

Lead Safe Housing Rule Webinar Series

Session 1 Office Hours

Thursday, February 4, 2021

Kris Richmond: Thanks, Paul. I'll turn my camera on, get that started. Hello, everybody, I'm Kris Richmond. I was with you yesterday. Thanks for coming today. We're really excited. We have about 350 people with us so far, which is a great turnout for our office hours. I am accompanied today again by my colleague Les Warner, who also works for ICF. And then we're fortunate enough to have three HUD staff people with us today, Bruce Haber, Karen Griego, and Jerry Freese, who was also with us yesterday and we didn't give him credit for being with us.

They were invaluable yesterday, being able to answer questions immediately as they came in. And they're with us today to be able to do that as well. So just to lay out how our office hours work, we did provide a homework exercise for you to work on yesterday. And no, you don't have to turn that in. A lot of people had asked, do we -- how do we turn that in? I don't know how to do that. Don't worry about that. You just have to do it to practice what you learn and then we'll go over the answers together. So I'm not checking to see if you did it or not.

Hopefully you did, to be able to practice just a little bit. And then after that, Les is going to go over any questions that have started to come in. So if you have questions, please go ahead and type those in the Q&A box. We'll address any of those that have come in immediately. And then we'll review what came in yesterday, because I don't know about you, but it's super hard to listen to somebody, look at the slides and look at the Q&A box at the same time. I just don't think it's possible. So Les took all those questions that came in yesterday, and he has put them together in different categories, and he's going to review some of those later on after we go through the exercises.

So let's get started. I'm going to be moving over to our exercise tab. Hopefully, you should see on your screen, it says Session One Exercise, Does the Lead Safe Housing Rule Apply? Now, when I scroll down, I can see one through seven on my screen. When I scroll down, you're not going to see my screen move. So you are going to have to take your cursor and put it on that gray toolbar and move the page down yourself, okay? So please be aware of that. You're going to have to scroll down to do that. And then Nicole is going to be assisting you today. She is going to be putting a couple links in.

We're going to mention the interpretive guidance. We list different regulations, citations. But then we also say, this is question J-10 in the interpretive guidance. And I realized yesterday, when we did the training, we actually did not list the link for the interpretive guidance in our resources. So we'll make sure that link for interpretive guidance and the disclosure interpretive guidance are actually in the next session pages of the resources. So she'll be putting that in the chat. And then after I give you the answer for each one, she'll also be putting that answer in the chat as well.

So if you miss something, don't feel like you need to type in, what was the answer to number two? Just look in the chat box. She'll be sending that out to you. But if you have questions about any of the examples to go over, or you need further explanation, please type that in and we'll make sure we address that, because our hope is that you have a little better understanding. And then this is the first time that we've done these exercises. So I realized when I saw a couple of the questions come in late yesterday, they were saying, is this supposed to be -- are we supposed to assume this is pre-1978 housing?

And the answer to that was yes. Unless otherwise stated, please assume that these examples were for pre-'78 housing. And we'll make sure the next time we deliver this, we'll update those directions. So let's get started. We're trying to determine if the following circumstances reflect exemptions under lead safe housing rule in its entirety, or from portions of that. And so, we were just trying to give you some ways to think through that. So the first one is a previously lead-based paint inspection by an EPA-certified inspector shows the house has no lead-based paint.

Well, the answer to this is, it's exempt. And it's exempt by CFR 34.115A4. And so, the house is also exempt from disclosure because it was certified. Remember, if a home was certified to be lead-free, or there is no lead-based paint, that is exempt. So number one is exempt. Number two, a rehab project costing \$12,000 involves replacing a water heater and roof repair, but no paint or painted surfaces will be disturbed. So the answer to number two is, the project is exempt because no paint or painted surfaces will be disturbed.

And this can be found in the interpretive guidance J as in Jennifer, number 10. And this exemption applies regardless of the cost, because we're not disturbing any paint or painted surfaces. So it doesn't matter that it costs \$12,000 or \$27,000. As long as we are not disturbing any painted surfaces, then it would be exempt. Number three, repairs must be done on a house after a tornado ripped a hole in the roof. So this one is also exempt. This is found at 34.115A9 because the property has to be protected from future structural damage.

So this is an emergency repair. It's exempt because there's an imminent danger to human life, which is likely because there's a hole in the roof. So number three is exempt. Let's look at number four. Repairs must be done to fix a broken stair railing and deteriorated steps on the front porch, but they are a trip or a fall hazard. Well, this sounds more like a deferred maintenance. So this is not exempt. Deferred maintenance is not considered an emergency. And thinking about a railing and stairs, if you have a wooden type of front entryway, there's probably paint there.

So it may disturb painted surfaces. So it's not exempt. Number five, maintenance work will disturb two square feet of interior surface in the kitchen, and three square feet of interior surface in the living room. This one is also not exempt because it disturbs the painted surface in total over two square feet. It is exempt from the EPA regulations because it has a six feet square foot de minimis, but it does apply to the lead safe housing rule. So other HUD de minimis levels include 10 percent of small component types and 20 square feet for exterior types.

So the answer to number five is not exempt because it disturbs painted surfaces in excess of over two square feet. Number six, a mixed-use property built in the 1960s is updating all of the kitchens in the property using CDBG funds. The update involves removing painted cabinets and ceramic tile countertops. So we see that painted cabinets there. So let's look. The lead safe housing rule does apply, and it applies both to assisted and non-assisted units within this property. So if a project receives CDBG assistance, the entire project is considered assisted and the lead-based paint requirements apply to all of these units.

If a project received HOME funds, the lead-based paint requirements would also apply to the entire project, irrespective of the designation of the individual units. And this can be found -- if

you want to figure out where this is listed, this is in the HUD's interpretive guidance, J as in Jennifer, the number 20, two-zero. So number six is the lead safe housing rule does apply. Number seven, the homeless shelter receiving HUD funds sets up beds each night in the living area that's used for services at that church during the day.

So the answer is, the shelter is exempt if it qualifies for the zero bedroom exemption. And a zero bedroom exemption -- a dwelling unit for zero bedroom is defined as any residential dwelling in which the living areas are not separated from the sleeping area. So if you're able to designate it as a zero bedroom exemption, then it is exempt. If the shelter does not qualify for the zero bedroom exemption, then it is covered by the lead safe housing rule. And this can be found in the HUD interpretive guidance at K one.

All right now, remember, I'm going to scroll down on my page here. And so, you need to do the same thing. Take your gray bar and move it down and you'll be able to see eight, nine and 10. Okay, so let's look at number eight. Family A receives three months of emergency rental assistance in unit 101. And family A moves out after three months, and family B moves into the same unit and receives rental assistance for two months.

So the answer to this is the lead safe housing rule does apply because that -- remember we talked a lot about that 100 day situation yesterday, and the lead safe housing rule applies because -- applies to the unit, not the length the family is residing in the unit. So the 100 day time period is not specifically for the family, it's for how long are people being residing in this unit? So if we're looking at five months, we're obviously more than 100 days and so it does apply. And the clock begins at the time the emergency assistance is first provided in a given unit and runs for 100 cumulative days.

So the lead safe housing rule does not apply to emergency housing assistance if it's under 100 days. That can be found at (K)(6). But this example that we're giving, there is emergency assistance for more than 100 days, so it does apply. And Les is going to talk a little more about the 100 day exemption later after we get done with these different examples. So let's look at number nine. A low-income household is receiving HOME funds for down payment assistance on a condominium unit built in 1995.

So this is exempt. This is one of the easiest ones on here, because remember, the lead safe housing rule only applies to pre-'78 housing, and this was built in 1995. It's exempt because it was after 1978. Well where does the 1978 come from? Well, lead was banned in residential property by the Consumer Product Safety Commission in 1978. And so, units that are built after 1978 are exempt from the lead safe housing rule. So number nine is exempt. And our last one, number 10, a senior housing project built in 1975 is undergoing substantial rehab using CDBG and HOME funds.

And so, this one is exempt because this is a senior housing project. It's housing that's exclusively for the elderly. Only elderly residents can reside in this unit. So this is exempt. But remember, if there is any child under the age of six that's going to live in any of these units, or is expected to reside in any of these dwelling units, then we cannot follow the exemption for that. So if it's

exclusively for seniors, only seniors are living in there, then this property is exempt. So Les, that's all of the Q&As for the exercises.

Is there any questions that came in, or things that we should expand upon a little bit for the exercise before we move on?

Les Warner: Actually, there was a question. Let me reopen the Q&A. There was a question on number three about the replacement -- the roof replacement. And if I can get down there, I need to close the panelist. Here we go. So the question was on item number three, that they looked at that and said, well, the emergency action here was to stop the water or stabilize the structure, that that would fall under the emergency action. But then the permanent repairs, I think they were suggesting, would be what fell under lead safe housing rule.

Kris Richmond: Can you read that again? I'm sorry, I keep trying to find it so I can see it.

Les Warner: So they wrote that the emergency action was to stop the water and stabilize the structure. But for the permanent repair, does it apply? And we know that -- so, we said yesterday that for one of the exceptions was in emergency situations. And so, stabilizing the building would be an emergency situation. But we did talk about then, if you were doing, let's say, a rehab of the overall building, not addressing this emergency situation, but the rest of the work that, yes, that is going to be covered by the lead safe housing rule.

Kris Richmond: Yeah, so the roof is exempt. But, like Les said, the rest of the property is not exempt. You would need to follow the lead safe housing rules for those other areas. Were there other questions?

Les Warner: Maybe to expand on that, if you think that through, it might be that the tornadoes ripped off the roof. We're going to replace that to get the building stabilized. But there may be quite a bit of other damage within that structure because of that incident. There may have been water damage or other things. So there may be other work that's going to be done, and the rest of that work is not going to be exempt. But it's this emergency part of it to stabilize the building is the only part of that that's going to be exempt.

And I think that's somewhat consistent for folks that are familiar with working with environmental review. You would know that, under environmental review, things for health and safety are pretty limited. And then, the actions that you're then following up with once you've stabilized the situation, generally fall under the normal requirements for environmental review. And that's sort of what we're seeing in this situation.

Kris Richmond: And Les, I'm starting to see some other questions coming in about the housing exclusively for the elderly as it relates to the exercise. I know you have a whole section to talk about that. Do you want me to turn it over to you and you can start diving into some of those sections first, and then we'll go back to the other questions that have come in today?

Les Warner: I think it probably makes sense to switch into. I have a few housekeeping things. We could cover some of the -- we have some categories to cover and that may handle these. And if not, then we'll deal with those individual questions.

Kris Richmond: Ok, then I'll turn my camera off and hand it over to you.

Les Warner: All right, so I wanted to start with a couple -- we had lots of questions that were related to, how do I get access to the materials? What was it that you said about when the recording would be available? So I have some new information and I have some clarifications on that. So for the recording, session one that happened yesterday, that we expect to be posted by the end of this week. And a message will go out to everybody that's registered, letting you know that the materials have been posted and you'll be provided a link for that.

For the next three webinars, folks were concerned about, can I get a copy of the slides? And I think a lot of folks, you are used to, in trainings, having a handout version of the slides where you can keep your notes. I know Kris and I always use it in that way. So on Wednesday morning, you will be getting a -- we're going to send a message to notify you that the materials for the session have been posted, and you'll be able to print out those handouts in advance of the training. And I think that will be helpful to folks on keeping notes for that.

Part of the reason on when things are posted on the website has to do that there's some assessability review that has to happen to those materials. And so we're making these available to you to be able to print out in advance of the training. But they won't be, probably, the permanent version because they have to be -- an assessability review done before that permanent posting will actually happen there. So you'll see them posted before our session. They'll be removed. And then they'll be reposted officially once that review has been completed and the recordings are available for that.

There were questions about, can I get a copy of all the questions and answers that have occurred during both the session and also during our office hours session? So what we're going to be doing is putting together all those questions and answers. We may be consolidating some of those because we have some level of repetition on those. They'll be reviewed by HUD and then once they've been appropriately vetted, those will also be posted for you. We want to make sure that the answer there is something that has been blessed and can be relied upon for.

I think that handles the housekeeping things that I had. I'm going to switch us over to slides to go back over. So what I thought we would do first is, we have some categories where we had a lot of questions around the same sort of issue. So I think we'll visit those first. I think that will answer some of the questions that are outstanding for folks. And then we can go into some of those remaining questions, and also go back to the Q&A box and deal with those. So we had a lot of questions related to, when does that exemption apply?

And so I wanted to go back over those for this. So the easiest one, and we we saw this on the homework example, was when that property was constructed after the January 1st, 1978 date. So because of lead paint having been banned at that point, we can be pretty confident that that building should not have lead-based paint. So we would document that as the reason that we

considering this structure to be exempt is because of the date that it was constructed, and we could operate in that way. We had a couple of questions and one that was just answered just a short bit ago, zero bedroom units.

And we have the example of, in the homework, of setting up the shelter where we don't have bedrooms. And so, if we can determine that the unit that we are dealing with is a zero bedroom unit, we can be exempt. But as we said, for both the zero bedroom unit designation and for housing that has been designated specifically for the elderly or disabled, any time we have a child under six years old that actually resides there, then that exemption does not count.

So the reason we have this exemption for buildings that are restricted for the elderly, the disabled, zero bedroom unit, is that we're not really expecting that, based on that unit type, that we're going to have children living there. That's not always the case. And so, as you were looking at, is my project exempt? Looking at these categories and saying, well, this is a unit that is restricted to elderly only to be able to occupy that unit; so it would appear that, yes, our project is going to be exempt. But then that next question is, do we actually have a child under the age of six?

If so, that changes it, and this is not going to be exempt. And then our last example here is that we may have a property that has already had a lead-based paint inspection, and either they identified that it is lead-free or they actually did a full removal of all of the lead; not that it was made lead-safe by doing encapsulation, where we're enclosing the lead so we still have lead there.

But in the case where there either is no lead at all, or it has been removed and we have the appropriate inspections, scope of work, the certification to be able to show that, based on what we can document about that property, that that property is exempt from having to do anything further under the lead safe housing rule. And so we'll mention this when we get into our later assessments. But one of the things as a property owner, and that's why we're doing disclosures for owners, for work that's being done, we're going to want to hold on to all that information.

So you could be a non-profit that owned a multifamily building. And if, at the point that work was done, or at the point that you acquired it, there was an inspection done and it was determined that it was lead-free, you're going to want to hold on to that information, that documentation in place, because that's the basis for being able to say, our property is lead-free. And so we don't have to do disclosures. We don't have to follow the lead safe housing rule when we're doing some kind of rehab on the building because we've got that documentation in place.

So on this third bullet here, I just want to revisit this where we talk about housing that's designated for the elderly. I mentioned this when we originally talked through this. We had a lot of questions about, if I have a house that is occupied by elderly folks, is that exempt? No. The key here is we're not looking at who occupies that unit necessarily. It's that this is a unit that is designated, is restricted, so that it is supposed to be only elderly or persons with disabilities that are going to reside there.

So not only our current tenant is elderly, but from this point forward with this assisted structure, we are confident because of this restriction, that this is going to be occupied by elderly households. And that's the basis for this exclusion. So we believe we're not going to have any high-risk -- either children under the age of six, or if we have a pregnant woman who either occupies that unit or is going to be. So we expected -- we have a lease that's been signed, that we have a move in date for them.

We know that there's going to then be a child under six occupying that unit. And so we lose that exemption at that point because it's no longer fitting that safe category of, we don't have these high-risk children in place for that.

Kris Richmond: And Les, I would just add, too, because I know you're talking about exemptions here; but I think there's just a little bit of confusion amongst the participants that the applicability of the lead safe housing rule in rehab for Subpart J, as well as Subpart K, is not dependent on the presence of a child. So it doesn't matter if there's a child living there or not. We still need to follow the lead safe housing rule. It could be a couple in their 20s. It could be a couple in their 50s and there's no kids living there. The lead safe housing rule still applies. I just want to make sure everybody's clear on that.

Les Warner: Absolutely. So a couple of other questions that go around this exemption for the work itself, as opposed to the structure, were questions about, what if I am replacing the HVAC system? We have questions about, what if I have an emergency boiler replacement? So in those cases, the question is, am I actually disturbing a painted surface that may contain lead? So it may well be if I'm going in and replacing a component like a furnace, a water heater, a boiler; we may well be able to do that and be exempt because we're not disturbing any painted work surfaces. So it's not that the overall unit, by definition, is exempt.

It's based on what is happening in that structure, that the work that we're doing ends up being exempted on that. Now, we had a question that came in yesterday, sort of in the same line, where they said we're replacing a roof and the fascia on a structure, or working on them. And so, in that case, the response that came back was, no, that's not exempt because you are disturbing painted surfaces with the presumption that that fascia and some of that surrounding area is going to be disturbed by the work that's going on.

So I think when I mentioned this yesterday in the training itself, I think people often will say, I'm just replacing the roof. So clearly the roof itself is not painted. I must be exempt because of the work that I'm doing here. But the question is, what are the surrounding surfaces? Are you actually able to do this work without disturbing those surfaces? So even in the case -- and you really have to think through, what are all the areas that I'm going to impact from this work? And I'm going to be up on the roof. I'm going to be having a lot of banging that's happening.

I have a lot of adjacent -- I may well have a lot of adjacent painted surfaces, so looking at that. That might include, let's say I'm replacing the HVAC system. In that case, I know when I replaced mine recently, I got a new thermostat. So the thermostat is mounted on a painted wall. So I couldn't say that they are not disturbing any painted surfaces. But in this case, I could then

look to see the only painted surface that I'm dealing with with this is where the thermostat is. So we also know that we have a de minimis level.

And so, the more restrictive version of that is the HUD version, which is the two square feet per interior space. And so, that replacement of the thermostat, while it's disturbing a painted surface, it's at this de minimis level. And so, it is not triggering, it's not requiring lead safe work practices. That's certainly a good idea. So we oftentimes have to think through what is the project, what is the impact of what we're doing, and to go through that to make a determination whether that is going to be applicable or not.

We had a number of questions in this regard when we talked about children under the age of six, about what do you mean by reside? And is there a difference between a child that resides in that unit and a child that spends time in that unit? And so, I believe, and I don't know, Karen, if you want to comment on that --

Kris Richmond: And that's when you were talking about an exemption, right, Les? That was in context of an exemption?

Les Warner: Yes, of losing that exemption because, let's use the example that I have an elderly household who lives in a restricted unit. And so, we would say, okay, this is an exempt unit. But we talked about, that exemption goes away or isn't valid when there is a presence of a child under the age of six in that household or is part of that household. So people have wanted to fine tune that question about, do they have to reside there? If they were, every day after school; they were getting off the school bus at the grandparents' unit in this restricted building and spending some hours there. How do we draw that line?

Karen or Bruce, do you want to comment on this? I think there's not further language in the lead safe housing rule itself that would further define this beyond occupying that unit being that's their main point of occupancy. [Pause] So I'm going to take that as a no comment for the moment --

Karen Griego: Sorry, Les. This is Karen. I was in the middle of answering questions and sort of half going back and forth. So let me try to reiterate the issue and respond appropriately. So the the issue is the definition of reside. So depending on the activity or the HUD funding assistance that's going into a particular project; so, that's our first level of deciding what subpart of the lead safe housing rule could apply. And then the next question is, if residency is one of those possible exemptions for that activity, what does it mean by a child occupancy?

And typically, we think of it as the place where the child sleeps and has their personal possessions most of the time. So it kind of is left at that. So where does the child normally sleep? Sometimes they sleep over at grandma's house or auntie's house. But most of their belongings, and where they usually are expected, or usually sleep and have all of their toys, and most of their toys and clothing and so forth are at Residence A, rather than at grandma's or auntie's.

Les Warner: Okay. That's good.

Bruce Haber: Les, this is Bruce. One little caveat for that; these are the federal regulations. And sometimes local regulations or standards also apply. So you have to understand where you are in the country and what might be expected based upon the local conditions. So you could have children to stay at grandma's house two or three times a week, and that might be [civic ?] enough for this to kick in, particularly if the federal -- I mean the local requirements are 10 hours, or two days a week, or three days a month, or whatever the definition might be.

Les Warner: Right. I think that's an important -- on a number of these areas, you may have a whole other overlay of state and local requirements, which may be more stringent or more prescriptive than the lead safe housing rule itself. There was a question that came in yesterday, and I think just to keep reiterating some of this, I think it might be good to also -- so, there was a question where, if we have children under the age of six and adults that reside in a unit that is older than 1978, is this example exempt or regulated by the lead safe housing rule?

So the only time that the fact that we have this exemption is when we have a building that is restricted. So that's the only time when we have this safety of, we know that this unit that's part of, generally, our affordable housing supply isn't now, and won't in the future, have children. So in this description where we've got a unit that was older than 1978; so, it's within that target housing that potentially has lead, and it doesn't fit this -- it's not a restricted unit. It's not been found to be lead-free. So based on the kind of assistance that's going to be provided, you're going to fall under that requirement.

Now, if we look at J and we're doing rehabilitation, those requirements are going to be different than if we were providing some kind of, let's say, emergency mortgage payment for that household. So it's going to be depending a bit on the activity of what's the required actions are. But they are not exempt from the lead safe housing rule. There also, in regards to this, was this question about whether we expect a child of under six to reside there.

And so, we referenced yesterday that when we talk about expecting a child to live there, we're talking about either that we have a lease that's been signed and so we have a move in date that's been set, so we know that there's going to be a child living there; or we also use the example of where we have a pregnant mother that's residing there or has signed a lease to be moving into that structure. Then we know that there is going to be a child under the age of six that we expect to occupy that.

I'm going to suggest that we move on to -- we have a number of questions about emergency assistance and I wanted to revisit that and get those out of the way. So because of COVID and a lot of the hardships that have been encountered across the country, we have a lot of folks that are at risk of losing housing. And so, we have a number of sources, including CDBG funds, CDBG-CV, ESG funds that are being used to assist households to either prevent foreclosure for non-rent payment or for providing some kind of mortgage assistance to keep them from falling into foreclosure.

And so, we've had a lot of questions about the 100 days. And Kris reiterated that as part of the exercise. We will talk in more depth about this in our fourth installment. But as I think Bruce mentioned yesterday, there is some active work being done on some additional guidance on this.

I think there is a possibility that perhaps by the time we get to our fourth session on Subpart K, we might have some additional information for you, so stay tuned to that.

But for right now, as Kris reiterated, the issue is the 100 days on this. And we have had some questions about, is that 100 days of rental assistance; so, maybe four months of rental assistance? Or is it 100 days from the point that I actually make that first payment? And we're also waiting for a ruling on that. So I think there will be some further clarification that will be provided as we go forward.

But at the moment, what you need to be looking at is if you have emergency assistance, and the most typical example of that would be either rental assistance or mortgage assistance; that if the time period that that assistance is being provided goes beyond 100 days, then the exemption within Subpart K on having to inspect and address any lead paint hazards in that unit, that goes away when we hit 100 days. So keep that in mind as part of how you're going to implement a program. And also stay tuned for any potential changes to that specific ruling.

Kris, are there things coming in through the question and answer box that we should switch to before we go further on our list?

Kris Richmond: I think so. Yeah, there was one. I changed the slides to show the correct disclosure forms.

Les Warner: Perfect.

Kris Richmond: Because somebody was asking is the HUD lead-based paint disclosure form required, or can another form that covers the same things be used? And so, the HUD and EPA forms -- this is the example of the HUD form -- is just an example. So a form that you have can be used as long as all the required elements that are listed on the HUD EPA form are included in that. So you just need to make sure those required elements are in there.

Len Warner: And Kris, on that topic, we had questions yesterday about where can I see that incorrect versus the correct? And where do I get the correct disclosure form? And so, this week, our slides are going to be posted, we believe, by the end of the week. And so, on slide 38 we have the wrong disclosure example. And then on 39 we have the correct example. And I believe on the resources, that linkage for this correct disclosure form is included there.

Kris Richmond: Did you want me to talk about a couple of the resources?

Len Warner: Yeah.

Kris Richmond: I know you said there had been some questions. So I had flippantly use the term Turbo Tax and the lead compliance adviser together. And somebody said, what was that? I missed it. And I apologize. I did not realized you didn't have the slides. We thought the slides had been posted and you were able to have those in front of you. The lead rule compliance advisor is an online tool that's available. I referred it to Turbo Tax, because Turbo Tax walks you through your taxes.

And this, the lead rule compliance adviser, walks you through the lead safe housing regulations. So it asks you a number of questions. It asks you different scenarios. And you put those in, and then it determines which subpart applies -- subpart meaning, are you doing rehab, Subpart J? Are you acquisition, leasing, support services, Subpart K? Are you, perhaps, doing tenant-based rental assistance, subpart M? So it helps you determine which subpart. And then it will list the required elements that you need to follow to be in compliance with that subpart.

And it also has a number of resources available to it: different forms, glossary. And then we are also working on a toolkit. And the toolkit is not quite ready yet. It's very close. But on slide 42, when you get a copy of the slides, look on slide 42 because that has the link to the different tools that we refer to during these sessions. And we are anticipating the toolkit to be available for the public, I want to say in March. Don't hold me to it. But we're very close and I know a listserv will come out. All of you should be on the listserv because you found out about this training that way.

But a listserv from the HUD exchange will come out, identifying that the toolkit is available, and you'll have access to all these different forms. There's also the resources we had -- the guidance, the guidelines for evaluation of controls in lead-based paint hazard. This is about a 1,000-page document, so please don't push print if you've been at your house like I have since March and you don't have access to your corporate printer. You're just using your home printer and print out your kid's math homework every day. It can't handle printing out the evaluations.

But it has all different chapters: how to do a risk assessment, how to do a lead-based paint inspection. And so, it's available online. The link is right here. The 2012 is the most current version right now. But you can download it and then you can look through for more examples how to do things, or refer back to this when we get into more details for module two and three and four. And then we have all sorts of links on slide 47.

Somebody asked what was the OLHCHH? That's HUD's office; so, HUD's Office of Lead Hazard Control and Healthy Homes. That's how we refer to the lead office of OLHC. Their home page is listed here. We also have a page on the HUD exchange, and that one's listed right here. And that provides a lot of links to different resources. If you were doing tenant-based rental assistance, or project-based assistance, or public housing, we did a lot of training a year and a half ago. The links to those trainings, those other subparts, are listed from there.

Here again is the lead compliance advisor. Here is the evaluation and control of lead-based paint hazards. And then if you needed to contact HUD, here was a contact for them as well. Les, other things you want to expand upon?

Les Warner: No, I think that's good. There was a question yesterday about wanting contact information for Kris and I. We will be available to you throughout this series, so, in our Wednesday sessions and our office hour sessions. And we'll be happy to try to field questions, and working with Bruce and Karen and others on this. But once we're done with that, you'll need to use the contact information that's listed at the bottom here to be able to submit questions and

that it is an ongoing resource for you. Kris, anything in the inbox that we need to deal with, or should I go back to our list?

Kris Richmond: I'm just scrolling through it real quick. Lots of people are getting hung up on the age thing. Just please know: Subpart K and Subpart J, it doesn't matter how old people are living in the unit. You're working in plain old neighborhoods. It doesn't matter in the age of the person living in the unit. The lead safe housing rule does apply. Still people are getting confused about that. Sorry, Les; give me a second. People are still asking --

Les Warner: Why don't I let you scroll and I'll do a couple of questions that I've got?

Kris Richmond: Okay. Sounds great.

Les Warner: So we had a question that came in. This was about a HOME project. And they said, the only thing that we're paying for are actually soft costs. And so, we're not paying for any part of the construction that's happening. Are we able to then simply apply this as Subpart K as opposed to rehabilitation? So when we put HOME funds or CDBG into a project, this is very similar, again, to if you deal with environmental review. When we're trying to figure out what our trigger is, we're looking at the overall project.

So in this case, as I understand it, this is a HOME rehabilitation project and we are putting money into the HOME rehabilitation project. Just because our funds aren't paying specifically for the rehab, we're supporting that with our soft costs on this; this is a rehab project. It falls under Subpart J. And so, we've federalized the project by adding in the HOME funds. So much like when we add HOME funds, we trigger an affordability period. We trigger some property standards on the work that we do.

We're also triggering Subpart J of the lead safe housing rule is going to apply to that project because our overall project is a rehabilitation project. So there's not an easy out there. There was a question about if they're using CDBG repair money and they're doing furnace replacement, what's the best approach to meet lead-based paint requirements? And again, this is a matter of the overall CDBG funds. If we're doing rehab, it does trigger Subpart J. But then we have to look at, is this a project where we are not disturbing any painted surfaces? Our furnace replacement might fit within that.

And then it also might be, as I used in my example where we're replacing the furnace and we're replacing the thermostat that goes with it, it might be that the only impact we have on painted surfaces is under that de minimis level. And so, we might be able to operate in that way. So the first thing is, is the work that I'm doing, is it fall under one of the subparts? If it does, then look at the scope of work and there's a possibility of there being an exemption for that reason.

We had a couple of questions I just wanted to reiterate, and I think we hit on this at the beginning, I think in the homework; but this issue about if we have a property, and in this case it was assisted with HOME funds, that they found lead. It had been abated and there was clearance done. Do they have to provide tenants with reports along with that form? So our current tenant, and we'll go through this in great detail in our session two and three about the required

disclosures while we're undertaking a project; we're going to be disclosing to any occupants of that property when there's work happening.

It's possible we might be moving someone out temporarily while we're doing that work. But at the point that we have a property that has been found to be lead-free; so, either it did not include lead ever, or we have done a full removal, and the testing, and the certification to be able to document that we now have a property that is lead-free; that would exempt you from having to do the disclosure forms over the years as you are re-renting that unit --

Kris Richmond: And Les -- we also had another question since you were talking about disclosure. Somebody was asking, is disclosure form only required on acquisition? And I pulled up the disclosure slide, slide 36. Disclosure applies for acquisition and rental units. So whenever a unit is being rented, the disclosure rules do apply. So it would be the owner or the lessor that's providing that pamphlet. They're disclosing any known information about lead. They're also disclosing any absence of lead as well. And they're using the correct form.

We also had a lot of questions yesterday, too, about what if it's signed on the same day as the contract? Is that okay? And the answer to that is yes, that's very common that the disclosure notice is given at the time of contract or lease. So that's allowed as well. Les, anything else about that?

Les Warner: I think the important thing here is we want to know that that tenant or buyer has received that, and knows that, and they're able to make an informed decision. So it can be the same day but we need to make sure that's done first so that we have an informed household on that --

Kris Richmond: And I'm sorry, just to clarify real quick too, there is a different form for rental disclosure than there is for acquisition disclosure. So there are two separate forms. They're very similar, but they are different. So when you go on to HUD's website or EPA's website, you will see a link for acquisition, or for sale housing, or for a rental. So you can choose. And they're in multiple languages, as well.

Karen Griego: This is Karen. Sorry to interject. And thank you for distinguishing the two different forms; the main difference being that for a pre-1978 property that is being sold, the prospective buyer has a 10-day period within which to have the unit tested for lead-based paint if they choose, or a different time frame that owner and the -- that the seller and the buyer agree to.

But the other reason I wanted to jump in here is to clarify something that might be on some of our viewers' minds with respect to disclosure, and one of the exemptions of the lead safe housing rules. And that being, if lead-based paint was identified, totally removed, and we had a clearance to prove all of that; yes, if HUD is going back in with additional funding for leasing, or acquisition, or rehabilitation, or something like that, the backup documentation that distinguishes that particular unit as lead-free is the basis for an exemption from the lead safe housing rule.

However, if that same property is being sold, that seller must disclose all of that information to the prospective buyer.

Kris Richmond: Thank you, Karen. That was really helpful. Les, we're almost at the top of the hour. Do you want to wrap this up?

Les Warner: Yeah, I wanted to wrap this up by summarizing that we still have a lot of other questions that came in from yesterday's session. But they pretty much all were related to things that we are going to be covering, particularly in the next two sessions where we're talking about rehabilitation and a few for Subpart K. So a lot of questions about what's the certification for who can do a risk assessment or an evaluation of lead hazards? What's the certification for who can do the work?

All details that we are going to be going through in great detail over the next two sessions for rehabilitation-related, and then our last session for Subpart K. So I want you to understand that, for questions that we have not responded to today, it's because I believe that they all are questions that will be answered as part of those next series installations. So with that, I think we can close the session. Thank you so much for everyone for attending. Thank you to our friends at HUD for helping us with some of the questions and providing answers on this.

And we'll look forward to seeing everybody on Wednesday for session two, which will be starting to look at Subpart J and rehabilitation. Thanks, everyone.

(END)