

Lead Safe Housing Rule Webinar Series, Subparts J & K

Spring Session 1: Office Hour

Thursday, May 20, 2021

Kris Richmond: Great. Thanks Paul. Welcome everybody. My name is Kris Richmond. I'm accompanied today by my colleague, Les Warner. And we also are fortunate enough to have a couple of HUD staff from the office of Lead Hazard Control and Healthy Homes with us today, as well as Bruce Haber and Karen Griego. So we're really appreciative to have their knowledge and input with us today as well.

So what we're going to do today is we're going to go over the homework so hopefully you can see that on the screen. We're going to go over the answers to session one. Does the lead housing rule apply? And then after that, we're going to answer any questions that you've put in today in the Q&A box, so please make sure you're putting your questions in the Q&A box, not the chat box.

I got the report later yesterday and saw a whole bunch of questions ended up in the chat box. So please put those in the Q&A box and Les is going to review any questions that came in today. And then if we don't have a lot of questions coming in today, he's going to take the questions from yesterday and go through those and answer some of those. There might be some things that people might still be a little confused about, and he might explain a couple other items as well.

So let's get started. We're going to dive into session one exercise. And if you recall from yesterday, when I scroll down on the page, the page view that you have does not change. So after question five, you're going to have to take your cursor and move the gray bar down to the bottom of your page to be able to see the other questions. All right?

So what do we need to do here? Remember, we were assuming, unless otherwise stated that these were pre-1970 houses or units, and we're trying to determine if the Lead Safe Housing Rule applies or is it exempt? So the first question is a previous lead-based paint inspection by an EPA-certified inspector, shows the house has no lead-based paint.

Well, the answer to this one is it's exempt because remember, if a house was identified as lead free by a certified inspector, then it would be exempt. So this is exempt per 34.115A4. It's also exempt from disclosure so you don't need to do disclosure either. So number one is exempt.

Number two, a rehab project costing \$12,000 involving replacing a water heater and roof repair, but no paint or painted surfaces will be disturbed. So number two is also exempt because no paint or painted surfaces are going to be disturbed.

And if you wanted to go back later, you could look at the interpretive guidance at J10. And I just want to show people where that link is to the interpretive guidance. So if you were able to download the slides on slide number 48 is where we listed all the different resources and the link to the interpretive guidance which provides a lot of background information for questions and the answers can be found at this link.

Let's go back to our questions. All right, so number two was exempt and if you want to go back and look at additional information, you would look at interpretive guidance, J10. So number three, repairs must be done on a house after a tornado ripped a hole in the roof. Well, the answer

to this one is also exempt. So it's exempt as for 34.115A9 because it's an immediate danger and so this is an emergency type of repair that needs to be fixed.

So because the property needs to be protected from futural structural damage, it is exempt. It's also exempt if there's imminent danger to human life which is pretty likely since there's a big hole in the roof. So number three is exempt emergency repair. Number four, repairs must be done to fix a broken stair railing and deteriorated steps on the front porch as they are a trip or fall hazard.

So this one is not exempt to not consider an emergency and it's possible that we could be disturbing painted surfaces. However, if the areas to be repaired ends up being less than de minimis amount, then the activity will not require safe work practices or clearance. So number four is not exempt.

Number five, the maintenance work will disturb two square feet of interior surface in the kitchen and three square feet of interior surface in the living room. So this one is also not exempt because it disturbed painted surfaces that are greater than the two square foot de minimis. We have exceeded that de minimis amount because we are -- we have two square feet and three square feet so we're above -- we're adding those together and we're above the two square feet de minimis.

So number six, now, remember you have to take that gray bar and scroll down your page to be able to see the additional questions on the page. So number six, a mixed-use property in the 1960s is updating all of the kitchens in the property using CDBG funds and the update involves removing painted cabinets and ceramic tile countertops. So what are we doing here?

We're using CDBG money, it's pre '78 housing so the Lead Safe Housing Rule does apply to both the non-assistant and the assistant units. So if a project receives CDBG funds, the entire project is considered assisted and the lead-based paint requirements apply to all of the units. Now let's pretend we were using HOME money.

So this project was using HOME money, the lead-based paint requirements also apply to the entire project, irrespective of the designation of whether you have HOME assistant units versus non-home assistant units. All of those units in the project whether it's funded with home or CDBG, all of them need to be following Lead Safe Housing Rule requirements. So six is the Lead Safe Housing Rule does apply.

Number seven, a homeless shelter receiving HUD funds sets up beds each night in the living area that's used for services during the day. So the answer to this one is the shelter is exempt if it qualifies for the zero bedroom exemption. And the zero bedroom is defined in 35110 as any residential dwelling in which the living areas are not separated from the sleeping area.

So if the shelter is identified as a zero bedroom exemption, then it's exempt. If the shelter does not qualify for the zero bedroom exemption, then it is covered by the Lead Safe Housing Rule regulations. And you would want to look at the interpretive guidance question over K1. That's

where you can find more information for shelters that do not qualify for zero bedroom exemption. That would be interpretive guidance K1.

So number eight, family A receives three months of emergency rental assistance in unit 101. Family A moves out after three months and family B moves into unit 101 and receives rental assistance for two months. So the answer to this is the lead safe -- Lead Safe Housing Rule does apply to the unit. It doesn't apply to the length of time the family has resided, so we are following Lead Safe Housing Rule.

The 100 day time period applies to the dwelling unit, not the family. So the clock begins at the time the emergency assistance is first provided in a given unit and runs through 100 cumulative days. The Lead Safe Housing Rule does not apply to emergency housing assistance if it's under 100 days. And that can be found in interpretive guidance case six.

All right, let's look at number nine. A low income household is receiving HOME funds for down payment assistance on a condo built in 1995. Well, this one's exempt, right? Because you remember the Lead Safe Housing Rule is only applying to units built before 1978. This project was built in 1995.

So this is exempt because it was built after 1978. Lead was banned in residential paint by the Consumer Product Safety Commission in 1978. So all units built after 1978 are exempt from the Lead Safe Housing Rule.

And then our last question, question 10, a senior housing project built in 1975 is undergoing substantial rehabilitation using both CDBG and HOME funds. Well, this one is exempt because this is housing that's exclusively for the elderly. The senior housing, that's housing exclusively for the elderly; that's exempt.

We do want you to be aware though that it would not be exempt if there's a child less than the age of six that's residing in the senior housing, or is expected to reside in the dwelling unit. Maybe the grandparents have custody of their grandchild. They're living in a senior housing project.

Their rules allow them to have grandchildren live with them so in that case, then the lead safe housing rule would not be exempt because a child under six is residing or expected to reside in a dwelling unit in that project. So that's all of our homework. Les, is there any questions or things we want to expand upon in the homework?

Les Warner: I will just note that I went ahead and put the answers in the chat box.

Kris Richmond: Thank you.

Les Warner: So those are available for folks. And then we have a few questions that are coming in, and I'm just opening up. So there was a follow-up question about the rental assistance example and about the fact that there were two families in number eight. And the issue here is that the Lead Safe Housing Rule is tracking with the unit itself. So we're not looking at, okay,

family number one was only here for three months, family number two is being handled separately and counted that 100 day rule is based on the unit itself.

Which makes sense because, of course, the Lead Safe Housing Rule is concerned about the unit and the lead hazard so it would be part of that. For those of you working with the CDBG funds, you probably realize that the rule about the length of assistance that you're able to give with CDBG is actually based on that family and how long that assistance period is.

But the Lead Safe Housing Rule is really tied with that unit. That's a different way of counting on that. And that was -- we had two other questions about that. So I'm hoping that that has cleared things up. There is -- there was some guidance that was provided for rental assistance under CV.

I believe that you would find that if you went to the HUD Exchange, under CDBG, there is a landing page specific for the CV assistance, CARES Act, CV assistance and that guidance is posted there. And just as a reminder when we talked about it yesterday, the clarification that we received which was very helpful, was that the way this 100 days is being counted is beginning with that initial payment.

And so the clock starts with when the payment is made, as opposed to when the period of time that the assistance is covering. So we might make a payment [inaudible] now for a household that maybe already was in arrears before [inaudible]. We're not going to count that four month period when we're counting the 100 days. We're counting as of the date of that payment that's made, and then there could be a couple of subsequent payments under the rental assistance payment. And that would still sit within this 100 day exemption.

All right. We don't have any new -- additional new questions that have come in since then. I think what we'll do in the meantime, if I've gone back through yesterday's question and I wanted to revisit a couple of those. And we had a couple of questions that we didn't actually answer and so I want to make sure that we give you answers on those.

So one of the questions that was asked was, what is the definition of disabilities? I think that's related to when we were talking about the exemption for units that are specifically restricted to the elderly or disabled that those units were exempt unless we had in occupancy, a child under the age of six.

So I think the question about, well, how do we define disabilities is based on that. So there is a federal definition for disabilities, but I think that also may vary a bit program by program. The key issue here is that the building itself has been restricted. So it's not about, who are the occupants and whether they qualify as being disabled; you're not needing to do that.

You're simply looking to see, is this a building that has a restriction on the occupancy for those units. And so I think if you had with a particular program, you had some kind of documentation for that restriction that you had a question on, I think you would need to follow-up with your HUD CPD office and they could provide a ruling on that.

But the key is, it's not about who lives there, it's about how that building has been restricted on the occupancy before that. There was a question kind of a popular area of question has been about the de minimis rule and we had a question on the homework about that. And just a reminder, the way we're defining that where the two square feet of interior space is that, that is on any one interior room and that's going to be -- we talked about the, how you document that, and we suggested yesterday that you could arc out.

I've seen where people took painter's tape essentially and marked out on a wall where that work area was, take a photo with a ruler, should be able to document that. This is our basis for saying that this qualifies under the de minimis rule, and that would be something that would be maintained in your files to be able to document that.

We had a couple of questions yesterday about demolition. And the recommendation here, Karen put into the answer box, there is under the interpretive guidance, and I think on our resource list. Back up; I think there's a link here for that. Yes. So where the arrow is marked on this slide is the interpretive guidance.

And there is guidance and it's B -- if it's either 14 or 15, which talks about -- provides further guidance about demolition. In the specific question that we got yesterday, this person was talking about a project where they were doing what we would call under HOME or CDBG, reconstruction.

So instead of rehabilitating a particular unit, they've determined that it's better to tear the unit down and build a replacement unit. So even though the activity is going to be set up or listed as rehabilitation for CDBG or HOME, what we're doing here is going to be demolition and then new construction.

So we -- the guidance about, if we have a structure that is going to be demolished and it's going to be kept vacant, this is going to qualify under that because obviously we're going to move that family out when we initiate that activity. So our unit is going to be vacated and then it's going to be demolished as a vacant unit and we're going to replace that as, the interpretive guidance talks about making sure that you were following the appropriate guidelines about demolition.

And you may have some different guidelines depending on where you are in the country about how you deal with demolition debris. But generally it is going to be exempt from the Lead Safe Housing Rule because we are going to eliminate that unit, remove the debris from that site, and then we're going to build something in its place. Scroll down here.

So Kris answered a question with a question about, if a child is only visiting the senior unit, are they considered to be residing there? And so we define reside as where they sleep, where they spend most of their time, where their personal items are being stored. And so sometimes there will need to be a few additional questions to try to determine.

And we -- I mean, frankly in a lot of the programs that we're running when we're trying to determine eligibility and household size, we're already needing to document who actually lives in this unit as part of that. We did have some questions about TBRA and we are going to be

talking about our leasing assistance in our last session, but keep in mind that if rehabilitation is any part of the activity, then you will want to participate in the next two sessions which are covering the part J.

Typically, a TBRA program, whether it's HOME or continuum of care is simply making a lease assistance. They're going to be subsidizing rent for a period of time and so we don't have rehabilitation so we're simply going to be following some parquet [ph], which is our fourth session.

Let's see. So there was a question about, when we gave the example on -- in the exercise, I'm trying not to call it homework, but I think exercise [inaudible]. There was a question about a shelter that's being set up and saying that it would be exempt under the zero bedroom exemption.

And the question is, what if a child will be residing in the shelter? I'm not sure on this, whether that impacts that or not. Karen, do you want to weigh in on this one? And Karen, you might be on mute if you're talking.

Karen Griego: I just had to find the [inaudible] question first, get the participant link. Anyway, hi, this is Karen Griego. I work for Office of Lead Hazard Control and Healthy Homes. Can you please repeat the question?

Les Warner: So this was referring back to the exercise question where in the example it was, we had essentially an overnight shelter that was being set up with temporary beds at night, and then was used as a community room during the day. And we said that, if [inaudible] the zero bedroom criteria, then this would be exempt under the Lead Safe Housing Rule.

So our person asking the question has been thinking about, gee, are some of these other things such as the elderly exemption. We mentioned that, if their exemption goes away, if there's a child that's under six that is in that unit. So in this case, where we have sort of a zero bedroom exemption with the fact that there was a child staying in that shelter space, would that make that exemption go away? Would this still be exempt?

Karen Griego: I'm waiting for my video to come on. I think [inaudible]. It is as the regulation states, the exemption goes away if there is a child less than six living in that SRO. So, yes.

Les Warner: Okay. And in the case where we have -- in this example, which is probably not typical where we have -- what sounds like a temporary shelter which I would assume occupancy is in a very night by night, how do we test that? Is it based on, as we are looking at this project, who our current occupancy is? We don't have that sort of formal expect to reside test that we might in permanent housing, generally looking at the population itself, making a call?

Karen Griego: Sure. If I were to monitor for compliance with the Lead Safe Housing Rule, this particular shelter, I would be looking at the program, and occupancy guidelines, and policies and procedures of that particular facility. And if they only allow adults, then we're good, I'm fine. It's exempt. If it is silent on who comes in and stays overnight, that tells me that there is a distinct

possibility that there will be children with their parents or guardians that come in and stay the night, and I would assume then that the Lead Safe Housing Rule would apply.

Les Warner: Great. Right. That's very helpful. All right. So we also had another question about the 100 day requirement, and I'm just going to go back to slide 16. Not sure if that's the right slide, actually. We did have -- here we go.

Karen Griego: It's 21, slide 21.

Les Warner: Yeah. I'm there and I'm assuming I'm the -- yeah, I'm the presenter. [Talking over each other].

Karen Griego: Yeah. You are. I was flipping ahead. You found it.

Les Warner: All right. So let's revisit this slide. So this is what we were mentioning in the homework question and we'll follow-up. And this is really a hot button item because of the fact that we have all this CARES Act funding and people are doing a lot of rental assistance. So under the lead safe housing role under Subpart K, there is an exemption for the lead safe housing rule that is for assistance that is less than -- or up to 100 days.

And so if we had assistance based on the way we were calculating this, that exceeded the 100 days, then our exemption on this would go away. And then our fourth session, we're going to go into depth on what would be required under Subpart K which would be this evaluation inspection of painted surfaces, looking to see if there are lead hazards and then some kind of hazard reduction work being done.

So under this exemption, we would not have to make that inspection, that evaluation and corrective actions on this which is a big concern particularly when we are providing assistance to folks who are already in the units and trying to figure out how to deal with that. So the guidance that was received is that the way we're going to calculate that 100 days to determine, is this going beyond the 100 day limit on this exemption, is that we are calculating that 100 days starting at the point when that first assistance payment is made.

So it's at the time that that first payment is made and we know with rental assistance, particularly under COVID assistance, we are dealing with applicants who have multiple months that they're already in arrears. And so we could be assisting them for making a single payment, initial payment, that covers a number of months of prior coverage where they were in arrears on their rent.

But within the six months of payments that are allowed under CV, you could also be making several subsequent payments to bring them up to that six months of assistance. So when we're calculating, whether Subpart K will apply or not, we're starting that 100 day count at the point that that first payment is made. So if we're making -- this is May 20th, if we're making a payment today, that we're going to start at that point, counting number of days going forward with any subsequent payments.

But we might today be paying for February, March, April, and May rent, and so even though we have a four month rental period, we're making rental assistance payments on, we're only going to count that starting with today rather than going back. So that's a big help as far as how many units are going to fall under these requirements.

And we will if you're somebody that's listening attentively to this question because you realize it applies to you, you need to be clear on this, not only look at the additional guidance that has been posted on the HUD Exchange or CV, but also, I would recommend that you participate in our last session which is reviewing Subpart K so you would know if I have projects that exceeded this, what would the implications be as far as my responsibilities under the Lead Safe Housing Rule and compliance.

All right. Let me go back into the Q&A. I think we've covered everything that we have in the question box. So for the moment, I'm going to go back to the lists from yesterday. And then Kris, if we -- if you see something new, something that we need to [inaudible] or that we need to handle, just let me know and we will switch back.

Kris Richmond: Yeah, we did -- we just got a question about number four from the homework and I thought I typed it in. So number four, I think was the steps. We were working on fixing the broken repair step and railing, and somebody was asking -- I just lost the question. I'm sorry. They thought it was exempt because they said, well, what if the area on the steps is less than de minimis?

Well, if the area is less than de minimis, then the activity does not require safe work practice or clearance. But we don't know that because it could be a bigger area. There could be a larger area of disturbed paint depending on how big the steps and railing area actually is. Les, something you want to add to that?

Les Warner: Well, just that I think that's somewhat of a good example of it's sort of a tiered approach here where we're figuring out, okay, is this an activity that's covered under Lead Safe Housing Rule. And then kind of thinking about, okay, so what do we know about this unit is it exempt because it is exclusively for the elderly and disabled, is our -- what's our scope of work? Is it -- is this going to be exempt under de minimis?

So we're kind of going along and trying to analyze how this actually applies to that particular circumstance. So we don't have all the answers under this example to be able to handle that. That's interesting that question just popped up on my screen it wasn't there before, so okay.

All right. So a couple things that came up from yesterday, there was a question about, if we're converting a building to affordable housing, is it still going to be subject to the rule? So just keep in mind and there was a graphic that Kris showed yesterday about all the different activities and types of funding that fall under this.

So if we are using federal dollars for this project that's going to convert units to affordable housing, if we're going to do rehabilitation as part of that, then it's going to fall under Lead Safe Housing Rule and Subpart J. If all we're doing is acquiring it and it's going to become affordable

housing that we may fall under Subpart K only because we don't have any rehabilitation that's happening.

So it's going to follow with a funding source, the scope of the work, what we know about that particular structure. We would also have to answer the question of, if we're acquiring a structure and it was built after 1978 or later, then that -- that overall building might be exempt because it doesn't contain lead paint.

Let's see. There was also a question about with rehabilitation on a property and this is a property that sounds like it's in their portfolio. They're wondering whether it may have been rehabbed in the past and lead mitigation actually already been done on that property. So one of the things that we'll be talking about going forward, and I think Kris mentioned this when she was talking about issues or requirements or disclosure, is that if, as part of that disclosure process, we're going to let a potential buyer, a potential renter.

We'll not only disclose to them about the hazards of lead paint and give them some guidance on that. But also, we're going to disclose what we know about that property. So of the units within your portfolio, you're going to want to maintain file documentation on what's been done on those units.

So in some of the program training, you probably would have gotten over the years, we would talk about things like files retention policies, and after a certain point, you would be able to eliminate those files related to that. But you may want to -- I wouldn't say may, I would say you should hold on to the information that you have about that property, about the prior testing that's been done, any remediation or abatement work that's been done.

So not only you as an owner, understand what hazards might the property that I own present but also that may be the basis of an exemption for your property, and you would need that documentation in place. So think about that as you think about the disposition of files and information on this.

I thought it was also good just to note, there was a question about -- from someone who is leasing apartments for clients and they wanted to know, should they be assigning the acknowledgement of a lead-based paint information or should the client? So the issue here is that our disclosures are going to the resident of that unit.

And so if this were in a rental situation, we're going to make that disclosure to the tenant prior to them signing the lease so that they would be -- understand the circumstances for that unit before they made a decision about whether they were going to occupy that unit. I've got a note here about that I'm not quite as loud as you'd like me to be which is unusual because I'm a pretty loud person. So I've turned that up and I'm wondering, Kris am I sounding okay?

Kris Richmond: Yeah. You sound okay. I think sometimes when you're finishing an answer, the sound might be going down but I can hear you clearly now.

Les Warner: Yeah. That's probably a bad habit on [inaudible]. All right. Let's see. So there was a question yesterday which I thought was another good example of kind of thinking about what Subpart do we fall under. And so in this example, there was a continuum of care, tenant-based rental program that does not perform rehab as an entity itself. And they were asking whether Subpart J would apply if the owner does the rehabilitation.

And so when we talk about the triggers for Lead Safe Housing Rules if -- when we talk about Subpart J if any time when there's rehabilitation being done, it's rehabilitation with your funding. And so if the owner themselves chooses to do the rehabilitation themselves, it's not going to trigger Lead Safe Housing Rule.

Now, we did mention that the EPA requirements do apply whether there are federal dollars or not in the unit and so we'll have some requirements for that contractor under the EPA-RRP rule rather than the Lead Safe Housing Rule itself.

All right. [Inaudible] that there's anything further from yesterday's list. Let's see. There was a question, a couple of the questions that came in yesterday are things that are kind of jumping ahead into things that we will cover in really good detail. So there was a question about trying to figure out what level of hazard reduction or bait would be required and they were asking about the \$25,000 value.

And Kris had shown on the chart yesterday about level of treatment. So we're going to go into great detail in the next two sessions when we get into Subpart J and we'll be walking through the very specific details on how you make what level -- the decision on what level of evaluation is going to be required, and then what level of treatment.

So I would just recommend, hold on to that question, if we don't adequately answer it in our Subpart J question, I would encourage you to re-ask that question. I think it's going to be very clear when we get to that section of the training. All right. That's really what I have from yesterday's question that I think makes sense for us to revisit. Kris, anything you want to add here or do we want to give folks back a little bit of their day?

Kris Richmond: Maybe we can just show them again the different handouts because I think you had mentioned that some people said they didn't have the link, so hopefully they have the links by now and we can just go over the different handouts.

Les Warner: Yeah. So Kris showed this yesterday; this is a summary of a side by side of Subparts J and K and walking through based on level of assistance, what the approach is going to be for evaluation and then also what the approach on lead house reduction. Let me get my little pointer going here. So there we go.

So this is our hazard evaluation and then also our lead hazard reduction level. So depending on the level of assistance, we're going to be either dealing with paint surfaces that were disturbed. We could be doing interim controls, or we could actually be triggering abatement for that. And so you can see that there are differences then also in evaluation.

So we have paint testing, we have a risk assessment, and then paint testing and risk assessment based on levels. But under our Subpart K, it's simply a visual assessment so we're looking for unstable paint, surfaces, evidence that's a potential lead hazard such as accumulation of dust, chipping, peeling surfaces, that sort of thing.

So we will be exploring what could be going in to the details of these within this specific sessions where we're covering Subpart J which is our rehabilitation and Subpart K which is our session four.

There was a handout about the lead disclosure rule which walks you through the requirements when it needs to be done, a linkage for the attachment, I believe is part of that. And then we also -- this was kind of a description of the certification that's needed. So we often have a lot of questions that we'll be talking when we're in Subpart J and Subpart K about who is qualified to perform the work.

So if we do -- let's say we do a visual assessment and we determine that we have some unstable paint surfaces, this is laying out about who's qualified to do a visual assessment and then who would be qualified to do the clearance testing or the paint stabilization abatement work. And again, we'll go into detail on this and try to provide some examples of when we're doing those actual sessions. I think that probably covers it. Kris, anything else you want to point out here?

Kris Richmond: Somebody was asking about the exemptions. They were saying they didn't see any handouts on the exemptions. I know we have slides; I think it starts at slide 20 where we have the exemption and I was just double checking lead regulation. I think it's 35.1. I put my paper away so let me take that back out. Exemptions, I think I found at 34.115.

Les Warner: [Inaudible].

Kris Richmond: [Inaudible]. I'm confused on the exemption on the homework regarding \$12,000, a water heater and roof and led to believe that we need to test the entire house for lead-based paint and then take action on it if the exemption is saying we don't have to do that if we're not disturbing paint.

Les Warner: So Karen you want to take this one on?

Kris Richmond: Go ahead.

Karen Griego: Sure. Sorry about that. So for -- and we're going to go into great detail on this in the next two sessions in this series that focused exclusively on rehabilitation. If you know, there's a lot of nuances to this that immediately hit the eye or I'd like to say doesn't make sense, but once you hear what -- that the bottom line, it all falls together and it does make sense in terms of investment and protection level.

So and I think if -- and correct me if I'm wrong with the question and interpretation. If the project itself is replacement of a water heater period, you're using CDBG funds to replace that water

heater, and no other work at all is involved in that project. I'm assuming, I should hope that's a less than \$5,000 job.

So that's one thing to consider. The next thing to consider is obviously -- and it's a pre-'78 property. We'll just take that into consideration. But the nature of the project itself is such that no paint will be disturbed. I would take pictures just to be sure or to back yourself up, not just for lead-based paint purposes, but I'm sure those pictures could be served in other ways of documentation as well.

But in any case, replacement of a water heater, presumably does not disturb any paint at all, anywhere on that property, that project is exempt. And that's what I would be looking for if I were monitoring what's the scope of work.

Les Warner: Karen, I don't know if you can see the screen. But what I pulled up is the Subpart J summary, and so that -- I think that ties into what's the level of evaluation that's required based on our assumption that this is less than \$5,000, and then also what's our required lead hazard reduction. And in this case, it's repair surfaces disturbed and, in this case, our example is we don't actually have any painted surfaces that are being disturbed. And so that's the basis for our being exempt [inaudible].

Karen Griego: Exactly.

Les Warner: And so as Karen mentioned, we're going to be -- we're going to spend a lot of time on this in the next two sessions for Subpart J and walking you through what are the requirements and what's that process essentially on trying to decide, okay, what's required for this specific project, what's my evaluation, what's my level of treatment or hazard reduction that I'm going to be doing on this? So I think that'll be clear as you go through those two next sections of the training. Okay.

Karen Griego: Well, we got two questions, Les. Someone's asking, I'm assuming that replacing windows would disturb paint. How would you apply de minimis to this?

Les Warner: Well, again I think we're going to be following our requirements here about our level of evaluation. I would think that removing windows assuming that they are painted is certainly going to be disturbing painted surfaces. So then -- depending on what we're talking as far as that scope, we're going to be talking about how we define this level of rehab and what gets counted and what does not.

And so we have windows, if they're being replaced as part of lead hazard reduction work, may not be counted as part of the rehabilitation itself. I think let's kind of hold that question till we go through all the details of that because there's some things that are going to change what that answer might be.

Karen Griego: Great. And just to emphasize, somebody was saying, well, it was for \$12,000 not \$5,000 for the area that was not disturbing paint. It doesn't matter what the amount is. If you're not disturbing paint, then the rule does not apply.

You don't have to [inaudible] I think that was [inaudible] for lead-based paint and if you're not disturbing any paint, then we don't have to follow that. I think sometimes we get so down the road of what are the requirements that they forget that paint is one of the main words in this regulation. I don't see any other questions. It's been a really quiet group, Les?

Les Warner: Yeah. Well, I mean, I think a lot of the questions are anticipating because a lot of folks are doing rehabilitation, so hopefully that makes folks realize, yeah, I really need to participate in the next two sessions and we will hopefully as part of that, walk you through enough level of detail that you'll be really comfortable with and each example what's going to apply, what will not.

So I just encourage everybody to participate next week. For those of you that are brand new, it might be helpful to take a look at the handouts, maybe go through the slides in advance a little bit just so maybe it's not quite as overwhelming as we are going through this. But we will try to make sure that this is effective for everybody, whether you're brand new or you've been at this for a while. All right, Kris, I'm going to suggest we let folks go and we look forward to seeing everybody next week.

Kris Richmond: Right. Sounds great. Thanks everybody for joining us today. Bye.

Karen Griego: Thank you [inaudible]. Bye-bye.

(END)