomorrow to answer questions.

And Les does a marvelous job. He spends time in the afternoon, evening today. He goes through all the questions that comes in. He puts them together in different categories. And when people stop asking questions, he starts to go over these common questions that came in.

So there'll be plenty of opportunities. So don't feel like you have to look at the Q and A box. We really recommend that you hide that box if you don't particularly have a question at this moment and try to pay attention to what we're talking about, because it's a lot of information.

Les Warner: I think that's a great suggestion. Thanks, Kris.

Kris Richmond: Sure. Okay. So I do want to show people some of the handouts before I dive into my section. You were provided a link and I know that John put that in the chat as well. So if you weren't able to find where the materials were, go ahead into the chat and you can copy and paste that link to find those. We have a definition handout. So when I go to some of these documents, if I scroll down, you're not going to see me moving down the page. So you're going to have to click on or hover over that gray bar on the right side to scroll down.

So if you're brand new, take a look at this definition page after today's session, have it available as we go through. I know it's really hard to understand the context of something if you don't understand what that word actually means. So Les and I are going to do our best the next couple of weeks to define things and explain them to you. But you do have a three page definition document that's provided to you.

We have a lead disclosure rule handout. You might hear Les and I talk about the pamphlet, the blue pamphlet. Well, this is the blue pamphlet -- the protect your family from lead in your home. We're going to talk about this a little more.

Somebody was asking about the RRP rule, the Renovation Repair and Painting rule. And are you going to talk about the differences between HUD's rule and EPA's RRP rule and absolutely. Yes. We're going to be talking about that I think next week. There is this amazing handout that does compare the two, if this is too advanced for you this week, hang on to it. Let's take a look at it next week when we get into that topic.

We have a wonderful summary chart. I'm working mostly at home now, but when I was in the office, I had this copied and pasted on the -- taped up to the side of my desk so I could see it. And so we're going to be coming back to this chart numerous times. You'll see that rehab is right here in the middle. And then we have our Subpart K our Acquisition Leasing Supportive

Services Operations. You might hear Les than I referred to this as ALSSO, and that just stands for our Acquisition, Leasing, Supportive Services, Operations . So that's our summary chart.

We have a treatment chart because when we get into the different types of treatment, we're going to talk about paint stabilization. We're going to talk about interim controls and these might be some foreign topics to you. And so we have three pre page document that goes through and explains, well, what is standard treatments and what -- when do you use that and who can do that kind of work? So we found that, that was helpful for everybody to be able to see all that together.

And then we also have a worker's handout as well. So when we talk about different types of evaluation or when we get into the type of work that needs to be done, who can do that work? And so we have this other chart here with the workers that you can go back and look at that. So you have a link to all of these documents. They are available to you. You can copy. I mean, you can download them, you can share them with all your partners, share them with your staff. Nothing is copyrighted.

We definitely want these materials to be out there and for everybody to understand what this rule is and, uh, how to implement it. So now they've given you that little overview of all the handouts, let's dive into the federal regulation. So there's actually two federal regulations that we're going to be talking about. We have HUD's federal regulation. That's that 24 CFR part 35, and then we have EPA's regulation at 40 CFR part 745.

And as Les said, CFR stands for a Code of Federal Regulations. And anytime there's a HUD regulation, that's always found at title 24. And anytime you're dealing with EPA regulations, those are always found at title 40. So if you're new to this, that's what those numbers mean. So the first one that we have is HUD's rule, Subpart A, the disclosure rule.

And the disclosure rule is identical to the disclosure rule for EPA. So for Subpart F, the lead disclosure rule is identical to Subpart A. We're going to talk about what disclosure is in a couple slides. We have a number of examples of what the right disclosure rule is. I mean, what the right disclosure form is, what's incorrect form. And so we'll be talking about that in a little bit.

Then we have our Subpart B, that's where we have our requirements and our definitions. We have our Subpart H, I mean our Subparts. And so in our Subparts, we have H, which is project based assistance. We have J, which is rehab. We are going to be talking about J. We have K, which is Acquisition Leasing Supplier Services and Operations.

Also going to be talking about K during the series. L is public housing, and M is tenant based rental assistance. We are working on training materials and delivery for H, L, and M. We expect to have those available and do the training sometime in the fall. So please watch for more information about that if you do need more training on project based assistance or public housing or tenant based rental assistance.

But today, and for the next three weeks, we are going to be talking about J and K. And then we have Subpart R, this is our methods in our standards. So what evaluation and how the reduction needs to be carried out, that's what you would find in Subpart R. And then we go down to our

EPA requirements. We already mentioned the lead disclosure rule. We have the lead-based paint activities found at D, L, and Q.

And this is who can do the work. What is the standard and the qualifications for abatement risk assessment and inspections. And then we have Subpart E and Q, and this is the renovation, repair, and repainting rule.

Okay. We also just wanted to mention on here that HUD uses the confirmed blood lead level of five micrograms per deciliter while the CDC recently lowered their reference value to three micrograms for deciliter. So HUD is going to continue to take action for confirmed blood lead levels at five micrograms per deciliter.

We're not going to go too much into elevated blood lead levels because they -- that type of treatment doesn't apply to J and K, but we wanted to put in the slide because there has been some back and forth a little bit on what number is HUD using? And so HUD is still using the five micrograms per deciliter for a confirmed blood lead level for someone to have an elevated blood lead level.

Okay. So these are the different sections of the regulation. As I said, we're going to talk about disclosure in a little bit. We are going to be focusing on J and K. So J is rehabilitation. K is Acquisition Leasing Support Services and Operations.

Okay. So this is examples of rehab programs that could be triggering or will trigger the Lead Safe Housing Rule. So it's not an exhaustive list, but it does show the current HUD programs that do trigger Subpart J. And remember, this is for pre-1978 housing. So you'll see, we have our CDBG program, our HOME program, our housing trust fund, our containment of care, our shop program. So lots of different programs.

I do want you to be aware that the applicability of the Lead Safe Housing Rule Subpart J is not dependent on the presence of a child; okay? And then this is showing Subpart K. Again, not an exhaustive list, but shows the HUD programs that trigger Subpart K and that's Acquisition Leasing Support Services, and Operations.

So while identifying the program is important, it's critical to keep in mind how you're using the funding. So what activity are you undertaking? Are you doing acquisition? If yes, then we're following Subpart K. Are you doing rehab? Then we'll be following Subpart J. So you need to understand what activity are you undertaking to know what -- which thing to follow. John. Can you hear me okay? Because I just heard like a high pitch noise.

Les Warner: We can hear you. There is a little bit of popping coming from your mic. So maybe if you can move your mic down just a little bit, like away from your mouth a little bit.

Kris Richmond: Okay. Is that better?

Les Warner: Yes.

Kris Richmond: Okay. Sorry. Thank you. All right. You also want to make sure you see there's an overlap. So the overlap in the different programs. So a lot of communities do rehab with CDBG. They also do acquisition with CDBG, the same with HOME. So you'll see there's an overlap in programs. But again, it depends on what activity are you undertaking? And then just like Subpart J, for Subpart K, the applicability of the Lead Safe Housing Rule is not dependent on the presence of a child.

All right. So on a previous slide, we saw the regulations and this slide is going to give a little overview of what each one is. So our first one here is our lead disclosure rule. This was HUD Subpart A and EPA Subpart F. This is for both assisted and non-assisted housing that was built before 1978. So if you move into an apartment building, that's not -- not HUD assisted whatsoever, but it was built in 1950. You should have received a lead disclosure form.

If you purchased a house that was built before 1978 on the open market, you should have received a disclosure notice with the owner telling you whether they knew there was lead in the unit or not. And if there was, what all those records are. So that rule has been in place since 1996. And it is enforced by both HUD, EPA, and the Department of Justice.

Then we have our HUD Lead Safe Housing Rule, and this is what we're mostly going to be focused on, but you'll see that HUD's Lead Safe Housing Rule and EPA's RRP rule are going to go hand in hand. But this Lead Safe Housing Rule applies to almost all federally assisted and federally owned housing that's built before 1978. And this has been in effect since September of 2000. This is enforced by HUD.

And then we have EPA's Renovation, Repair, and Repainting rule. You might hear this all through referred to as the RRP rule. And this is EPA Subpart E and Q. And it applies to almost all target housing and target housing is housing that's built before 1978. And this is for any renovation or repair or painting project that's done by a contractor that disturbs paint in pre-1978 homes, childcare, or preschools. And it is enforced by EPA and it's also enforced by some states.

So, remember I told you we have this definition handout; okay? So we're going to start off with a couple definitions. Well, if you had your definition handout, target housing would be found on page two, and this is any housing that's built before 1978 with some exceptions. And those exceptions would be housing exclusively for the elderly. Only elderly are allowed to move into this housing development or this housing -- these rental properties.

So that would be housing exclusively for the elderly. It would be housing exclusively for the disabled or zero bedroom units unless a child less than six resides or is expected to reside there. So that's what they mean by target housing. Any housing built before 1978.

Then we also are going to talk a lot about lead-based paint hazards. So lead-based paint hazards are any condition that causes exposure to lead from deteriorated lead-based paint this LBP that stands for lead-based paint. And also a lead hazard would be dust with lead levels, at or above the dust lead hazard standard.

It could also be soil with lead levels, at or above the soil lead hazard standard, or it could -- and/or it could be friction, impact, or chewable surfaces with lead-based paint and associated dust hazards. So friction surfaces. We have -- we're opening and closing windows. So we might have some friction there causing dust impact or walking across floors, closing doors.

Those are -- and then chewable surfaces might be a window frame. You know, you might have a child pull themselves up and kind of gum along the bottom of the window. So you might see chewable marks there. So those are some different examples of that. And then we have lead-based paint and so lead-based paint is paint or other surface coatings that contain lead equal to, or exceeding one milligram per square centimeter.

So there are some states and communities that have more stringent definitions of lead-based paint. This is HUD's definition of lead-based paint, but you might be working in a state or a city that has a lower value than that. And so you want to check with your state and local regulatory authorities to see whether there are stricter requirements or if there's a different lower definition for lead.

Les Warner: Hey Kris, before you move on, I hate to interrupt. We're still getting a little bit of popping. I'm going to suggest if you move the microphone down just a little bit. I think that -- I'm thinking that will help.

Kris Richmond: All right. Hang on. Let me take it on and off. Okay. Is that better?

Les Warner: It's -- I think, we'll -- I guess we'll see.

Kris Richmond: Okay. If not, I can -- I can try it without the microphone. I don't have another headset right here. I'm sorry. Okay. Let's see. All right. So this slide is showing us the general overview of the steps to be in compliance with Lead Safe Housing Rule. We tried to put these in some pretty basic terminology. So let's start with disclose.

So disclosing where you're disclosing any known lead-based paint or hazards and reports. And you're going to give the pamphlet to the owner or the family. This is going to happen at sale or lease and the module -- during this module, we're going to discuss what disclosure is. Also, if there's no known lead hazards, that also needs to be disclosed.

Our second area here is looking. So in Lead Safe Housing where we use the term evaluate. So we're looking or evaluating to determine if there's lead-based paint or lead-based paint hazards. And there's different methods for doing that. We'll talk about what those different methods are as we get into J and K.

And then we have treat. So this is the -- once the hazards are identified, they need to be treated or reduced. And we'll talk about what the different treatment methods are as we get into the different Subparts.

And then we need to clear. So after the work is done, the unit has to pass clearance. This is done by a visual inspection and dust sampling. And we'll talk about that. We're going to be telling or

notifying the owners and the residents in writing when lead hazards are found as well as a separate notification for how they're being treated and cleared.

And there's a lot of different requirements and timing that go around notification. We'll talk about what those different ones are as we go through the implementation of J and K. And then we have maintain, so there may be required ongoing maintenance requirements. If there's an ongoing relationship between the program and the unit. Is that still a problem Les, or is it better?

John: Kris, I'm still getting some popping.

Les Warner: I don't know if you can move your microphone down or if at some point, if you can maybe try dialing in on your phone?

Kris Richmond: Okay.

Les Warner: If you want, we could take a short break and then come back.

Kris Richmond: Yeah. Okay. We can do that. Because we got time. I'm sorry. Don't usually have technical issues.

Les Warner: No. I have that it's 1:56. If we maybe take a 10 minute break and be back at five after the hour?

Kris Richmond: Okay. That sounds great. Thanks. John, can you hear me okay?

John: Sound fine.

Kris Richmond: Great. I saw lots of activity going in the Q and A during that time, I apologize for the technical difficulties we were having. Hopefully you won't hear that distracting noise anymore. I'm sorry about that. There's some more advanced people who are asking about presumption and notices and we are going to get into more of that in great detail as we go through Subpart J, and then when we get into Subpart K as well. So don't -- don't worry.

We have plenty of time together and we are going to be going through all what the different evaluations are, what the different kinds of testing. We have pictures of stuff for risk assessment so hang in there. We don't -- I had a colleague, they used to say, you're jumping ahead. Don't jump ahead. We're going to get there.

So let's talk about the four approaches to address lead-based paint. So HUD used several approaches in structuring the requirements. There's four different approaches. So the higher the number, the more protective the approach is. And I want to show you on the summary where you'll see the approach numbers.

So let me get the pen working here. When you see right here, the approach. So you see these numbers here. One, three, four. Oh, thank you, John. I guess I wasn't the presenter. One, three,

four, and two. So the higher the number, the more protective the approach is. So the approach number one is for Subpart J, which is less than or equal to \$5,000 per unit.

We'll talk about how we calculate that number next week. But that approach number one is do no harm. And this really allows a low cost repairs to proceed without costly lead requirements and it prevents creating lead hazards. It doesn't address the conditions of the whole unit or the property. It's really just the work area that we're going to be dealing with. So that's approach number one.

Approach number two is what you'll be seeing when we get into Subpart K, Acquisition, Leasing, Supportive Services, Operations. And this is where we're identifying and stabilizing deteriorated paint. And then for approach number two, the lead-based paint stabilization does not prevent the reappearance of deteriorated paint. So there will be ongoing maintenance requirements if there's a relationship with that program.

Approach three, we're identifying controlling lead-based paint hazards. You'll see this in our summary chart. So approach three is here in our \$5,001 to \$25,000 category. Approach three is where we are identifying controlling, lead-based paint hazard. So we're here. We're providing assurances of lead-based paint hazards are eliminated, that we are going to be doing ongoing maintenance because interim controls are not considered a permanent removal.

And then we have approach four. And approach four you'll see is here in our over \$25,000 per unit. So approach four is identifying and abating lead-based paint hazards. This is used for substantial investment in property. So it's a long term hazard control method, such as abatement is used to ensure that the work remains -- that the unit remains lead safe.

Ongoing maintenance is required if there's an ongoing relationship. And then ongoing maintenance is also required if enclosures or encapsulations are used. So this is a condensed version of that handout that I keep going to here. Let me see if I can erase some of my things here. So we have a really condensed version of the left side of this chart. So I'll put the little line down here, so you can see. We're really looking at this section here of subpart J.

And so, we have our approaches, our notification, what kind of evaluation needs to be done. So remember we have our approaches to notification with our telling, what are we telling? How are we notifying people? How are we going to be looking at those different areas? What kind of evaluation are we doing?

How are we going to be treating those different areas for the house in general? What kind of clearance is required? Is there ongoing maintenance, [indiscernible] since we're elevated blood lead levels, but the elevated blood lead level requirements are not triggered in Subpart J or Subpart K. So you see a no here on the chart. If you were in Subpart H, L, or M, then the elevated blood lead level requirements would be triggered.

And then we have different options. Here you see presumption, that's another option that can be done. And we're going to talk about what those different options are as well as what all these different areas on here mean, what does repair mean versus interim control versus abatement?

We're going to get into all these different types of evaluation and treatment when we get into Subpart J later.

This level of assistance here, we're going to go through some calculations next week to show you how do you get to this level assistance? You want to come back next week to learn about that. And then this is the right side of that summary chart. So over here is Subpart K. So we have this, again, little condensed version. So we have our acquisition, that's for our home buyer program. Also acquisition of rental units. And then we have leasing support services and operations on the right side of this chart.

So again, we try to set it up the same way. We have our approaches. We have our telling, how are we notifying? How are we going to be looking or doing our evaluation? How are we going to be treating? What kind of lead hazard reduction is done? What about clearance? Ongoing maintenance? You see there are no elevated blood lead level requirements for Subpart K either. And what are some other options that could be done?

So for example, in Subpart K, K, testing is not required. Only a visual assessment is, but you could have the option to do testing. So we're going to talk about what all these different things are the last week we're together for Subpart K.

All right. Let's do a quick knowledge check. This is going to come up as a poll. So if you could go in and put what you think the correct answer is. So Mr. and Mrs. Jones live in the Franklin Farm neighborhood, it is a single family subdivision. The Jones are in their mid seventies and they want to have their 1940s home rehabilitated through the city's home program. So true or false. Mr. and Mrs. Jones house is exempt from Lead Safe Housing Rule because they're elderly. Is this true or false? What do you think the correct answer is?

John: Poll will be closing in 20 seconds.

Kris Richmond: Thanks, John. Okay. Great. Most of you got this correct. The correct answer is false. So Mr. and Mrs. Jones lives in a typical regular neighborhood. It's not a neighborhood exclusively for the elderly. And so the Lead Safe Housing Rule does apply because they live in target housing and target housing is any housing that's built before 1978.

So they live in target housing that is going to be assisted with federal funds. So that's why the Lead Safe Housing Rule applies. They are using the HOME program. And so those are our federal funds that are going to be triggering Lead Safe Housing Rule in housing that was built before 1978. So the answer to this is false. Mr. and Mrs. Jones' house does need to follow the Lead Safe Housing Rule. It is not exempt.

All right. So I teased you a little bit about the disclosure rule. Let's talk a little bit about what the disclosure rule is and when it applies. So it does apply when selling or renting or leasing a unit. So the property owner is required to disclose knowledge of all known lead-based paint when the owner sells or rents the home or the unit.

We're going to provide you with a really brief overview of the disclosure requirements in order to comply with the Lead Safe Housing Rule. So here's a picture of that pamphlet that we keep talking about. We also have a handout if you're not really familiar with the lead disclosure rule, we do have a one page handout that gives you some of the background where lead disclosure will come from, the different languages that's available.

This is available on both HUD and EPA's website, but we do have another handout for you. So this has been in place since 1996. The purpose is to provide information about lead-based paint and lead-based paint hazards. And the owner is required to disclose any known, lead-based paint or lead-based paint hazards in the unit or common areas that are servicing the unit.

They also are required to disclose if they have no knowledge of lead records or reports. So this applies to almost all pre-1978 for sale and rental units, unless it is exempt. I have on the next slide when we don't need to do disclosure. And then the owner or the lessor, they're going to provide the pamphlet. They're also going to provide a form that shows whether they know if they're lead in the unit or if they don't know as well as any records.

It does have to be signed. The form needs to be signed before any contract is signed. And if they're renewing a lease and the owner has new information regarding lead-based paint or lead-based paint hazards, they need to provide a new disclosure notice to the tenant.

So there are a couple times when disclosure is exempt and it would be exempt. You don't need to do disclosure if it's a foreclosure. So if you are selling target housing that's at foreclosure, you do not need to do the disclosure form. If the unit is found to be lead-based paint free, and this is to be certified by a inspector under a federal certification program or under a federally accredited state or tribal certification program.

If you have a short term lease, you do not need to do disclosure. Short term leases are leases that are a hundred days or less where no lease renewal or extension can occur. And then for rentals of existing leases in target housing, where the lessor has already disclosed all information and no conditions have changed, you would not need to do another disclosure there.

Okay. Using the wrong disclosure form is a very common violation for both programs and owners. And this is an example of the wrong form. So this -- watch out for lead-based poisoning form is not the correct form to use. This is the correct form to use. So it's called the disclosure of information of lead-based paint and lead-based paint hazards.

This is found on HUD's website and the EPA website. There is one for sale housing as well as one for rental housing. These documents have to have signatures and kept on file for at least three years. Some programs have a longer retention period. I know like the HOME program has a longer retention period than three years, so you want to check with your program, what that retention period would be.

If you are working with units in Massachusetts, Rhode Island, or DC, they have a modified disclosure form. So if you're working in any of those three states, Massachusetts, Rhode Island, or DC, you need to use the elements of the modified form. It's really important that you use this

correct disclosure form. It is subject to penalty cash penalty. So there are 10 different possible violations on the form. And each violation can have a penalty of \$19,507. So if you do the math and you're using the wrong disclosure form, you could have a penalty of almost \$195,000 per lease transaction.

So it's really important that your program is using the correct disclosure form, that your owners are using the correct disclosure form, your partners. So make sure that you have the proper form that you're sharing it with them. And so they know how to fill it out correctly.

These are highlighting some areas that are often filled out incorrectly. They either don't check the right box or they're not providing any records. We also often have timing issues. So the disclosure has to be given before the contract is signed. Sometimes we see in the records it's been given after the contract is signed. So you want to make sure the timing is being followed correctly.

Sometimes there's fraudulent signatures. Sometimes we'll see where the owner signs for the renter. You'll see here, the owner signs, but there's also a place for the renter to sign. So the renter actually has to sign this as well. And then we've seen a lot in the files where the reports are not being disclosed.

They'll say, yeah, we know there's lead, but there's been no reports that are accompanying this documentation. So you want to make sure you're using the correct form and that all the correct records are being collected and maintained.

Right. So let's talk a little bit about documentation. So people were asking about what if things were exempt? What do I need to do? Well, even if your project is exempt, you still have to show documentation that the unit was reviewed for the Lead Safe Housing Rule and determine to be exempt.

So here's a sample tool that you can use to go through to determine if Lead Safe Housing Rule does apply. This lists some of the different exemptions. This can be found in our tool kit. We're really excited about our new tool kit. We have a link for that, and you can link directly to this form down here.

But you do need to have documentation, even if it's exempt that you didn't just forget about it, that you reviewed it. You determined to be exempt. You've documented that and put that in the file. One of the keys to success to meeting compliance with the Lead Safe Housing Rule is proper documentation.

There is a lot of documentation for this requirement. A lot more than the EPA RRP rule. You need to make sure you're keeping copies of certifications of the workers, of the firms, of training that people are going to, evaluations. How are we evaluating? Are we doing risk assessments? Are we doing paint inspections? Any type of abatement reports? Work write-ups, clearance, all of this documentation needs to be maintained.

Like I said, the Lead Safe Housing Rule requires it to be maintained for three years. Other programs have longer time periods, but in reality, the actual record keeping is really the life of the project. So the records really have to be disclosed to perspective buyers and tenants for the life of the project. If there were lead hazards found and they were treated.

Great. So there are lots of available resources that we have for you. So let's take a look at some of these. So this one is the HUD guidelines. This was produced by the Office of Lead Hazard Control and Healthy Homes. The 2012 version is still the most current version. It's a very large document, but we do have the link there that you can get to it.

And it provides technical information about how to identify lead-based paint and related hazards and then how to control and how to control the hazards safely and efficiently. So it has a chapter on all the different evaluations. It has a chapter on how to do interim controls or how to do abatement. So you want to go and look at that if you're not familiar with that. It is very technical. So it is something as a resource to be available to look at for you.

We also have a new listserv and mailing list. We were always jumping onto the HOME listserv or the CDBG listserv. And we really wanted to have a Lead Safe Housing Rule listserv. So if you have not yet signed up for this, please go to the HUD exchange. We have the link there, and anytime there is any news, as it relates to lead housing and healthy homes, we are trying to send it out through the listserv.

So if you are on listserv, I think it was yesterday, we sent out announcement about June being healthy homes month. And so there's a lot of different things going on and we sent you some links for that. So if you haven't had an opportunity yet, go and sign up for the listserv.

And here's the toolkit. This is our new pride and joy that we've completed. I'm very excited about this. It has a lot of different forms on it, has some text. So you go through, if you know, already, which Subpart you need to follow, you can just jump right there to that Subpart. If you're not sure, then you can go through the basics and it'll help you figure out which Subpart is going to apply for you.

And then when you get into that, so you get into Subpart J, it's going to walk you through, like, are you a five and under? Are you in 5,001 to 25? Are you over 25? And if so, what are the different requirements and what are some sample forms that you could adapt? These are not required forms. They are sample forms. So you can download them, use them for your programs, put your own city's name or county name on them to help document your implementation Lead Safe Housing Rule.

We are working on Subpart L, so if you ever do work with any public housing folks, we don't have that on the toolkit yet, but we are in process of getting that completed as well. So check out the toolkits. And then we also have another page here of just some general links in case you weren't quite sure where to go.

The Office of Lead Hazard Control and Healthy Homes. That's what the OLHCHH stands for. We have the link there if you need to find and review the regulations, we have that link there.

We've done training before, we're doing training now. So there's lots of training pages to go to, like we said, here's our toolkit.

The interpretive guidance, this is really a companion that goes along with the regulations. So somebody might say, well, I didn't see that in the regulations. Where is that coming from? Might be coming from the interpretive guidance. And the interpretive guidance is a really great resource. It's written in very plain English in a question answer format, and it's divided by Subparts.

So if you have questions about rehab, then you can go and look at all the questions that start with the letter J. And there's also ones for Subpart K, there's stuff on relocation. It's -- if you haven't seen it before, I highly recommend that you check out the interpretive guidance.

We already showed you the guidelines. There was a lot of CDBG-DR and CDBG-MIT information and questions that came out about lead. So there's some things on there. If you still want to better understand how lead affects your brain and how it affects children, we have this video that was done on PBS.

It's called a growth science video, but it's also really -- it's not too long, but it really helps you better understand why is this such a problem? And why do we care about this? And how is this affecting children that are being exposed to lead dust and lead hazards. And why as housers do we not want that to continue?

And we don't want to make things worse. We want to be able to try to improve our housing and we want to make it safe for everybody else there. And then we also have, if you have any follow up questions that come up after the trainings or anything in general, you're always welcome to reach out to HUD's Office of Lead Hazard Control and Healthy Homes. They have a link there for you to reach out to them.

So again, let's review what we're going to be doing next week before we go into some questions and answers. So next week we have Subpart J, this is a two part session for Subpart J so we start off next week and then let's -- June 22nd and then June 29th, we're going to be doing the third session.

It's really critical that you come to session two before you come to session three, because it does build upon -- it builds upon it and things that we learn in session two, we're not going to review again, session three. We're just going to assume you know it and we're going to be diving deeply into Subpart J that third week.

And then the fourth week, which is July 6th, we will be doing sub part K Acquisition, Leasing, Supportive Services, and Operations. And I saw on the question somebody said, what is ALSSO? ALSSO is that nickname that we call Acquisition, Leasing, Supportive Services, and Operations, just taking the first letter of each of those.

And then just in case you weren't quite sure which session to attend, if you're doing rehab, you want to be coming to sessions two and three. If you're doing acquisitions, home buyer assistance,

leasing, supportive services, and operations, you want to attend session four. And if you're completing projects that include acquisition and rehab over \$5,000, then you want to be attending all three sessions.

So hopefully that'll help you figure out which sessions to go to. Les and I would love for you to come to the next three sessions. We love having people at our sessions, but if you're not sure, we had this slide to help you out here.

We also have homework to do, so we have exercise one, does the Lead Safe Housing Rule apply? So that should be in the link of materials that was provided to you. So you want to spend a little bit time going through that this afternoon or this evening, and then tomorrow afternoon at the same time at one o'clock Eastern time, we are going to be answering the homework questions and then we're going to be going into questions and answers.

So if you have additional questions tomorrow that we weren't able to answer today, you want to go ahead and come tomorrow and ask those questions. And then, like I said, Les will do another review session. He'll look up some of the general questions that came in and he's really great at explaining them and walking through them and we can also go back to other slides and review materials again as well if there were questions. So Les, I think that comes to our Q and A. How are the Q and A's coming along? Is there things you want to highlight and share?

Les Warner: Well, we have lots and lots of questions that have come through. One of the first things I'll mention is there was a question about, is the office hour session tomorrow required? And they were saying that they had a conflict with that. I guess it's not required, but it's certainly encouraged because not only will the exercises be kind of testing your knowledge. And we want to make sure at the end of this, that you know what the rule says, but kind of understand how to apply that documentation that needs to be in place.

But it's I think particularly we tend to see that there are sort of common questions that people are still not completely comfortable or sure about. And we have the time to revisit those a little bit more. And I think folks will find that those are helpful. Kris, are the Q and A's -- or the office hours being recorded?

Kris Richmond: Yes. They are being recorded.

Les Warner: Okay. So if you have to miss because of a scheduling issue and we understand folks are pretty busy, that that does give you that opportunity to also be able to use that recording and listen in on that. So we would, I think, encourage folks to do that. Let's switch back into then the question and answer.

So we had a number of questions who were folks were saying, well, is HUD likely since building costs are going up, are they likely to make an adjustment to the \$5,000 limit on this? My response was simply that the regulations themselves don't have some kind of an automated process where they go back and regularly recalibrate those. So we don't have any indication that that's something likely to happen.

There also was a question here, which I thought was really interesting about how do we determine if we have an applicant who's saying my house was built after 1978, what's our appropriate level of documentation on that? I would think that's going to kind of vary a bit.

In some communities, you could, particularly since we're looking at this 1978 date, some communities by looking at the county auditor's property records, they will record the year that the structure was built. And I think -- and I consider 78 kind of more recent times for housing stock, those tend to be pretty good.

It's older houses that they tend to just plug in like 1930 when they have no clue whether it was 1830 or 1930. So I think that might be one option as a starting point. And that may be, depending on your community, whether you think that that is a reliable source or not on that. Kris, anything you want to add to that one?

Kris Richmond: No. I think that was pretty thorough, but you're right. It has to be documented that you identified the year and this is how you identified the year, the structure, and it's post-78. So it makes sense.

Les Warner: And I think that relates to another question that we had in the mix where they were saying, well, we have homeowners who are saying to us, oh, well, we don't have to worry about lead paint because we've done remodeling or whatever that would be. And Kris has gone through the prescribed levels of testing and review on these to determine -- evaluate the lead hazard for properties.

It may be helpful and informative to know a bit about the history of the property, but we need to follow the protocol that's required on that. There also was a question which kind of relates to this also, where they were saying, well, we've got a multi-family project and we're going to be doing -- and I think in this case it was a commercial being converted into residential.

But it was pre-1978 and they were saying we're doing essentially a back to the studs gut job on this. So do we still have to worry about the Lead Safe Housing Rule since really all these existing components are being eliminated? So that's going to have an impact on the scope of work of what needs to be done, because we have so many components that are being eliminated, but we still have to follow our evaluation process.

We still have to follow our clearance process. And one of the things that we mentioned that one of the goals of the Lead Safe Housing Rule was to make sure that the housing that we're providing, investing in, is going to be safe for the occupants. So when we do a gut rehab of that structure, we're generating a lot of dust and debris.

And so, even if the components that contained the lead itself had all been removed, we still are concerned about making sure that we've done appropriate cleaning and that at the end of that project, our clearance is going to come back showing that not only did we remove the components, but that any of that lead dust and debris that might have been generated from the rehab itself has also been removed.

So we now are able to document that our lead hazard levels have been now reduced down to an acceptable level. So even though we're doing the gut rehab, it's not going to exempt that building from having to follow the Lead Safe Housing Rule. But it will have an impact when you're thinking about the specifications for that project and what will need to be done as part of the work.

Kris Richmond: Les, I've also seen -- I was scanning through the questions. A lot of people still confused about when the rule applies, because they are asking, well, there's children only there once in a while. The Lead Safe Housing Rule is not dependent on whether children reside in that unit or not. So we have to follow the Lead Safe Housing Rule, even if it's just a couple, if it's two people in their thirties living in this housing unit, and we're doing some -- we're doing rehab, which is triggering Subpart J.

We still must follow the Lead Safe Housing Rule, even though no children live there. Because we don't know the next subsequent buyer, or if it's a rental unit, the next family that moves in could have children under the age of six. And so HUD does not want to use their funding to make hazards worse. We don't want to create a bigger lead problem than was there before.

And so we always need to ensure that you understand, even if there's no children living in the unit, the Lead Safe Housing Rule will still apply. There's only a couple exemptions, and that's only if it's housing exclusively for the elderly or only for housing exclusively for the disabled and those projects don't typically come in for the types of programs that you are all administering.

There's other funding that's usually used for those, but for our funding sources here, CDBG, HOME, I can try to find that slide Les, that had all of them. It was one of the beginning. Here we go. These are the grants that you're all working with that are triggering Subpart J and K. And it doesn't matter whether there's kids living in the unit or not, we still have to follow Lead Safe Housing Rule.

I just -- I felt like that was important because I keep seeing these same questions coming in. And I don't know if there's anything you want to add or anything we can clarify to make that through the point across.

Les Warner: No. We -- that's why I was making that example of people commonly want to look at the current occupants and that's really not -- we're trying to really take our supply of affordable housing and reduce the number of units that are going to present potential hazards. And it's unfortunate with the number of years that this rule has been in place and the investments that we still -- this is still a very real problem.

When I worked at the state level, we would oftentimes have communities contacted by a hospital that had a child that had been found to have elevated blood lead levels. They needed to find appropriate housing for their family before the child could be released from the hospital. And it was a real challenge in finding affordable units in their community that might be available, not just -- and we already have a challenge on having affordable and adequate supply of affordable housing units, but then with this additional challenge.

So it's really just a few exceptions where -- because that housing supply is set aside for a very specific group of folks, most of what we're doing, we're thinking long term as part of the housing supply and trying to address those hazards as part of that. We have a question.

Kris Richmond: Les, can you talk a little more about de minimis? I know someone had just asked again about de minimis and when do they -- when is it exempt? And when do they have to follow the rule based upon de minimis? I brought the slide up. I don't know if you can talk through that again.

Les Warner: Yeah. So the key here is that we might have, based on the scope of work, some instances where even though we have a pre-1978 house, we might have a project that will be able to be exempt because of the scope of work.

And I -- the first example, and the first bullet here is if we have a project that actually doesn't disturb any painted surfaces, and I was using examples of water, sewer line sort of thing, furnace replacement, we oftentimes have people want to say, well, all I'm doing is replacing the roof. And so I'm not disturbing any painted surfaces.

And I would simply caution on that, that a lot of times when we are working on a roof, we have a lot of fascia and other elements that are attached to the roof that we could cause disturbance of those painted surfaces as part of the work that we are doing. So I think determining whether that in itself is exempt, you really have to kind of look at the work area and think about when you are going to be coming into contact with painted surfaces.

But what our de minimis rule is allowing is to saying, when we have a project where we have essentially minor levels of interaction or disturbance of painted surfaces, that you are able to then operate under this de minimis rule and also be exempt. And so, these standards in place for the de minimis rule is trying to determine that your scope of work is minor enough, that you are going to be able to operate within this de minimus rule.

And so we mentioned, I used the example of we're doing HVAC replacement. Most all of our work maybe is in the basement with no disturbance of painted surfaces, but maybe we are replacing a thermostat and we are going to be disturbing that painted surface, where we are maybe removing and installing something new.

And so, the de minimus level would allow us to then look at -- and in this case we have this two square feet per interior space. If all I'm doing is replacing that thermostat on a painted wall, then I can measure that out and determine, oh, I'm actually -- this is going to be under that de minimus level. And so I would be exempt from having to follow the lead safe work practices on this.

Now, frankly, it makes sense always, even in a de minimus setting to still follow those lead safe work practices. So things like we wouldn't want to do dry sanding, heat gun, some other things that would be part of that. Dry scraping on that.

But so this does give us, depending on that scope of work, sometimes when the unit itself is part of our target housing or it's a target unit, but because of the work that we are doing, being so limited, that we're able to be exempted from that. And we would need -- you'd need to be able to document that in your files that we are operating -- we consider this to be under the de minimus levels. And here's our basis for that.

See. So there's a question here about does a 55 and older community apply as housing for the elderly? And Lead Safe Housing Rule not apply? So there are a couple of different definitions used under different HUD programs for elderly. As someone who's well over 55, I have a hard time lining up that 55 is elderly. Kris, I think -- I'm trying to make sure we know what our official language is on this, on how we define restricted housing?

Kris Richmond: I know I have it in the notes, but I'm wondering if Bruce or Karen know off the top of their heads.

Les Warner: Yeah. We have our resident experts to help.

Kris Richmond: Bruce or Karen, are one of you able to say off the top of your head what the elderly distinction is? Is it over 55 or 60? Or if not, we can look into it tomorrow.

Karen Griego: I'm looking, I think it's 62, but let me search further in the interpretive guidance.

Les Warner: Thank you.

Kris Richmond: Okay. Yeah. I know I have it somewhere too. I just wasn't ready for it today. We'll look that up. We don't give you a wrong answer.

Les Warner: Easy question about -- question about where to find the homework? In the links that were sent out to you today with all of the materials and the handouts, the exercises -- homework exercises were included in that packet. And I believe that John put that link in the chat box. And so if for some reason you didn't receive that link, you can also pull it from there.

There was a question here about reconstruction and whether the Lead Safe Housing Rule is going to apply. And so, for those of you that might -- when we use the term reconstruction for both CDBG and HOME, that's where under the category of rehabilitation, we're able to take an existing unit, demolish it, and replace that unit.

And so we -- earlier on, let's see. Oh, and it might even just be the slide. Yes. So on the slide prior to this, if we have an unoccupied property, and so in this case, we're going to be moving that homeowner out, obviously while we tear down their house and rebuild it. And we're not going to allow somebody else to occupy it. We're going to demo it.

Then in this case, we're not going to need to follow the Lead Safe Housing Rule because we are relocating that occupant, not allowing anybody else to occupy it in the meantime. And so we would not need to do in that case, do lead testing as part of that.

Let's see. Trying to look back at the larger list. Answered questions. So we've had a few questions back and forth about the RRP rule, the EPA's rule. We are in the Subpart J, in particular, we're going to be going through that in more detail. There was a question under disclosure for this about the handout that would be provided. So the HUD rule, and as you'll see, let's see if I can do my -- Kris is very good at highlighting, but yellow might not be the ideal color. But --

Kris Richmond: I have to give you control, Les. Because I was the one that was controlling.

Les Warner: Oh, okay.

Kris Richmond: So I don't think anybody can see. John, maybe you can give control to Les.

Les Warner: I think he may have. I'm in control. Yes. All right. So on our pre-renovation, the Lead Safe Housing Rules is requiring the distribution of this protect your family from lead brochure, which Kris mentioned. But the EPA rule then is requiring this brochure and the contractor is essentially required to distribute that.

And so there is a separate -- we are going to generally need both of these -- this renovate right brochure that's required by the renovation repair and paint rule for that. And we'll just --

Kris Richmond: Can we get into that either next week or the week after?

Les Warner: Yeah.

Kris Richmond: We have a number of slides that walks into great detail about HUD, RRP, the comparisons, and that -- we always have do more stringent requirements, but Les has a number of slides either next week or the week after, that go in great detail about this.

Les Warner: And one of the reasons that we put quite a bit of emphasis on this is that as a grantee who's running a program, working with contractors, need to make sure that you're being really clear with contractors about what rule applies. And we oftentimes have contractors that have worked for with other funding sources.

Working in private units where the EPA rule would apply. And they're very familiar with those rules. But if they've not worked with the Lead Safe Housing Rule requirements, or can't keep the differences straight between the two, we need to make sure that they understand those differences. I'm going to hook up. I just got a low battery signal, so I'm going to -- okay. My power line to my headset. All sorts of fun technology problems.

Kris Richmond: I know, I'm sorry. I do apologize about those tech issues earlier. I didn't even know it was making the noise. Somebody was asking -- and we'll go into this more in detail next week, but they were saying, well, we're only going to work in one room. Like, do we have to do a risk assessment? Well, some people don't even know what a risk assessment is yet, but we'll talk next week.

It really depends on the level of assistance as to what type of evaluation you need to do. And we'll help you figure out that out next week, we'll go over the -- look at your one room and come up with that dollar amount or the rehab hard costs, and we'll help you figure out what type of evaluation you need to do.

So can't really answer that today and but we'll get into more detail and hopefully you'll feel a little more confident about that next week. And if not, definitely bring that question back up again and we'll make sure we can help you work through that.

Les Warner: Karen, any luck on the definition on elderly? We can always double check on this and cover that tomorrow in our office hour.

Bruce Haber: Yes. Let's [indiscernible].

Kris Richmond: Yeah. I know we have it in our notes.

Les Warner: Oh, there's Bruce.

Kris Richmond: Go ahead, Bruce.

Bruce Haber: Yeah. In the interpretive guidance, which is found on Lead Safe Housing Rule webpage on HUD.gov, there the definition is age 62. And the exact language -- and I just sent it to Kris, the term housing for the elderly is defined in the regulation as retirement communities or similar types of housing reserved for households composed of one or more person, 62 years of age or more. Or other age, if recognized as elderly by a specific federal housing assistance program. So it is possible the 55 could be there, but for HUD it's 62.

Les Warner: Well, it appears I'm elderly. No matter what.

Bruce Haber: [indiscernible]

Kris Richmond: Thank you, Bruce.

Les Warner: All right. So I think that probably covers most of these and I think we have a couple, we want to do a little bit of research on which we can include in tomorrow's office hour session.

Kris Richmond: Yeah. And I know people always ask, can we get a copy of these Q and A? It takes us a little bit of time because we like to make sure that the answers that were typed out are correct. But I can tell you the last time we did deliver this, which was last year, those -- the questions and answers from that training series, which is identical to this one, we've only -- we've updated just a couple little things.

But the Q and A's are posted on the training page there. So if you go to the HUD exchange and you go to lead training, the Q and A's are posted on the training page from the last time we did this training series, it's a PDF and goes through a bunch of different things. So if you can't wait

until the end of this session and probably another month or so after that, there are ones from the last time we did this posted up there.

Les Warner: And I will just mention, we've had a number of questions that incorporated some language about presumption of lead. We'll go into that in great detail in our second and third session, when we're talking about rehabilitation, but essentially if we're doing presumption, that means that we are presuming that every painted surface contains lead. Even though we have tested for that.

And so that then requires that we would be treating all of those surfaces also. And I will just say from my own experience in programs I worked with, we found that presumption was generally not a good idea because we were actually treating surfaces at a much higher cost presuming that they had lead, even though they did not.

So we'll talk in more depth about that when we get into Subpart J where we're focusing on rehabilitation. All right. Kris, anything else before we let folks go?

Kris Richmond: No. Just a reminder to review the homework and hopefully you're able to join us tomorrow, 1:00 Eastern time, and Les and Nicole are going to be going over the answers to that homework and then answering other additional questions or things that you were -- if you look back at the training materials and you weren't quite sure about a certain concept, we'll go over that again for the general requirements tomorrow. So thanks. Thanks everybody for your time today.

Les Warner: Thanks everybody.

Kris Richmond: Really appreciate. Thanks. Thanks to Bruce and Karen from HUD for joining us today, too. Always appreciate your support. Right. Thanks. We'll see you soon. Bye.

(END)