Lead Safe Housing Rule Webinar Series, Subparts J & K

Spring Session 2: Subpart J - Rehabilitation Planning Phase

Wednesday, May 26, 2021

Kris Richmond: Thanks, Paul. Hi, everybody. My name is Kris Richmond. I am accompanied today by my colleague, Les Warner, and we also are fortunate enough to have some HUD staff with us today, Bruce Haber and Jerry Freese, answering questions.

So, today we are going to be reviewing Session 2: Subpart J: Rehabilitation Planning. Last week we went over the Lead Safe Housing Rule basics. So, if you missed last week, please go and access the recording so that you're brought up to speed. There's a couple areas that we reviewed last week that we're not going to go over today.

So, we have Subpart J in two parts. We're going to be talking about planning this week, and then next week we're going to go into construction.

All right. So, let's go over a little bit of the series overview. Like I said, last week we did the basics, and we identified the different subparts so you were aware of the whole Lead Safe Housing Rule. And we're really focusing on Subpart J: Rehab Requirements for today.

Next Wednesday, we'll get together and do the construction and clearance, and then the last week we're all together, we're going to be doing Subpart K, which is acquisition, leasing, support services, and operations.

So, we have a really short time together, but we want to cover a lot of material. So, the goals for today are so that you know how to calculate the costs, because we're going to go over these different categories of up to and including $5,000, over $5,000 to $25,000 and over $25,000. And how do we figure out what the dollar amount is? We're going to go over some calculations on how to do that.

We're going to talk about the three different levels of hazard reduction, those different category areas I just mentioned, how you're going to track project costs, what a risk assessment is, and how do you do project planning? We're going to talk a little bit about some of the notification requirements, and then we're going to review requirements for construction on contracting, final inspection, and clearance.

And I do want to remind everybody, try to focus on the slides and what we're talking about. It's a lot of information. I know, if you have a question, please go ahead and type it into the Q&A, but it's very hard to listen to Les and I and review the Q&A at the same time. So don't get distracted by looking at the Q&A. Focus on the training and what we're going over, and then tomorrow come back for office hours, because I promise you we will dive deeply into the questions that came in today.

We'll go over those tomorrow from the Q&A, any new questions that you have, you have the ability to type in during that time, and we're going to review the answers to the homework as well.

All right. So, this should look familiar to you, if you were with us last week. We showed this to you. It's not an exhaustive list, but it does show the current HUD programs that trigger the Subpart J rehab requirements. So, you'll see we have CDBG program. We have the HOME

program, Housing Trust Fund, HOPWA, Continuum of Care, the Self-Help program. So not an exhaustive list, but the majority of the programs that do trigger Subpart J.

I do want to alert you that the applicability of Subpart J is not dependent on the presence of a child. So, it's most likely that you are rehabbing a home. It does not have any children living in the home. We still need to follow Subpart J rehab requirements for Lead Safe Housing Rule. So, the applicability of Subpart J is not dependent on the presence of a child.

So, we showed you this last week as well, but just as a refresher, it shows you how the different rules need to be followed and how to meet full compliance. So, the Lead Disclosure Rule, this really is for acquisition and for leasing, but it's important for you to be aware of when we're doing rehab, because if you're rehabbing somebody's home and they're going to sell it, they need to make sure that -- for the subsequent buyer that they have to disclose any of these lead hazards that were found or lead hazard reduction work. Also, if it's a rental property, they're going to need to be disclosing to their tenant. So, it's going to be important for you to know about that.

Then we have our Lead Safe Housing Rule. Again, this is Subpart J that we're focusing on. It's for federally assisted and federally owned housing built before 1978. The elevated blood lead level amendments that came into effect in 2017 is not applicable to Subpart J. So, we will not be talking about the elevated blood lead level and what you need to do for that, because, again, not applicable to Subpart J, and that's what we're focusing on today.

And then we have our EPA RRP Rule, the renovation, repair, and painting rule. And this applies to any renovation, repair, or painting done by a contractor that disturbs lead-based paint, and this is monitored by EPA.

So, you see, we have our HUD rule and then we have our EPA rule and they're going to overlap. We'll go over what the requirements are for each of them when one is more stringent than the other. Les has some slides that will compare those as well, and we have handouts about that as well too.

So, just to give you a general overview of the steps, again, we discussed this in module one. This is a little more specific for Subpart J. So, first, we have this disclosure. We're disclosing any known lead-based paint hazards. This, again, is used for leasing or ownership acquisition but to take it into account, when this house is rehabilitated, if there's any renters, then that owner would need to disclose to those renters or if that owner eventually sells down the line, they need to disclose any of these hazards. So, again, it's just helpful to educate them about that.

And then we have our looking, and in Subpart J we use the term evaluation. And so, we might be doing paint testing. We might be doing a risk assessment. We might be doing a paint inspection. We're going to dive a little deeper into what those all are, but I do want to show you that we do have a couple handouts.

And this new handout that we put together is for workers and who can do a risk assessment. Well, it's a risk assessor. Who can do a paint inspection? That's a certified paint inspector. And

then on the second page of this document, it actually tells you where people can go to training or what kind of certifications they need to have to be able to do these types of evaluations.

Once the hazards have been identified, they have to be reduced or they have to be treated. And so, we have for up to and including $5,000, we're repairing. If some are over $5,000 to $25,000, we're doing interim controls, and our over $25,000 category, we're doing hazard abatement.

We're going to go into more detail about what those all are, but, again, super excited to show you that we have another new handout. And so, we have information here about repairs. If I go to page by page -- oh, sorry. If I go to page two, we have our standard treatments, and then we have abatement. So helpful, helpful handouts we're going to be going back and forth with.

So, moving on to clearance. So, after the work is done, we have to pass clearance. This is done by a visual inspection and dust sampling together. We do have the different categories of who can do clearance. You would look back again at your workers, and so we have clearance over here.

So, we have clearance can be done by a risk assessor. Clearance can be done by a certified lead-based paint inspector. And if you're doing any work that's non abatement, so anything that was in the up to and including $5,000 category or the over $5,000 to $25,000 category, those are non-abatement. That type of clearance can also be done by a lead sampling technician.

So, once everything is cleared, we need to -- I'm sorry. Let's talk about clearance. So, after the work is done, it has to pass clearance and has to be done by a visual -- oh, we said that -- inspection. Okay.

So, for telling, then we need to tell our residents and the owner in writing what lead hazards are found and how they are treated and cleared. And we're going to talk more about what those notices are. We have some sample notices as we go throughout the material today.

So, let's dove into some housing rehab programs. So, this slide shows the different types of federally assisted rehab programs that are affected by Subpart J, which is rehab. So, it's most pre-'78 properties. It's also owner occupied or single-family rehab. You might be using your funds to do multifamily rehab. Maybe you're doing acquisition and rehab. You could also be doing weatherization. Maybe you're doing disaster recovery or perhaps using CARES Act funding. So, all of these types of programs are triggering Subpart J for rehab.

So, this was discussed in module one, but just to revisit, there are times when the rule may be exempt. So, the first one you want to think about is, is this an emergency? Is it an immediate protection of life and safety that we need to do something? So, if it's a true emergency, then it would be exempt.

Things that are not considered emergency, disaster recovery. Disaster recovery is not considered an emergency. It's typically done much later after the disaster has happened.

CDBG emergency repair programs, these programs are usually more deferred maintenance than they are true emergencies. So that type -- if you're doing more deferred maintenance under CDBG emergency program, that also is not exempt.

If you're doing any projects where the repairs are not going to disturb any painted surfaces, maybe you're doing the roof and you're not touching any of the painted surfaces or you're doing a furnace, those would be except.

If you have a property that's going to be unoccupied until it's demolished, then the Lead Safe Housing Rule is also exempt as well.

If you have completed -- if you have a property that is lead free and it's certified to be lead free, so that means it was inspected and there is documentation to show that it's lead free, then that would also be exempt.

If you have housing that's exclusively for the elderly -- and I think our last class people were asking, well, what is the age of that? So, we we said so this exemption applies to properties that are exclusively for adults 62 and older, so that's what were considered elderly housing, or if you have housing exclusively for the disabled, then those are exempt.

Now, in this elderly housing or in this disabled housing, if there is a child under the age of six that's residing or expected to reside in any of those units, then it would not be exempt.

And then we have our zero-bedroom units. These are also exempt, but we have the same caveat for zero-bedroom units as we did for elderly and disabled housing. If you have a child under the age of six living in the zero-bedroom unit or expected to live in the zero-bedroom unit, then it would not be exempt.

All right. So, some grantees fund beautification or exterior repair programs. These are also not exempt. Typically, these programs fall in the $5,000 to $25,000 range, and when you're in the $5,000 to $25,000 range, you have to conduct a risk assessment. And the risk assessment is done of the entire unit, not just the exterior. So, you're going to have to take care of any interior hazards or deteriorated paint that is identified during that risk assessment.

So, want to make sure if you are administering an exterior repair program or some type of beautification program, to really take a look at how the program is running. If you end up falling into these different categories, that you're doing the proper type of evaluation and the proper type of treatment that needs to be conducted.

There may also be limited -- a limited exemption if a property is listed or eligible for the National Registry of Historic Places or contributing to a National Register Historic District. So, there may be times when you can use interim controls rather than abatement.

This has to be done in cooperation with the SHPO. The SHPO is the State Historic Preservation Officer. So, if you find yourself in this type of situation where you're dealing with historic properties, you can look to these other guidance documents, the Historic Preservation Brief 37,

also in the HUD Guidelines document in Chapter 18. We do have a link to the HUD guidelines at the end of the module. But also reach out to your SHPO, your State Historic Preservation Officer, if you're not quite sure what kind of treatment you need to do. If you don't want to do abatement, if you don't want to be removing types of items, they may allow you to do interim controls instead.

So, earlier we talked about exemptions, when the whole project is exempt because it's a certain type of category. There may be times when your project has a limited exemption for either a particular repair or for rehab work. So sometimes this is not found out until after the work specifications are developed. So, any kind of -- any work area that's below the de minimis threshold would be exempt.

And remember, our de minimis threshold is two square feet per interior space, 10 percent of a small component type, or 20 square feet for exterior work. So, the lead safe work practices are not required when minor maintenance or activities disturbed are less than the minimis level. So, again, sometimes you're not aware of that until after that work write-up has been completed.

We do want to let you know that the HUD de minimis level is more protective than the EPA RRP guidelines. So, the HUD de minimis level, as you can see here, is two square feet per interior surface. The EPA is six square feet per interior surface. So, if you have -- we're going to need to have RRP certified contractors. And when you find one, you're like, yay. I have my RRP certified contractor, but if they've never done a lead -- a HUD lead job before, they may not be aware of these different requirements.

So, Les is going to go over this a little later, but it's important for you to know there's different de minimis levels for HUD versus EPA. And see if I can find the handout here. We do have a handout. Give me a second. No. Maybe we didn't put the handout up today. Here it is. Okay.

So, this is one of the handouts that was available to you through the link where you found the slides. These handouts are here as well. And this is comparing the EPA rule to the HUD rule. And I wanted to show you on page two -- I think it's page two. Yeah. Here's the minimum threshold levels, and you can see two square feet for HUD, and it's six square feet for EPA.

So, again, if you're the person that's going to be hiring the contractor, it's going to be really important for you to look at this document and make sure you're aware of what the differences are. And, like I said, Les is going to go into this in a lot more detail. It's a couple more slides about that as well.

So, this slide shows the professionals that are typically involved in repairs and rehab. So, we have our program staff. This is the staff doing the intake. They're looking at the applications. They're making sure that the person is eligible to receive assistance through your program.

Then we have our inspectors or we have our compliance staff, our finance department. We have our specification writer. This might be somebody who's in-house, or you might be contracting without. We would like them to be qualified as a certified risk assessor, but it's not a

requirement. That's why we say ideally. And then, if you do need to do any training, that's also considered an eligible costs.

We like to have the specification writers to be certified because there are certain states where they may require the scope of work or the write-up for abatement work to be done by a certified abatement supervisor or a project designer. So, you want to check with your state to see if you have any other additional requirements for doing these types of work write-ups. So, we have a program stuff.

Then we have our traditional participants in rehab. These are our general contractors, our painters, our plumbers, our electricians, and we want to make sure there are general contractors. They should all be certified as an RRP at a minimum.

And our program staff is going to have to help our general contractors understand the requirements that apply to their work, and we're going to be need -- we're going to need to be using the lead -- the HUD lead language and the EPA language in our contracts, in our work specifications, and in different types of communication.

And then our program staff is going to have to locate our lead specialists, and our lead specialists are our certified paint inspectors, our risk assessors, clearance examiners, certified or trained lead contractors, abatement supervisors, and our RRP workers.

So, again, that's why I want to point you out to this handout where we have about the different types of workers, what kind of work they can do. And on the second page of this, it goes over all of the requirements, what kind of training -- I'm going to scroll down on this page. You need to scroll down as well -- where -- if I need abatement workers, what kind of training do they need? If I need supervisors, what kind of training? What kind of certification should I be looking for?

So, we have a couple slides in a couple minutes to talk about how you can find them, but you're going to need to be checking to make sure that they have the proper certifications in place.

All right. So, the lead hazard evaluation, or how we look, and the reduction activities, how we treat, depend on the levels of the rehabilitation assistance received by the project. And the level of rehab assistance is determined by taking the lesser of either this green box, which are -- or green circle -- sorry -- which is the per unit hard cost of rehab from all sources, including the owner funds, but excluding soft costs and lead hazard reduction and evaluation costs.

So, it's taking the lesser of this green circle or what's in this blue circle here, the federal assistance for all uses per unit. So, we need to determine the lesser of the hard costs of rehab from all sources per unit, excluding soft costs and any hazard reduction, or the total amount of federal assistance for all uses.

So, let's go. We have a couple examples in a minute, but you'll see here for the hard costs, we're excluding any soft costs or lead hazard control work. So, what do I mean by soft costs?

So, these are some examples of soft costs that are not counted in the rehab hard cost. So, there's typical staff costs that you would think of when you think of what a soft cost is, credit reports, legal accounting, engineering fees, appraisals, any kind of relocation costs, costs for environmental review, and then lead hazard and evaluation reduction costs.

We do want to let you know that cost of rehab that would have been performed if there was no lead should not be excluded. So, if you run a rehab program and you always pay for doors and windows, then those would not be excluded from your hard costs. If you never do doors and windows and doors and windows are being done as a result of a lead hazard finding, then those would be subtracted from your hard costs.

So, if a component replacement is attributed to the lead-based paint hazard reduction, then this carries with it a requirement to use personnel that's certified to perform lead-based paint abatement, even if the level of rehab is less than the $25,000 categories.

Let me show you this chart here. So, remember, anything over $25,000 is going to require abatement. If you are working on a project that's less than $25,000 and you decide that your -- that perhaps your doors or windows are counted as a lead cost, then you're going to need to have certified lead -- I'm sorry -- you're going to have to have lead abatement certified personnel to perform this because removal of the windows and the doors is considered an abatement activity.

So just keep that in mind as you're starting to think through how your program is designed, how the costs are counted, and then, again, what type of special certified staff or or contractors are we going to need to hire.

All right. So, let's try to determine what this level of assistance is. And let me show you again once more what do we mean. So, you think of big picture, what do I mean by level of assistance? You see this up to/including $5,000, the over $5,000 to $25,000, or the over $25,000. That's what I mean by a level of assistance. So, we need to figure out what this number is, and then you know which of these columns to go to to figure out what kind of evaluation we need to do, what kind of treatment do I need to do? So, this is what we mean by level of evaluation. Okay.

So, our -- remember level of evaluation is the lesser of the hard costs of rehab, all sources of the costs of rehab, excluding the soft costs and the lead hazard control costs, or the amount of federal assistance. Right.

So, for our first example, we have a single-family home being rehabilitated for $50,000. So, the rehab hard costs were $23,000. The lead hazard reduction cost is $27,000, and the total CDBG assistance that it's receiving, so the total federal amount, is $50,000 coming from the City's CDBG program.

So, let's look at this. Our federal amount of assistance is $50,000 and our rehab hard cost is $23,000. So, we want to take the lesser of the two, and the lesser of the two is $23,000. So, the level of rehab assistance is $23,000. So, if I go back to my chart, then I know since it's $23,000, I need to look at this middle category here to determine what kind of evaluation do I need to do; right?

I need to do a risk assessment and I need to be doing interim control. Okay. Or I need to -- here's my interim control. Or I'm going to be presuming and I need to do standard treatment. But I know that this middle category is the one that I need to be looking at because I did this calculation of trying to determine which was the lesser of. Okay.

Let's look at another example. So, again, same thing. We're doing single family. So, single family is the lesser of the hard cost of rehab, all sources, excluding soft costs and lead hazard control costs, or the amount of federal assistance. So, the family is participating in a rehab program -- rehab and refinancing program. The total amount of HOME assistance is $60,000, and the hard cost of rehab is $26,000. So, the federal amount of assistance, again, $60,000, the rehab hard cost is $26,000. The lesser of the two is $26,000.

And so, I'm going to be looking back on my chart here, and where would I find $26,000? So, anything over $25,000 falls within this last column here for Subpart J. We're not looking at this column today because that's Subpart K. And so, you'll see we need to do a risk assessment and paint testing. That's the same as $5,000 to $25,000, but my treatment is much more stringent.

I need to be doing abatement. It could be doing internal controls on the exterior surfaces not disturbed, but on the interior I need to be doing abatement. Other options, I could be presuming and I could be abating all applicable surfaces.

All right. So, those were single family. Now, if I'm working with multifamily, it's a little more complex. We do have a calculator -- a formula that needs to be followed, but we'll walk through it and so, hopefully, you'll be able to apply this in your own offices.

So, multifamily uses this formula. We need to determine the per unit hard cost. And so, we are first going to be figuring out what is the rehab hard cost for all assisted units, excluding common areas and exterior surfaces. So, that's our A, and we're going to be dividing that number by the number of federally assisted units in the project.

So, we take that number and then we add it to this other number we find. So, we need to be looking for the rehab hard cost for the common areas and exterior work, and we're going to divide that by the total number of units in the project. And then that is going to give us the per unit hard cost. And then once we have that per unit cost, again, we're going to go back to our chart, and we are going to be trying to figure out which of these categories are we going to fall into.

All right. So, let's try an example. All right. So, we have example three. A 20-unit property is going to spend $65,000 to rehabilitate the structure. The rehab is going to include $20,000 in hard costs for repairs to the exterior and common areas and $45,000 in hard costs for 15 HOME assisted units. So, what are you going to try to do here?

Here's our formula. We have our A over C plus B over D. So, let's pick this apart a little bit and see what we have. So, we have a 20-unit property. So, our 20-unit property, 20 is the total number of units. So, this is my D. Let's see if I can make a D there. Okay. So, I know 20 is my

D. And let's see. We are going to spend $65,000 to rehabilitate the structure. That number is not going to help me right now.

We're looking at the rehab. The rehab is going to cost $20,000 in hard costs for repairs to the exterior and common areas. So, the $20,000 is going to be my C. That's our rehab hard cost for common areas and exterior works. So, let's see if I can make a B here.

And then we have $45,000 in hard costs. So, remember my hard cost is my A, the rehab hard costs for all assisted units, excluded common areas and exterior surfaces. Okay. So, this is going to be my A here. Make an A. Yeah. There we go.

And we have 15 HOME assisted unit, and the 15 units are going to be my number of federally assisted units in the project. So, that's my C. Okay.

So, now, let's look down here. We have our A over C. So, our A is $45,000. We see we have the $45,000, and it's divided by C. C is our number of federally assisted units in the project. So, I have my 15 units here. So, if I take 15 into $45,000, I come up with $3,000.

And then we need to look at our B divided by -- or B divided by D. So, my B is the rehab hard cost for the common areas and exterior work. So, remember my B is up here. It's my $20,000. You see we have our $20,000 here, and then it's going to be divided by the total number of units in the project. And our total number of units was 20 units. So, we have $20,000 divided by 20, and that's $1,000. So, we take these numbers. We add them together and we come up with $4,000 of per unit hard cost. So, the answer is $4,000 of per unit.

So, when we go back to our chart, our $4,000 per unit would fall here, our up to and including under $5,000. So, hopefully -- I know that was a little fast, but, hopefully, that explained a little bit the different ways of how to determine the level of assistance, because last week we were talking about all these different categories, but we hadn't quite shown you how to get to those different categories.

Les Warner: Hey, Kris?

Kris Richmond: Now, hopefully -- yeah. Go ahead.

Les Warner: Since I think we've got time here, we've got a number of questions that -- and I think people are still struggling a little bit on this. So, you gave the example. We talked about the fact that costs that are related to the -- specific to the lead evaluation and treatment aren't calculated as part of those hard costs. But you noted about this fact that, if it's something you regularly do, and I think people were a little confused by that.

So let me just suggest -- so, for instance, if we have a property that we determined that the windows, which are friction surfaces, need -- the way we're going to address the lead hazard is to replace the windows. If we are specifically doing that based on how we're going to reduce the lead hazard, then that would not be included in the rehab hard costs. And so, that might be a big chunk out of your calculation that actually ends up not in your hard cost calculation.

But we have programs that would standardly, just as a rule, just go ahead and generally replace windows because of energy efficiency. And so, in those cases, we can't exclude that as a hard cost because it's really just part of your program operation as opposed to that lead hazard reduction part of that.

So, the paperwork's going to have to be clear showing that the reason I'm doing this is specific to the lead hazard reduction. So, we had a couple of questions related to that, and I'm hoping that helps.

And I think part of this need for the clarification is that we've had folks over the years that, in hoping to be able to avoid some of the level here, would say, well, let's just put everything in that column of, well, this is about the lead, and so, I'm just going to exclude that from the hard costs. And that's why there's sort of the need for clarification on this.

Kris, the other question that I saw that was -- that folks were trying to figure out, so we gave them an example for a single family. We also gave them an example for multifamily. And because we have definitions of multifamily in some programs that single family can actually include up to four units, I think they were a little confused about when would I use this.

My presumption is that we would use this any time we had more than a single unit. Do you agree with that?

Kris Richmond: I wonder if we should ask Bruce if he knows.

Les Warner: Yeah. That's -- so, Bruce, our quandary here is that, for some of our programs, at least, the definition of multifamily starts at -- may start at five units, that we, under some of our programs, could be assisting on a single-family unit that could be a four-unit structure. But our presumption here is that when we're calculating costs, the whole purpose of this multifamily methodology is to get averages.

So, are we correct that we would use this when we had a double or a triple unit to get to those averages?

Bruce Haber: Yes. This is Bruce Haber with the Office of Lead Hazard Control. I believe that would be true, but, of course, that's also predicated on both units being part of the project. So, if one project -- one unit is not having any work, it wouldn't count. So, you can have a four-unit building, only working in one unit. You would not divide it by the hard cost and the other units because there's no other additional work.

Les Warner: Perfect. Perfect. Okay. I think that will help a lot. Thanks, Kris.

Kris Richmond: Yeah. Thanks, [inaudible] and Les, for bringing that up. All right. Let's see. We were here. Okay.

So, I think now that you understand how to get to the different levels of assistance, hopefully, this chart makes a little more sense to you. We're going to spend a lot of time today and next Wednesday going into detail on what are these different evaluations, what are the different reductions, what is ongoing maintenance? And we're going to talk a little bit about presumption in a minute or two.

So, just to go a little more into detail here, you'll see the three different categories up to and including $5,000 if you are -- for your evaluation, you're presuming or testing disturbed or painted surfaces. For the treatment, you'll be repairing surfaces during the rehab.

For the $5,001 to $25,000 category, for your evaluation, you're either presuming or testing disturbed painted surfaces. You need to be doing a risk assessment, and then you'll be doing interim controls or abatement, if you choo, abatement is not required, of all hazards. And then, if you presume, you'll be doing standard treatments on all deteriorated and friction impact surfaces.

And then for over $25,000, again, you always have that -- a possibility to do presumption or you're testing disturbed painted surfaces. You're doing a risk assessment, and you're abating all hazards.

So just want to remind folks that anywhere lead is found or presumed, lead safe work practices, clearance, and lead hazard reduction notices are always required. And we're going to go into what all those different things are.

So, grantees will need to decide if they want to test or presume the presence of lead-based paint. And so, when the rule first came out, there were not a lot of lead risk assessors around or paint inspectors. So, it was kind of hard to get those types of people that had those certifications.

So, a lot of grantees did presumption, but now, it's a little easier to find risk assessors, paint inspectors. So, a lot of grantees will choose to do testing over presumption. But, again, it's up to your design and how you want to do this. So maybe in all your prior projects you've not found a lot of lead-based paint. So, then it would make sense to test because then, if you're testing and you're not finding any lead, then you would not need to follow these requirements. So that's one way to do that.

If you always found lead in your projects, then maybe you want to presume so you're not adding that additional cost of completing a risk assessment and paint inspection.

Here's the different things that need to be done. So, if you're presuming, you have to treat all the deteriorated painted surfaces, and you potentially could be spending funds to treat painted surfaces that do not actually contain lead. So that is one risk to take if you're presuming.

If you are in the category of up to and including $5,000, you have to repair all the painted surfaces.

If you are in the category of over $5,000 to $25,000, you're going to be doing standard treatments for the entire unit, and standard treatments are paint stabilization. So, you're repairing

any physical defect in the materials beneath the paint. This might be the wood. It could be the drywall, the plaster, the concrete. You also need to make sure you have smooth and cleanable horizontal surfaces. You need to be correcting any dust generating conditions. You have to do treatment of bare soil. Safe practices have to be used, and the unit has to pass clearance.

Or if you're in the over $25,000 category, you're abating applicable services. We need to make sure we're using our abatement contractors or abatement workers. Again, we're getting clearance and using safe work practices as well with all of these.

If you are presuming, you have to issue the notice of presumption. This is a sample of what a notice of presumption could look like. We do have a link here to this -- to the sample for the notice of presumption. This is going to be part of our tool kit. Our tool kit is still under construction, but I'm hoping in the next couple of months it will be available to everybody.

But if you are doing presumption, you have to provide this notice within 15 days of you deciding you're going to do presumption because people always say, well, when does that time clock start? Well, if you decide to do presumption on that day, 15 days after that, you need to provide this notice the presumption to the owners, and it's going to identify the location of presumption. And then you also need to be looking at the bare soil, the dust location, and other presumed hazards, both interior and exterior, such as windows, walls, outbuildings, porches, that type of thing. And so, this is for presumption.

If you are doing testing, risk assessment, there is a notice of evaluation, and that needs to be done within 15 days of receiving -- that evaluation needs to be given within 15 days of receiving that report, and Les is going to have some slides on the notice of evaluation. So, just depending on whether you're doing testing, you would give the notice of evaluation. If you're doing presumption, you would to the notice of presumption.

So, Les, that's my last slide. Are there other questions or other areas we need to expand a little bit before you dive in?

Les Warner: Well, we have quite a few questions, but I'm wondering, since a lot of them are related to evaluation, I'm thinking it might make sense to go into the evaluation session -- section of this, cover that and then pause and see if there are questions that we haven't reviewed as part of that.

So, Kris, do you think at this point, should we give folks a slight break?

Kris Richmond: Well, we've only been going for 45 minutes. Maybe we should go in a little bit and then stop.

Les Warner: Okay. Let's do that. Yes. All right.

So, Kris handled there the last section two, and were going through the steps, was talking about the disclosures that were needed. And now, we're really going to go into a little minor detail, and

she's introduced a lot of these concepts. But we're going to go a little -- dive a little deeper on the level of evaluation that's required.

So, Kris has taken us through that really important calculation of cost. So, we're figuring out, based on dollars, what level of evaluation is going to be required. So, for paint testing, which is up to and including $5,000, our evaluation that is required is really limited to the scope of work here. So, we're looking at painted surfaces that are going to be disturbed, and that's kind of the key here. We're not looking at the total unit. We're looking at specifically surfaces that are going to be disturbed.

So, for instance, we had a question that came in that was asking about replacement of a sewer line. So, depending on the path of that sewer line and where it's -- assuming it's coming into the unit, we're going to be looking at all of the areas that are part of that scope of work to see if there are any painted surfaces that will be disturbed as part of that.

And so, if we have painted surfaces that will be impacted by this specific scope of work, then we have two options. We could do paint testing, and so we could actually remove paint samples and send them to the lab, or we could use an XRF analyzer. We're going to talk about that in just a moment, but it's essentially a machine that will test the surface and the substrate and determine whether what we're dealing with is lead paint or not.

And so, if we're testing, we then may be able to determine that, yes. I'm disturbing some painted surfaces, but as it turns out, none of these actually include lead. And so, we would then not have to do safe work practices and all of that.

We could, in this case, choose to, instead of bringing in testing, to simply go ahead and make that presumption that those painted surfaces that we are impacting do contain lead, and we're going to treat them as lead-based paint. So, we're going to use safe work practices. So, we would not be doing dry scraping and other things. We would treat this appropriately. And then, of course, we're going to do clearance testing as part of this to make sure that we have not created a hazard as part of that work.

So, that's for up to $5,000 dollars in our hard cost calculation that Kris was showing us earlier.

So, a risk assessment -- let me get my pen back working again -- is when we are doing $5,001 up to and including $25,000. So, and when we gave the example about some costs might be excluded, such as if we're replacing windows and doors in this unit and it's really related to the lead assessment on this, we then sometimes find that that calculation of costs suddenly puts us down below the exceeding $25,000. And so, this can be an important calculation on whether we are actually doing a risk assessment and then interim controls or whether we actually end up having to do a full abatement.

So, in both the $5,000 to $25,000 and $25,000 or more, we're going to do a risk assessment as part of this. So, we're going to be looking at not only our scope of work where we're going to be working, but we're also looking for signs of deteriorated paint, of dust and hazard generating

friction surfaces. And as Kris mentioned, we'd be looking for things like bare soil. We might, as part of that -- it's optional -- be testing the water as part of that.

So, for interim controls, if we -- our level of evaluation is going to be a risk assessment, and so, based on that risk assessment, then we'll be doing interim controls. And that would be done if we're doing rehabilitation, and we're going to be disclosing that as part of -- we might be doing a acquisition, rehabilitation, and then sale. This would all be triggered as part of that.

And so, what we will have as part of our risk assessment will be an evaluation that will lay out -- and we'll look at sample reports, which will lay out where there are hazards within that property and provide some options for the interim controls that need to be done as part of that process.

We're not going to be talking in this section about environmental investigations. Those are something that are specific to some of our other subparts when we have a child with an elevated blood lead level. But that's not something we're going to be talking about in this specific section. Let's clear those.

And then for our lead-based paint inspection, we're going to be looking surface by surface, and we'll be talking in a minute about using an XRF machine is probably the most common methodology that we're using for that. And that, as part of an abatement process, will, again, give us our -- identify all the surfaces that include lead or where we have a dust being generated as part of that creating a hazard. And that will be used as part of determining what our final scope is going to be as part of that.

There is a handout that may be helpful on that which kind of walk you through those requirements. And so, when we mentioned about the presumption of lead paint, that means that, if we are not then going to test those surfaces, that we would then have to treat that surface as if it included lead paint.

I'll just mention from the programs I worked with early on, a lot of folks were doing presumption of lead on the single-family housing projects that we were working on. And we did some comparison over time and found that, when we actually did the testing and determined whether we had lead paint or not, that we were -- if we had done a presumption, we were going to be doing more costly treatment because we were presuming it was lead paint. And in a lot of those cases, we found there was sort of limited surfaces.

So, again, I think Kris's recommendation about kind of know the housing portfolio that you're working with and the likelihood. And so, in some cases where it's really a good presumption that we're going to have most all of our surfaces -- painted surfaces are going to include lead, then maybe we go ahead and do the presumption. But in many cases, programs, when they did that sort of side by side, determined that it was better to actually do the testing and only then be treating based on lead where we actually had lead as part of that.

So, if we're doing the presumption, then we're going to have to follow that treatment for all of our painted surfaces.

So, let's talk about our standards for dust. So, we're going to be looking as part of our risk assessment at not only painted surfaces are going to be disturbed, but we're also looking for hazards, and that includes things like evidence of dust and also of bare soil.

So, for dust, we have new standards that have been put in place in 2020 based on -- and HUD defers to the EPA standards. So, they become more stringent. So, lower levels of dust are considered a risk. So, you can see when you compare to the old levels versus the new, we've reduced significantly for both for the carpeted floors, for hard floors, and also for interior windowsills.

So, one of the things to keep in mind is making sure that your risk assessors understand and are using the correct standards in place and so that they're following that as part of that. And we -- I know we talked with folks a year or so ago who were trying to make sure that their labs actually were testing to the correct standard on this.

Now, we will mention that in cases where we have an EPA authorized state that has lead paint programs, that there is a -- they have until January 6th of 2022 to update those standards in place. Also, keep in mind that those state programs may have adopted more stringent requirements.

So, there is a link at the bottom of this page that I would encourage all of you to utilize to check and see whether you're working in an EPA authorized state and make sure that you are aware of those state specific standards. And so, where we have more stringent standards that have been adopted either locally or by the state, then you'll have to follow the more stringent standards as part of that.

So, I will just note that the clearance levels in our standards have not yet been updated to match and that we expect that those clearance levels will be -- or clearance standards will be updated by the EPA and match these levels on our testing standards for this. Little bit of lag time on that.

So, we mentioned about paint testing. And so, I wanted to help folks who are not familiar with this. So, we could be doing a manual paint testing where we were going to remove sample paint chips. And so, I know when I took some of my early risk assessment training a long time ago, we were marking off sample sites and then carefully removing chips and they could be sent off to a lab for testing to determine whether that was a painted surface that included lead.

But probably our faster and more common methodology is to use an X-ray refractive fluorescent machine, which just get referred to as XRF machines. And so, they're essentially taking an X-ray of the surface and the substrate below that and determining whether we have lead paint.

And so, as part of a risk assessment, there would not only be a visual review of that property and looking for evidence of dust and friction surfaces, but we would also be then using the XRF machine to actually test and determine, okay. We might have friction surfaces or impact surfaces like door frames, but with our XRF machine, we might test them and determine it doesn't include lead paint. And so, we would not have to be treating them to reduce lead paint hazards in that case because we had testing results to be able to demonstrate that.

So, the benefit of the XRF machine is that we very quickly are able to make those determinations, and it not only is measuring the surface but also the substrate as part of that.

And so, when we're doing a risk assessment, then our requirement is -- and so a risk assessment is both a requirement at our $5,001 to $25,000 dollar level but also at our over $25,000. We would be doing our evaluation would include this testing of paint and evaluation to determine whether we actually have lead paint as part of that.

So, the challenge, as Kris mentioned, has been to make sure that we had appropriately trained individuals available to us, and we have a handout here and some links that will be really helpful for us. So, in the early days of the Lead Safe Housing Rule, we were really working really diligently to try to build the capacity in local communities and struggling to have enough certified contractors and workers and risk assessors and clearance technicians.

In this case, I think we have a much better supply. But as part of putting together a program that was going to trigger the Lead Safe Housing Rule and fall under Subpart J, we need to make sure that we have the appropriate skilled staff or contractors that are available for us.

So, part of doing that might be to put out an RFP or an RFQ, so that's a request for proposal or request for qualifications, so we could, if you were falling under federal procurement requirements, that you were a CDBG or HOME grantee, for instance, if you were going to hire those services to be completed for you, you would have to follow federal procurement requirements.

So, you would be doing an RFP or RFQ and seeking appropriate certified skills to be able to do that work. And so that would be completing the risk assessment. You need someone to do perhaps inspections and then the clearance testing for that. And so that would be something as part of the planning to launch a program that you would need to make sure that you have those in place so they were ready to go.

Depending on the scale of your program, one risk assessor might not be enough. And so, thinking about, what's the scale on my program? What are my staffing levels that are needed?

In some cases, that's being done in-house. And so, we could have staff that has received appropriate training, that you would have appropriate equipment in place to be able to do that in-house. But it is also an option and probably kind of common to see that that would be contracted out as part of that.

So, we also need to make sure that we have appropriately trained contractors, paint inspectors, risk assessors, clearance technicians. And so, what we've provided here on this page are links -- and we'll show you some screenshots of those -- to be able to locate what certified renovation firms were in your area, also where there was training available.

And so, in some cases -- and I think Kris mentioned this a little bit. In some cases, what you'd be working towards would be getting your contractors that are doing the general rehabilitation for your program to get the training and become certified renovation firms so that they could

complete not only the lead hazard reduction work but also could do -- the same contractor would be able to do the renovation itself. And so, we have links to the EPA homepage where we can find some additional links for that.

One other option would be, particularly if you are starting a new program, you might look to other communities, recipients of CDBG and HOME. So, that might be a city or county government that is receiving funding. And we have a contact list to be able to look up who in your area is a CDBG or HOME grantee, because they would, if they're running any kind of rehabilitation program, would already have to have identified contractors in your area that have those needed skills.

They also may have collected over time some information about who is -- has a good track record, who are we currently working with. That may be helpful for you also.

And then in some areas you may have -- you may be receiving HUD lead-based paint hazard control funding, and so those grantees would already have existing programs and would have either in-house capacity or have identified vendors in the area. And so those are the important resources for you.

So here are the screenshots, and so as you're pulling up the page to be able to look for certified renovation firms are also for sampling technical entities, you would simply be designating which services that you were looking for and then the distance on that. And they will then be able to pull up any firms that meet that criteria. And so, you may need to adjust, do it a couple of times depending on the distance that you're looking for. But that is a really helpful resource if you're needing to identify or maybe to build the group that you currently have.

Also, if you are working to try to get your existing pool of contractors to get the appropriate training so that they could become certified, we've also provided a link. And this is either to -- with the initial to seek that certification, but you also might need -- have folks who need to take the refresher course to maintain that certification. And then this is for either renovation or as a dust sampling technician.

And so, again, being able to set the parameters on this would give you access to listing of contractors that were currently within that criteria.

So, keep in mind that the Lead Safe Housing Rule has incorporated the EPA regulations. And so, as those regulations are adjusted and updated, that essentially will automatically update what the HUD standard is going to be. And so that's an important change that was made to kind of streamline this process rather than HUD having to go back and amend its information, its requirements each time EPA made a change to that.

Now, keep in mind, as I mentioned, that individual states may have adopted more restrictive requirements. And so, it will be important to have looked and keep an eye on you’re -- the state within your working in and making sure that you are following that current guidance.

Let's look just quickly at the handout that's mentioned and, as Kris mentioned on these, on any of the handouts, when we're looking at them, you'll have to do the scrolling itself on the page.

And so, I think Kris showed you the front page of this and mentioned. So, listing out for -- information about where we have a requirement for training on this. And so, if we're going to be doing a repair, paint stabilization, interim controls, we're going to have to have a contractor, a firm that has the RRP certification.

If we determine that the level of treatment is going to be abatement, then our workers and our contractor or supervisors will have to have the appropriate training as part of that. And so, depending on the type of hazard reduction work or abatement that's being done, as you are assembling a team of contractors and appropriate staff qualifications, we'll have to make sure that we have appropriate certification in place.

So, we mentioned about up to and including $5,000 that we could be sampling paint itself. We might be using an XRF machine. We might be sending out samples. But for our above $5,000 to $25,000 and $25,000 or above, we're going to be doing a risk assessment and so needing to have the appropriate information or certification in place.

And so, as Kris mentioned, there's also the backside of this handout provides some additional specifics about each of these levels and what would be required as part of that.

And so, specifically, I would just want to point out that for abatement workers themselves, they need to be supervised by a lead-based paint certified supervisor as part of that requirement.

All right. So, let's talk -- we kind of introduced the topic of what a risk assessment is, but we haven't really talked about the detail. So, for a risk assessment -- and we are doing a onsite investigation. We're trying to look for all the sources of lead-based paint hazards. And so, this includes a visual inspection, and this is not only looking for deteriorated paint, but we're also looking for friction and impact surfaces. We're looking for evidence of dust, which would be evidence of a potential hazard, and also, where we have bare soil, we may have a hazard there.

So, we would be then taking sampling. So, we'd be analyzing paint to determine whether it includes lead. We might be taking samples from the soil to determine whether we actually have soil contamination. So, for instance, let's say we have bare spots in the lawn or let's say we have children -- some play equipment and we've got bare soil.

If that soil is contaminated with lead and it exceeds our acceptable levels, then this is presenting a hazard. And so, our risk assessment is trying to determine where we have -- on this site where we have hazards, and then that becomes part of our determination on the scope of work that's going to be completed to address those hazards. And so, our risk assessment is going beyond.

We talked about under -- up to $5,000 where we were only looking at the scope of work. And so, we were looking at where we had impact on those painted surfaces. We used the reference of the sewer line, and maybe we are impacting walls or flooring as part of that. But in this case, we are including a visual assessment and looking beyond just that particular to also look for hazards,

including friction and impact surfaces, looking for evidence of dust, looking for evidence of bare soil.

So, because the dollars that are being spent are larger, then we are doing a higher level of evaluation for these properties. So, we're not only trying to make sure that the work that is completed is done in a safe manner so it's not creating a hazard, but we're also looking for existing hazards to ensure that those are addressed as part of the work that we're doing.

So, our risk assessment report is going to give us quite a bit of really useful information. And so, it's going to include things like it will -- it will include detailed information about not only the visual inspection but also where we did testing on each of those painted surfaces. So, as we use our XRF machine, that risk assessment report will list all of those surfaces, the sampling throughout that structure where that was completed.

As part of that, it will also have a description about location type and severity of the hazards that were found. And as part of that, then have a description of the interim controls or the abatement options that would be suggested as part of making corrections to that.

And so, this does not give you the specifications necessarily to be able to put into your scope of work. So, we've determined that we're going to do a rehabilitation for this person's home. We're bringing it up to the property standards that are required under CDBG or HOME. But as part of this, because we are triggering a risk assessment, we're also then identifying potential hazards throughout that property.

So, our scope of work will then be updated to also then include any of our interim control or, in the case of abatement, abatement actions that are going to be done as part of that. So, we could -- our risk assessment is an important starting point for that. And with those summaries and suggestions about interim controls or abatement that may be options on how to address that, would be a good starting point for then developing those lead hazard reduction or abatement specifications for that.

We have a sample here, a link for a sample to look at a risk assessment report checklist, which may be helpful for you.

So, as part of this, we've always mentioned that that notification process is really important. So, we're going to be -- in the case of single-family rehabilitation, we're going to be notifying the owner. But in some cases, we might have that single-family unit. It may be occupied by a tenant rather than the owner or maybe it's a multiple. We've got a double and one side is the owner, one side is the tenant. We're going to make sure that they are notified about the outcome of our lead hazard evaluation.

And so, we're either going to be letting them know that good news is there's no lead paint or hazards that were found as part of our evaluation on this. And we're letting them know what the level of evaluation was done that was completed as part of this. Or in the case of we have identified lead-based paint hazards, then we're going to be providing them additional details on that.

And there is -- this link provides you a sample report and shows you essentially what that level of additional information that would be provided as part of that disclosure. So, we want to make sure that the occupants of those units, the owner of that unit, also would be aware of what those results are.

We do have a requirement that that happens within 15 days. So, the trigger for the start of that clock is at the point that you have received that risk assessment or paint inspection report, you would then have 15 days to get that information to the owner, to the tenant. And you're going to want to have evidence within that file to document that that occurred.

So, generally, with that report, there would be a requirement that the owner sign for that. In some cases, if we have a multi-family structure, we might be posting that report. And so, as part of that, we would have documentation of when that was posted and I would think a photograph of that so that you would have documentation that you met this requirement on notification on that.

So, if you're starting out putting together a program plan, you may want to think about having a standard process in place, having a tear-off signature receipt that would be part of that.

So, our requirements on that notification is, if we have a single-family building, then we would be providing that report directly to the homeowner. As I mentioned, if we have a unit that has a tenant occupying it, we would also need to make sure that that tenant received the notice of evaluation. And, again, we want evidence of that.

If we have a multi-family building, we have options here. We could distribute it to each household and then we would want to have evidence of that distribution or we also could post it in a central location. So, for instance, if we have a main entrance or we have maybe lobbies of each building where they would be getting their mail or where they would be entering, then you could post it there.

In some multi-family projects, having a central location where all residents were likely to see that posting, it may not work in those properties, and then so, in that case, probably doing that distribution for each household is going to be -- make sense on that.

Keep in mind that the full evaluation information is something that is a public record. So, we could provide a notice to the households and they could say, I want to see the full notice and report, and you need to make that available to them, if requested. And, again, we have a 15-day timeline to make sure that that notification process has happened.

So, this last section we've been talking about evaluation. Now, we're going to switch gears and talk about hazard reduction. Before we do that, Kris, do you think that we should pause and talk specifically about questions on the evaluation part of this, or shall we proceed into hazard reduction?

Kris Richmond: We can -- have a couple questions. A really good question that came in was asking how long is a lead-based paint risk assessment good for before a new one is needed? And

Jerry had let that person know that the inspection part of the report does not expire, but the assessments are generally accepted up to a year before requiring updating. And they should make sure they check their local laws to see if they have more stringent requirements. So that was another question that came in. Go ahead.

Les Warner: No. I was just saying that's a great question.

Kris Richmond: Yeah. And then somebody was asking about a risk assessment. "Would you really do a full risk assessment without knowing where the lead is? It makes more sense to conduct a paint inspection first."

And we were saying, if you presume all painted surfaces contain lead-based paint, an assessment can be conducted based on that assumption. So, a paint inspection is preferred to pinpoint the locations.

Bruce Haber: Yeah. And, Kris, this is Bruce. I'd like to add to that just a touch.

Kris Richmond: Go ahead.

Bruce Haber: For a risk assessment, you are doing paint testing but only of those surfaces that can be considered a hazard. So that would be deteriorated paint but also impact and friction surfaces because a part of the hazard evaluation, you're trying to determine if those surfaces are lead, even if they're intact. And then you'd have to do dust sampling near them to see if they're contributing to a dust loading on the floor or windowsill or other horizontal surface.

So, a risk assessment does include some XRF testing. It's not testing of all painted surfaces. Now, the nice advantage of a lead-based paint inspection is that information is good for the life of the building and it can be used for any subsequent renovation work. Any contractor coming in can be provided that, and they would know what is and is not lead-based paint. So, an important differentiation between a risk assessment and a paint inspection. So, thanks for letting me interrupt.

Kris Richmond: No. Of course.

Les Warner: I think an important note on this, particularly for multi-family buildings, is holding onto that information and those records so that it can be referenced over the years, knowing what the testing results were and also what work has already been done.

Bruce Haber: Yes. Good idea, Les. Thanks.

Kris Richmond: Yeah. And somebody else is asking about -- because we've been talking a lot about impact surfaces, "What is an impact surface?"

And we had mentioned window frames, where they contact the sash, door frames and doors where they contact each other, baseboard, trim, that's some examples of impact surface.

And somebody else was asking, they said they had some technical difficulties, and they weren't sure if they missed you discussing the differences between abatement and regular treatment. But that's what you're just about to get into that. So, I think that's a good place to start.

Les Warner: Yeah. That's where we're headed. All right.

So, once the evaluation has been completed, then we also have a second step of determining what the level of treatment will be. So, we've mentioned where we have up to and including $5,000, then we are looking specifically at just those surfaces that are being disturbed during the rehabilitation. So, we have a much more limited scope when we have a small budget, and so we are specifically looking then at those surfaces that are being disturbed.

So, for our interim controls -- and I would think for a lot of folks, this is probably where the bulk of our programs tend to fall, at least with CDBG and HOME, which are kind of large rehabilitation components, that we tend to see these be in this category of $5,001 to $25,000.

And so, as part of this -- our hazard reduction is going to be based on controls that are put in place to try to reduce the hazards or exposure that are put in place. So, we are not doing full abatement. We're not requiring a permanent either removal or containment of lead. But we are doing a hazard reduction. We're putting controls in place which are going to reduce to an acceptable level the exposure to lead-based paint hazards.

And then for our projects that exceed $25,000, we are now into a category of abatement. And so, with that, we are looking at permanently eliminating those paint hazards. So, that might mean that we are removing those components that include the lead, but it also -- and I think that sometimes when people think abatement, they think, oh, it's all been removed from the property. It also could be permanently contained.

So, we might have mechanically attaching -- let's say we were going to be drywalling over it or we were on the exterior going to put Tyvek and siding on the outside. So, we're going to permanently contain where we have lead. It hasn't been removed from the structure, but we now have a methodology that long-term provides protection.

So, let's see if there's anything else. I think that handles that.

All right. So, related to this, I want to show you again the handout on treatments. And so, we have for our standard treatments for $5,000 to $25,000, this will include then correcting dust generating conditions that Bruce was mentioning. If we had bare soil, we might be doing things like mulching or planting grass to be able to protect from any further contact on that.

We might be taking a deteriorated surface and working on it to stabilize that paint and provide a smooth cleanable surfaces as part of that. We're always going to be using lead safe paint practices as we're doing this, and we're going to do clearance testing. So, to know that we have acceptably done this, we are going to be doing clearance testing as part of that.

So, who can we use to do the work? So, they need to be an RRP certified contractor and renovator. If we are doing abatement, we'll have a higher level, but we could actually be using abatement workers and abatement contractors for our interim controls. But we do have the option under interim control to simply be using an RRP certified contractor and workers.

When we get to -- let me clear these. A little easier to see.

When we get to abatement, so that's at $25,000 -- over $25,000 or more, then we are making -- we're doing permanent solution. So, this is where we talk about either removing the lead paint or we're going to have controls that have a 20-year life expectancy.

And so, in this case, our evaluation, again, is going to be a risk assessment. And this would apply for rehabilitation, probably not for tenant-based rental assistance where we are just putting in assistance, but in the case where we had an EBLL child and so we're doing corrective actions as part of this.

But as part of this, then we're either going to remove the lead paint and the dust. We might be doing permanent encapsulation, and we're going to, of course, do clearance, follow the lead safe housing work practices as part of that.

And so, in this case, because abatement is a higher standard of treatment, our standard for the qualifications for those workers is higher. So, in this case, we specifically have to have abatement workers and an abatement contractor in place. And so, we need to have -- the workers need to be supervised on that site as part of the work that they're completing. And so that may be a useful handout for you to refer to.

And so, again, these are our levels of treatment that we're determining based on our evaluation.

So, for the planning on this, thinking about what part of this is going to be completed by the program staff, what part of this is going to be completed by someone working on behalf?

So, as part of the -- any of our projects, we're going to have to have evaluation work done. We're going to have specifications that will need to be completed for this. And so, thinking about whether your in-house staff are going to be able to complete that or whether we're going to contract for those qualifications.

I mentioned that the specifications for the hazard control work could be done. We could hire a risk assessor to be able to do that, and a risk assessment report is going to, of course, have identified what that scope of work needed to include, where those hazards were that needed to be addressed, and some suggestion about potential treatment for that.

But the scope of work, those specifications that you're going to use as part of your bid documents, will need to include that level of detail so that contractors bidding on that will know what they're going to need to do as part of that. So, thinking about who's going to do the work and that includes who's actually going to do the rehabilitation.

So, in some cases, we might have a general contractor who is going to complete the non-lead hazard reduction or abatement portion of that work. But we would hire in separately a -- an RRP contractor or an abatement contractor to do that work.

So, in those cases, we would be staging our work. So, we might have our certified lead contractor that's coming in removing components, doing our interim controls, our abatement as part of that. And then once that's been completed and clearance has been attained, turning that property then over to a general contractor. And so, thinking about how -- what's my plan on this?

If I was -- particularly if I was working in a multi-family project where I had identified that I had some standard components throughout that structure that were going to include lead, I might simply bring in a lead hazard control or abatement contractor, have them do that work, and as they completed that, be turning over then those units to the general contractor.

I think more commonly in single-family rehabilitation, we're probably going to seek contractors that have the appropriate certification to be able to complete not only the general rehabilitation but also the hazard reduction work.

So, Kris was talking about kind of thinking about what do you standardly see in your projects. If you are generally running a program that almost everything you do is turning out to be in that interim control category, then maybe your goal is to have your contractors that are participating in your program have the appropriate RRP certification for them and their workers so that, as you are doing procurement for these, you are reaching out to those -- that level of qualification of contractors and they will take on the whole job.

So, thinking about who's going to do that work, if we're going to have two different contractors, the sequencing on that, and then also, our third thing to think about here -- and we'll talk more, I believe, next week, is thinking about for the occupant.

So, in some cases, we're going to have work that is done that is going to require that those occupants be removed temporarily from that property. So, part of our planning is to determine whether our occupants can stay in place. And that's not only for the occupant occupying that property but also thinking about their possessions.

So, if I require a household to be temporarily somewhere else for a couple of days while I do some work in a couple of places within their home, we have to think about, will that work cause contamination of their possessions? And so, part of our planning may be thinking about not only relocating occupants but also how we move possessions so that they are protected as that rehabilitation work is being done.

So, for our contractor selection, we need to make sure that we will have appropriate qualifications in place. And so, as part of our procurement process, our contractors would be required to provide evidence that they had appropriate certification in place.

So, for instance, if the job is requiring interim controls, we would have that company submitting showing that they have received the training and that they've been certified under the RRP

program. And so, that certification generally looks like a driver's license that they would have in place. There would be a photocopy of that that would be provided as part of their submission for that. Also, that would include photocopies of workers' certifications on that.

If our job is requiring abatement, then we would need proof that we had a abatement firm and abatement workers, supervisors in place for that. And so, that becomes part of our procurement process to request that those bid packets also include that appropriate evidence. So, that means that staff, in going through that procurement process, will have to incorporate into your review process reviewing those, making sure that each of our bidders has provided appropriate documentation. And that's part of your approval process.

So, keep in mind that our certification is being essentially handled under the RRP program, and so we mentioned that with state programs, that our standards may be more restrictive. So, make sure that we are following what the locally applicable requirement would be.

And we -- again, we showed you this handout that showed the qualifications that need to be in place depending on the type of project that you're undertaking.

So, we're going to talk a little bit about the EPA rule. We keep mentioning it, but we haven't really kind of specifically talked about it.

So, this is their Renovation, Repair, and Painting Rule. We oftentimes reference it as the RRP Rule. And so, the EPA rule is really put in place focusing on trying to make sure that, as work is being done, that it's being done in a safe manner so we're not creating lead hazards with the work that's being done.

So, this is not specific to -- this is not triggered just when we have federal dollars involved in the project. So, it's for any home that has been built prior to 1978, but it also includes childcare facilities and preschools. And so, in cases where contractors are working in those scenarios, that firm needs to be certified by the EPA or, as we mentioned, where we have an EPA authorized state program, and they will have to use -- have workers that are going to be trained. They're going to be using EPA approved training providers.

So, we earlier showed you the links to be able to identify firms that have been certified by the EPA and also those links for if you had a contractor that you wanted to get certified, that -- the link for where those locally within your state training programs are.

The EPA RRP Rule also requires that those firms follow the lead safe work practices. We're going to point out a couple of differences between the HUD rule and the EPA rule in a moment, and it also requires -- and I think we mentioned this in our first session -- that a renovate right pamphlet be provided, and there are some violations or penalties for failing to do that, which can be up to $41,000 per unit. So, it's an important part of this.

So, as we think about setting up the job, want to kind of point out some differences between the two standards.

So, our testing, our evaluation process is different under the Lead Safe Housing Rule versus EPA. So, EPA allows the certified renovator to use a test kit. And so, I don't know if you've ever seen them, but they're sort of like a little tube that is snapped. It releases a liquid or gel. It gets dabbed on the surface, and it will turn a color indicating whether that surface includes lead or not.

That is not an acceptable testing to determine whether lead-based paint is present, and so the Lead Safe Housing Rule requires that we have a certified paint inspector or risk assessor.

Now, we did mention that in some cases you might be simply choosing to presume and so there wouldn't be testing done but you would then be assuming that those surfaces included lead and following in that way.

So, the EPA requires that we have certified renovation firms in place and that they have accredited training and that workers also need to receive on-the-job training from a certified renovator. For the Lead Safe Housing Rule, all the workers and the supervisor must complete the HUD-approved curriculum. And so that certification standard is a bit higher.

The exception for this is we could have non-certified renovation workers who are just receiving on-the-job training, but they must be supervised by a lead-based paint abatement supervisor who is on that site. So, our standard is a little bit higher for the worker certification under the Lead Safe Housing Rule.

The reason we're pointing out these key differences is, as Kris mentioned before, we're standardly going to have contractors that have worked under the -- they have the EPA certification in place. But if they've not been working on HUD-funded projects that are triggering the Lead Safe Housing Rule, they may be thinking that some of these other EPA specific standards are acceptable. And in the case of your project, we have a higher standard. So, it's really important to understand that.

In both cases, we're going to have the EPA renovation right brochure is going to be provided to folks.

So, during the work that's being done on that job, our level of treatment, as we just spent some time in at the last section, is going to be based on that level of assistance. And we're going to be determining whether interim controls and ongoing lead-based paint requirements are going to be part of that or whether we're going to do abatement as part of that. But a couple of key differences to keep in mind.

So, the EPA has established three prohibited practices that are not safe. In the case of HUD, they not only include the EPA's three prohibited work practices, but also, they specifically call out heat guns that are charring paint, dry scaping or sanding in a one-foot area around electrical outlets, and then also the use of volatile strippers in poorly ventilated space.

So, again, if we have contractors that have not worked under HUD, they may be thinking that this specifically is all they have to deal with, when actually it's the EPA plus these three additional prohibited workplace on that.

So, they will also have a difference -- and we -- Kris mentioned this earlier, and I think we also mentioned this last week, that we have de minimis interior and exterior de minimis thresholds, but there is a difference.

So, as Chris mentioned earlier, the de minimis for interior space, the EPA allows six square feet -- up to six square feet for the de minimis rule, and the HUD rule is two square feet. So, our rule is more restrictive for HUD. And so, again, we want to make sure that our program information references that, that workers understand and firms understand that they are falling under the Lead Safe Housing Rule, not the more flexible rules.

And then for the clearance testing, HUD has a higher standard again on this. So, for our Lead Safe Housing Rule, we're going to have a third-party testing for clearance that's going to be done after the scientific cleaning has been done.

For the EPA, they're simply requiring that there is a verification that cleaning has been done and they're doing, essentially, a wipe test, making sure that -- but without sending it off to a lab on this. And so, it's a higher level of clearance testing under the Lead Safe Housing Rule.

And, again, EPA does not have requirements about notifying tenant and residents, and we have talked about a moment ago that we have specific requirements about the notifications that are being provided to the occupants of those structures.

So, as we think about monitoring construction, we're going to need to make sure that occupant protection measures are in place. So, we plan for them up front. But when we are checking and monitoring, we want to make sure that that's actually happening, that worksite preparation has been done appropriately.

So, for instance, we may have moved all of the possessions from that occupant out of particular areas and sealed them off so that they will not be contaminated by any dust that's being created while the work is being done. We need to make sure that that work site preparation was done, that daily cleanup is being done.

In some cases, we're going to be working in structures where the occupants are able to be there in that space after work is being done. So, we need to make sure that daily cleanup is being done, that safe work practices are being followed, and that workers are using the appropriate protection that needs to be in place. Now, that's the employer's responsibility, but we, as we're monitoring, are wanting to make sure that that has been -- is being completed as that work is being done.

As part of the documentation, we're going to be planning about the protection of both the occupants themselves and also their possessions. And so, as part of our notification, letting -- making sure that occupants were notified that their possessions were being protected. In some cases, we need -- may need to move those possessions out of that unit.

So, maybe we're bringing a storage pod in place, and prior to construction beginning, possessions are loaded into that. In other cases, we may be able to cordon off specific parts of that unit, seal it off, and have all those possessions within that. And so, making sure that it's clear what the plan would be, what the requirements would be for that occupant and their participation in this.

We also have a link to some additional checklists that may be useful as part of that. But planning on this and then making sure that those protections are actually in place can be an important part of this.

So, once we've actually completed our work, the Lead Safe Housing Rule does require that there be clearance testing. And we mentioned that that's a higher standard than what the EPA RRP Rule requires.

So, we don't consider the work to be completed until the clearance testing has been done and the testing has determined that these are now -- our dust sampling is now to be at acceptable levels.

So, we would be inspecting to make sure that all of the work that was part of our specifications has been completed, that it's been appropriately cleaned and cleared of any hazards, but we're going to use a third-party certified risk assessor or lead-based paint inspector to do sampling as part of that. It's going to be sent off to a lab, and we're going to determine whether each of those work areas now meets our standard.

We do need to make sure that the examiners are a third party. So, we don't want to have a conflict of interest. We couldn't have the the contractor who is a risk assessor taking samples from their own work. So, we need someone that is independent from that. And we are not going to consider that project to be completed until we meet those acceptable levels.

Now, in some cases, we might be doing an interim clearance where we have some portions that have been completed, and then we're going to allow non-lead workers to enter that site. So, for instance, we talked about staging on a project, and we might have the lead safe housing reduction work being done first and then it's handed over to another contractor. So, we could have interim clearance done at that point. But we still will have to have a final clearance done when all the work has been done.

So, keeping in mind that this non-lead worker doing work in that area could create a lead hazard. So, we need to make sure at the completion of the project, that it has been cleaned appropriately and it meets our final clearance standards.

So, what we're doing with our clearance standards is we're taking dust wipe samples that are collected, and that's going to be done by a certified risk assessor or inspector. And it's going to then be sent off to an accredited lab for analysis. So, again, here are dust clearance levels, and we need to make sure that, when that testing comes back, that we're finding that they are within or under those requirements.

We will have projects, perhaps, that there is no lead-based paint control work being done. And so, in those cases, we wouldn't need this, but if we have lead-based paint control work being done, the job is not done until this has been completed and they pass the test.

So, in some cases, we would have -- maybe we will do dust sampling in 15 different areas in the unit. Maybe 13 of those come back perfectly fine and two areas still are testing higher than would be acceptable. Generally, what will happen is another cleaning will be done by that contractor. We'll be doing retesting. And then once they pass the tests for those retested areas, then we would consider the work to be completed. We are certainly not going to pay the contractor until we have gotten acceptable testing overall.

So, our clearance testing is going to be a visual assessment to determine that all the work has been done. We're not seeing hazards, so we're not seeing evidence of dust or chipping, peeling paint. As I mentioned, we are going to be taking dust sampling, sending off to a lab. They'll be interpreting those results and giving us a report that will either say, this passes the test and we're fine or, as we mentioned, if there was a failure, then a recleaning and then another testing. And that would continue until we got acceptable clearance results for that.

So, once we have completed our clearance and we finally have a report coming back that all of our samples are at acceptable levels, then we are going to provide a notice. So, we did notice about our evaluation results. Now, when we've done our hazard reduction work, we're going to be providing that. Again, we have a timeline of within 15 days of completion of that work, that notice needs to be provided.

And so, it's going to provide information about the work that was done, the date of the clearance, the inspection results, not only the notation, the narrative on the visual inspection results, but also the dust locations and the results on that.

And so, we have a sample notice to be able to provide you on this, and it lists out, of course, the address and the date on this, listing of when that work was done and then lists out the locations and the activities and provides then a summary page of the clearance report for that.

There is a sample link here that I think will be helpful for folks as part of making sure that they've got an appropriate format to be able to do with that.

So, once we actually get an acceptable clearance on the project and we have provided the appropriate notices, we have completed our project. Now, keep in mind, as I mentioned on the other notices, we need evidence that those notices were provided. We mentioned there's a 15-day limit. So, we need to know when those notices were provided.

So, generally, we're going to be following -- if it's an individual unit, then we're going to do a direct distribution. We're going to have signatures of receipt of that. We could be doing -- in a multi-family structure, again, we could be doing the posting, being able to document that that posting was done in a timely manner, and that it was appropriate, that it was in a place that it was reasonable to expect that the tenants in that structure would be passing through that site and would be aware of that.

Let's talk about the available resources and then circle back to see if there are questions that we should revisit today. Of course, keep in mind that tomorrow in our office hour, we're going to be looking back through all of the questions and the topics and revisiting a lot of those.

So, as we mentioned, I think, last week at the summary, there is -- on the HUD Exchange, there is a landing page, which is sort of the go-to for a lot of the resources that we have mentioned. We've provided the linkage here. And so, this would be an important favorite linkage or site for folks to be aware of to visit and see what's there and kind of have that marked to go there quickly.

As part of that, and we've mentioned as we go through this, there is a handbook or guideline, a manual which goes into all the technical detail on all of the evaluation and control on this. And so, this is sort of the go-to reference for further information on really everything that we are talking about.

And so, it is -- there's a link. It's available online. And this would be the really reference on, what are the standards? What are the techniques that are acceptable? And so, that's a link that you should familiarize yourself with. If you are -- if no one in your group is familiar with that, that's part of your homework to make sure you visit that.

So, one of the things that we suggest is that you register for the Lead Safe Housing and Healthy Homes mailing list. So, as there are updates, as there is additional guidance, you would receive that. And so, we've provided a link for that. You can go in, subscribe to this. You also can update your preferences. So, it gives some information about the type of notification, the type of work that you're doing. And that will make sure that then, as there is additional information, that you would be one of the first to know about that.

I know sometimes people think, oh, gosh. I don't want to be signed up on all these links. This one I think you'll find to be very useful for you. I really highly recommend it.

So other resources that we've talked about, a linkage to the regulations themselves, also where on the HUD Exchange the trainings are being posted. So, these sessions are being recorded. So, those recordings are posted. Also, the materials.

So, as Kris mentioned, if you are coming to today's session and you did not get a chance to participate in last week's session, I would really encourage you to go back, pull up the posted recording, and go through that.

We've also provided a link to the EPA page, which has a number of references, or we also provided earlier in the training the linkages for state level specific training on that.

There is an online compliance advisor, the lead compliance advisor that's shown here, which kind of walks you through with a series of questions to appropriate guidance for the type of question you may have, sort of an automated process that may be helpful for you.

And then, again, here's the link for the interpretive guidance on Lead Safe Housing Rule. So, as there are questions, as there are clarifications, interpretive guidance is issued, and this can be really helpful. Kris and I have been looking at this. I know Bruce and Jerry have been sending this out as needed, as people ask more specific questions on that.

There is on the HUD page -- HUD Exchange page the Lead-Based Paint landing page. And then this bottom reference here is after -- we're going to be taking questions during this training in the office hour. But as you -- moving forward, as you have questions specifically, this contact is for questions. This is being monitored, and that's the way to make contact with the Office of Healthy Homes and ask additional questions after this training has been concluded.

So, just a reminder. Next week, we're going to be doing the second half of Subpart J. So, we've talked quite a bit about staffing and planning, thinking about the qualifications needed for folks, level of evaluation and treatment.

In our second half, we're going to be talking more about during that actual construction phase and some of the steps, some of the responsibilities for that grantee. So, really encourage you to participate the second half of this next week.

And then also our fourth session is for projects that are acquisition, leasing, support services, and operation programs.

So, Kris, we've got -- well, we've really got no time available here. So, I think what we'll do is just remind folks that tomorrow we will have our office hour session, and we will be going through -- you will have an opportunity to ask new questions. Any questions that have not been answered we'll try to field tomorrow. But we also will go through the questions that were asked today and revisit some of those where we see some common themes where spending a little bit more time on the topic may be helpful to clarify things.

Kris, anything you want to add before we close out today's session?

Kris Richmond: Just the homework. Maybe you want to pull up the homework.

Les Warner: Aw, yes. It's that. That on there? Oh, here we go. Yeah. So, and is session two on here? Yes.

So, session two we give some examples about initial work write-up and cost estimate. And so, we're kind of walking you through some of the things that we talked about today on trying to determine what that level of evaluation and treatment is. So, it's a good way to track -- practice a couple of the key points that were covered in today's session.

Kris Richmond: Yeah. And I would just add, please come tomorrow because there were some great questions in the Q&A box diving a little deeper into RRP, and I think it will be really helpful when Les goes over that tomorrow as well.

Thanks, everybody. Thanks for your time today.

Les Warner: Thanks, everybody. We'll see you tomorrow.

Kris Richmond: All right. Bye.

(END)