

Lead Safe Housing Rule Webinar Series

Session 2 Office Hours

Thursday, February 11, 2021

Kris Richmond: Thanks, Paul. Appreciate you going over all those statistics for us. Welcome, everybody. Glad you could join us today for our second week of office hours. My name is Kris Richmond. I've been with you for a couple of weeks now. I am accompanied by my colleague today, Nicole Hassman. You'll hear her giving us some Q&As as they come through.

And I'm also really pleased to be supported again today by HUD staff. I have Bruce Haber, Karen Griego and Jerry Freese with me again today. And they were so busy yesterday. We had over 80 questions that came in the Q&A. And so they were able to answer a lot of those yesterday. We know it's really hard for you to listen to us and look at the slides and monitor that Q&A as well. So we're going to be going over some of those questions that came in that we think is really helpful for everybody to hear as well.

I want to start off the session with just letting people know we did repost the slides again. We didn't change anything except that we were told that the links -- we had a lot of different links in there for you go to different websites and get different resources -- that the links weren't working properly. So they've been reposted. If you want to save those, go to the site and save those. Again, they have been put up there for you to be able to use.

So just a reminder from last time if you don't recall, I'm going to go through a number of different documents. When I change a page, you're able to see that page change. But when I scroll down, it won't scroll down on your screen. So there's actually a gray bar to the right of the side of the page, and you need to actually scroll down in order to see the bottom of the page.

So I'm looking right now at exercise number two. That's the exercise that you worked on, the initial work write-up and cost estimate. And when I scroll down to the bottom, you also need to take that bar, move it down so you can see the bottom of the page. So I was reminded to let all of you know that this is a fictional work write-up. So if you're looking at it and you're like, oh, gosh, you could never do this work for this little money, just be aware this is a fictional work write-up. We just wanted to get you, if you hadn't seen it work write-up before, that's not part of your job, to be able to see what one looks like and where some of these numbers came from and some of the discussion that we want to have around that.

So let's get started. This exercise, again, exercise two has the Jones family, and they've applied to Parktown Homeowner Rehab Program. So you might be running a homeowner rehab program. Sometimes it's referred to as Owner-Occupied Rehab Program.

And the rehab specialist who works for Parktown, his name is Richard Miller. He went to the Jones' 1960 home, and he developed a work write-up for the job.

In order for them to participate in this program, part of their policies are for the rehab specialists to go and do the work write-up. So he's done the work write-up. He hasn't done anything since then. He hasn't talked to any lead specialist or anything. He's just done the work write-up. So let's look at that, and let's go through some of these questions and figure out where some of these answers came from or what some of these discussions could include.

So the first question is, what is the initial cost estimate? So where do we find this? Let's see. I think it was on page two. So if you look where you see the work item list cover sheet, this has the address. We can see it's Samantha and Jerry Jones. When you scroll down a little bit, you can see the total initial estimate for the cost was \$11,707.95. Okay? So this number here -- and we're just picking it right up off of the cover sheet. That one was pretty simple.

So what lead housing evaluation is required and why? So remember, we're trying to figure out what was this. We know that the hard costs are here are going to be \$11,707. And so we're going to look to our chart, and we know that we are probably going to be in this range here because we're over \$5000, but we're under \$25,000 right now. And so we are going to be in the middle area here. And so we can see we're probably going to need to do a risk assessment. So we want to look at our evaluation. Here it is down here.

We want to do a risk assessment and paint testing to evaluate, determine where the lead hazards are and if there's lead-based paint. So we're going to be doing a risk assessment with paint testing of surfaces to be disturbed, or we could decide if we don't want to do that, that we're going to presume. As a program, we have two different choices. That was some of the questions that came in. So I presume and do I test? No. You do one or the other. So if you're running a presumption program, then you're not going to be doing any testing or risk assessment. But if you are presuming, we're just presuming that there's lead everywhere. If we decide that we want to do paint testing in a risk assessment, that's going to tell us exactly where the lead hazards are and where the lead is found. So you do one or the other.

Let's go back to our questions. Okay. So we know we're probably going to do a risk assessment with paint testing. So let's look at number three. Which services require paint testing? Well, all painting services that are going to be disturbed, according to the work write-up are going to require paint testing. And then remember, Richard, who is our work specialist, he's going to actually take the work write-up and now that he knows he has to do a risk assessment, is going to hire a risk assessor, and he's going to hand the work write-up to the risk assessor. So the risk assessor knows where the work is going to be done, what services are going to be disturbed.

So let's look at question number four. Which items might become part of the required lead hazard control work upon evaluation or presumption, and how will you separate the hard costs of rehab from the lead hazard control costs on those items? All right. So let's break this apart a little bit. So all the items that are affecting the painted surfaces need to be addressed, doors, walls, ceilings above de minimis may be required to be addressed with lead hazard control measures and as well as the methods if lead-based paint is present.

And then following the interpretive guidance, if these items are originally planned as part of the work write-up, then they need to be treated as a hard cost. For example, if we always do doors and windows, those are going to be part of our hard costs. But if we don't always add those types of work items to our rehab, then they may be attributed to our lead hazard control costs. A lot of grantees actually do two separate work write-up. Those will have a bid specification for the lead work, and they'll have a different bid write-up for their rehab work.

So if you need assistance -- we have a lot of questions coming in. How do I know which category to put things in? HUD's interpretive guidance, the question, J5 -- let me write that down here. Interpretive guidance J5 can give you a lot more information about what items to include as hard costs, which items can be counted as lead hazard control costs. And Nicole is going to put in the chat box the Web link for you to be able to get to the interpretive guidance.

All right, so let's look at number five. So number five, their last question here, and they are saying, suppose Parktown has adopted a strategy, are presuming lead hazards instead of doing a risk assessment, what other measures will be required on the building components we know about, and what other measures will be needed and why?

So if they presume, they have to perform standard treatments, and standard treatments are applied in cases of presumption when the work is between \$5000 and \$25,000. And so standard treatments can be done instead of doing a risk assessment interim control. And for standard treatments, we're going to perform on all applicable surfaces, including bare soil. And we also want to be controlling all the lead-based paint hazards that may be present.

So all standard treatments, we need to be following safe work practices. We also still need to get clearance. And so we'll be doing heat stabilization. We need to make sure that we're creating smooth and cleanable, horizontal surfaces. We need to be correcting dust-generating conditions, addressing bare soil, a bare residential soil as well. And they also have to address all surfaces when we're doing presumption, not just those identifying the work write-up. So the presumption covers the whole -- everything rather than just the areas that would be disturbed.

So that's our hallmark. Is there any questions that have come in, Nicole, that we should address now, or should I go to some of the common questions that came in yesterday? Nicole, you might be on mute.

Nicole Hassman: I am. It seems to be a common curse. One question came in about the source of the funds. So if the source of the funding for this project changes, how will that apply or not apply to Subpart J whether they come from a nonprofit, a state, a local or a federal source of funds?

Kris Richmond: Okay. So remember -- let's see if we can find the slide where we were trying to figure out our level of assistance. So remember our level of assistance is the hard cost of rehab from all sources per unit, so all sources, or the amount of federal assistance per unit. This is for single family. So if you ended up -- if you originally had HOME money and you had -- and this is single family and you had \$20,000 of HOME money and you had \$50,000 of hard costs -- remember the lesser of would've been the \$20,000 of HOME money. If for some reason, somewhere down the line that HOME money is changed with a different funding source that's not federal, then we need to go back and determine we're not in the right category. Our rehab hard costs were \$50,000. That puts us in the higher category over here.

I'm sorry. That's Subpart K. Let's look at Subpart J -- puts us over the \$25,000 here. Okay. So the answer to that question is it really depends. So if you're changing it with another federal source, it doesn't change it. If you're changing it with a non-federal source and you originally

were using this calculation as your lesser of, then you need to really go back and see, okay, now, if I'm looking at my hard costs, does that change where I was in this category? Nicole, other questions that have come in that we should address now?

Nicole Hassman: No. We have a lot of good questions coming in, but they're definitely related to topics we'll be going over. And I've been posting the answers into the chat. If you missed anything, you can check there, and they're numbered.

Kris Richmond: Oh, perfect. Okay. Let me go back to the chat here to see if there's anything else to add. Okay. There were some really great questions that came in yesterday, and we got some amazing answers, and I wanted to share some of those with you. And then, Nicole, just let me know if things come in and I'll stop talking and we can head back over to the Q&A and address things that are coming in right now.

But one of the really interesting questions that came in yesterday -- somebody was saying, well, we're doing work -- we're working on the whole home, but when we're working on the exterior, do we need to notify the surrounding houses, or do we need to let them know, the people next door, that we're working with lead paint? How do we handle that?

And so the answer is there are some requirements for posting a property that's undergoing lead work, and each state is a little different. But there is some type of notice that's required to be posted outside. And then they also said that you should generally tape around the property. So people are coming in and trekking through the yard or the area. So you should really check with your state lead office about what type of postings and requirements are needed for you working on the exterior area about alerting neighbors or posting the property.

Another really good answer that I thought that came in that might be helpful so everybody knows, well, there was a lot of questions about the small component type. And if you recall -- let me find my sheet -- we mentioned de minimis, and we mentioned de minimis when we were on 69 here. This is talking about exemptions, but it does show you on the slide what the de minimis amounts were. And so somebody was asking about this small component type, like how do I -- what is a small component type?

And so a way to think about that is think about the skinny items in the home. So this would include baseboards, chair rails, crown molding, door and window trims. So these are what we really refer to as the small component types, and they can be harder to calculate the square footage. So they're generally considered small components. And then you can measure and calculate the square footage of these. So that's what we mean by small component types.

Let's see. There was some other questions that came in asking about if I'm not disturbing any lead, what do I need to do? So somebody was asking, well, we're only replacing the HVAC and the thermostat. So do I still need to do a risk assessment since I'm not disturbing paint? And the answer to that is no. So if no painted services are going to be disturbed as part of the rehab paint, as a rehab job, then that project is exempt from the lead-based housing rule.

You do need to still document your file. So you want to make sure that you've done a review, done a review, meaning you've looked at the kind of work that needs to be done. You've identified that you're not going to be disturbing any paint. So you document that in the file within the work specifications, no paint is being disturbed. And photos could even help this as well. So you want to make sure you document that and put that all into the file.

And then somebody else asked about another exemption. Let me go back to our exemptions here. And they were asking about unoccupied properties that were going to be demolished. And they said, do we have to follow the lead rules? Do we need to test? And the answer to that is no because, remember, these are not affected. So vacant homes that are going to be demolished and remain vacant until demolition are also exempt.

We had a couple of questions that came in about the calculation of assistance.

Nicole Hassman: Kris?

Kris Richmond: Yeah. Please.

Nicole Hassman: A quick question back on what applies and exemptions.

Kris Richmond: Sure.

Nicole Hassman: If a program is not using any federal money at all, do they have to follow lead assessments?

Kris Richmond: So remember this applies when we are using federal funding. So let me go back to here. Okay. So the lead -- that's a pretty broad question. What applies? Right. So the lead disclosure rule applies for any pre '78 housing, but the lead safe housing rule, what we're talking about Subpart J, comes from the lead safe housing rule. This only applies to federally-assisted and federally-owned housing built before 1978. Okay. And then if you -- the EPA rule for renovating and repair program does apply to any target housing, both public and private before '78. So EPA rule would still apply. Disclosure rule would still apply. But the lead safe housing rule is only triggered for federally-assisted and federally-owned housing. Does that answer that, Nicole?

Nicole Hassman: Yes. It does.

Kris Richmond: Okay. Great. Let's see. We had a question come in yesterday about calculations and the level of assistance. And we were talking about rehab yesterday. And so the question that came in said, well, we're doing purchase assistance. So does this mean that I can't get purchase assistance unless I'm giving money for rehab as well? So if you're only running a purchase assistance program, meaning in the community of Baltimore, we call that acquisition, and so acquisition is falling into our home buyer and special needs area here. So that's Subpart K. We're going to talk about Subpart K in the fourth week that we get together. So if you can hold on, we'll tell you way more about Subpart K -- let me look at my calendar -- on the 24th. So if you

can come back on the 24th, we'll be talking about what do I need to do to stay in compliance if I'm running a purchase assistance type of program.

If you're doing purchase assistance and rehab and it's more than \$5000 per unit, then you would be following Subpart J. And the way that I explain that to people is to look at the approaches. We always want to be following the most stringent approach. So if you're doing homebuyer and you're doing homebuyer and rehab, and it's less than \$5000, I come over here to rehab, less than \$5000 is approach number one. If I look over here under homebuyer and I'm approached number two. So approach number two is more protective and more stringent. So if I'm doing acquisition and rehab under \$5000, I need to be following Subpart K. If I'm doing acquisition and rehab over \$5000, you can see I have approached three or approach four. And those are more restrictive than approach number two. So that's why acquisition and rehab over \$5000 I have to be in the Subpart J category. So that's why we were saying if you're doing homebuyer and rehab, it's really going to depend on that level of assistance. And so that's why we're really trying to get everybody to come to all the sessions to pick up on that.

Somebody was asking yesterday again about the soft cost, and is a risk assessor, the cost to pay for a risk assessors, is it possible to pay for a risk assessment, are those considered soft costs? And the answer to that is yes. And so somebody else was also asking about, well, what about those costs that we back out of? So I know -- let me find the slide. That's on slide 72. Let me pull 72 back up. There we go. All right.

So this slide went over the soft costs that are not counted in calculating the rehab hard cost. So these soft costs should all be pretty familiar to you. There're soft costs in all different kinds of programs. But I think people were really asking about, well, how do I know if it's considered a cost of rehab or if it's a lead hazard reduction cost? And so the interpretive guidance -- again, I know Nicole has put that into the chat, but she'll put it in again -- interpretive guidance J -- I'm sorry, not 15 J5 is the question that you can go to that gives you a lot more information about which costs to include, which costs not to include. So that's a great spot to go look at to do that.

But if you are operating a program that does not usually replace windows and you're deciding to replace these windows as a lead hazard reduction cost, then that is not included as part of the hard cost. In that case, it would be a lead cost. But some programs as a standard do replace windows as part of their normal cost. And in that case then, if you always do windows, then it would be part of your rehab hard costs. So you really need to look at your policies and procedures, your rehab standard. What is your program typically doing to determine which category this is going to go into? Is this part of my hard costs, or is this going to be part of my lead hazard reduction cost?

Somebody else had also asked yesterday about low income housing tax credits and are low income housing tax credits counted as federally assisted? And the answer to that is tax credits are not considered federal funding. So remember -- let's see if we can go back to our beginning. I want to say maybe like 52 or so. No. That's the logistics. A little further on we had listed some of the federal sources here. Okay. So CDBG, HOME, housing trust fund, Mark-to-Market programs, Continuum of Care, Emergency Solutions Grant. These are the majority of the federal

programs that are triggering lead safe housing rule Subpart J. So low income housing tax credits are not considered to be federal funds that are triggering the lead safe housing rule.

Nicole, is there any other questions that have come in, or should I keep moving through the ones from yesterday?

Nicole Hassman: One question that came in in terms of calculating for the assistance and the soft cost is, is all testing considered soft cost?

Kris Richmond: So the majority of testing is considered soft cost. Yes.

There were a lot of questions about testing that came in yesterday. And so somebody was asking, is there a website where you can find a list of agencies that perform lead testing? So you really should check with your state lead licensing office. They typically maintain a list of certified firms, both risk assessors and contractors. And so I want to go back to the slides again. I think I'm going to go on slide 83 I think it is. Let's see. No. There we go. Okay.

So this is talking about the different types of evaluation, the different types of testing that's done. And so someone had asked, can you clarify between a lead inspection -- and we have inspection here -- and a risk assessment? Can you clarify the difference between the two? And so the lead inspection is a physical test of each surface, and it's usually using an XRF machine or by paint chip sampling. And then the risk assessment is taking those results and determining where the lead hazards are in the home.

So you can see we have the difference there. There's different purposes of when you would do those. There's different reports that come out about those, the risk assessment reports. You might have an abatement report. So you have all sorts of different reports that can be given, too. For the risk assessment on slide 83, we talked a little more about what is a risk assessment? What's part of that? Who does that? So a risk assessment needs to be done by a certified risk assessor. It is including both visual inspection, so locates deteriorated paint, trying to figure out why there's hazards, like what's causing that. They're going to do background information. They're going to be testing friction or impact surfaces. They're going to be looking for dust. They're going to be doing samples of the dust as well and the soil.

And then the risk assessor will have rehab specs in hand in order to be able to do the proper risk assessment. But what you should be getting after the risk assessment is done is that the grantee should be getting a report. And in that report is the summary of the property and what type of lead hazards are found. Is there lead-based paint there? What are the results, and what is the hazard control plan?

Because people were asking, well, what do I do? How do I know what kind of work needs to be done or how to address those hazards or how to address the lead-based paint because somebody was saying, well, if there's lead-based paint in the door and there's no dust and the door is not causing any trouble, do I need to replace that door? Well, the lead hazard control plan will give you recommendations of what needs to be done and what does not need to be done. So that is

very important that you're getting in your risk assessment an actual report that's providing recommendations.

So when you put that RFP together asking for risk assessors to apply or to do a risk assessment for you, what your expectations are and that you want to report, and what needs to be in that report in order for you to take that risk assessment and then be able to apply it to make sure that home is rehabilitated safely, effectively and is going to be able to meet clearance after all the work is done.

Let's see. Someone else was asking about their bare and does bare need to be tested. And so the risk assessment is going to include dust and bare soil testing. So if they determine that the lead safe housing the rule applies to that particular project and it's greater than \$5000, soil hazards are identified, and you have to address the soil hazards as well.

Let me see in the Q&A what's been coming in.

Nicole Hassman: Kris, we got a couple questions on the XRF machine and how it plays into some of this testing. Could you give a little overview from yesterday on the XRF?

Kris Richmond: Sure. Let's find the XRF slide. There we go. Okay. So the XRF is done -- that's the actual machine that's used as part of the actual testing. And so it's used against different surfaces to measure and determine if there's lead in that paint or in that surface. So that's part of what's being done through that. I'm looking to see is there anybody from HUD that wants to expand a little bit on the XRF?

Bruce Haber: Yeah, Hi, Kris. This is Bruce Haber. I speaking.

Kris Richmond: Hi Bruce. Go ahead.

Bruce Haber: Could you go back a little bit because I was busy answering questions so I wasn't listening.

Kris Richmond: That's okay. They were asking about the XRF and how the XRF is part of the testing and how it's used and that type of thing?

Bruce Haber: Okay. Well, the XRF is a device to determine what the composition of the paint is. And basically -- and you can see it in this diagram -- uses an x-ray source to excite atoms within the paint, and that includes lead, calcium, zinc, whatever other components are there. And then each of those, as they return to a resting state, gives off an electronic reading that the device is programed to read. So it uses a specific type of detector that will discriminate between calcium or lead or anything else like that. So it gives us a number.

And so currently the number, the definition of lead-based paint is one milligram per square centimeter. And so it's looking for that reading. Is it above or below that? There are some municipalities and some states that are looking at lower numbers. So be aware of where you live. But this device you can run through. It's very inexpensive to do the testing on site. The difference

is the machine is not inexpensive. And so it gives an accurate reading, whereas using, say, the lead check swaps, which were discussed yesterday, they're not permitted because they give a very large amount of false positives and then also a fair amount of false negatives. So kind of decent for a screening test but not acceptable for HUD work.

But this goes in to determining what surfaces are lead-based paint. And some of the questions that were coming in, too, is like, do I have to do a full lead-based paint inspection, or do I only have to test the surfaces to be disturbed? And for that one, the question is, the minimum under lead safe housing rule is to test the surfaces to be disturbed if you're under \$5000 for renovation work. If you're greater than \$5000, then you have to test any other deteriorated surfaces. But since so much of the cost is just getting the inspector into the unit, it's advisable to do a comprehensive lead-based paint inspection while you're there because now the owner in the future will have a list of what is lead and, more importantly, what is not lead-based paint in case they ever want to do any other kind of renovations at some later date. And I probably said enough with that.

Kris Richmond: That's really helpful. Thank you. All right. Let's look at some of these other questions that came in. Let's see. So they were asking if the risk assessment outlines the work that needs to be done -- and that's what we were saying, that you definitely want to have that as part of the requirements when you set up the contractor with the risk assessor because you want to make sure you have those recommendations on how to treat that.

Somebody was saying about the certification on their contracts, the contractors and the workers, that they're running a CDBG funded rehab program, and they were asking as a grant administrator, do I need to verify that the contractor is lead-based paint certified? Do I need to verify their workers as well? And the answer to that is yes. You want to make sure that you have certified contractors RRP certified contractors as well as the workers.

And I know we had some slides that went over that. I don't remember exactly which page. Let me see if I can find it super quick where we went over who could do what. Nicole? Oh, there we go. I think it's on slide 86. That's right. The next one. Here we go.

So finding appropriate firms -- if you go down here on EPA's website, we have fixed these so that when you do click on these links, they do now go to the EPA homepage to show you where you can find renovated firms.

There were some questions yesterday about training, like why do you have training on there? Shouldn't that say contractor? Well, you might decide that you have a large staff, and your staff does the work on the projects. And if that's the case, you want to have your staff trained in RRP. And the training provider list is a link that you can click on to find training providers that can come and train your staff, or you'll know where to send your staff to, to be able to receive that training. So that's why that information is listed there.

There was also a lot of questions about the level of treatment. So, again, I want to point everybody to our handout. So these handouts are available to you. They were part of the link. This is the Subpart J and K summary. And so people were saying I understand how I get into the

category -- categories, meaning \$5000 and under, over \$5000 to \$25,000 or over \$25,000. I understand that, but how do I know what kind of work needs to be done? How do I know where to do the work?

And so that's where we have the treatment, the type of work that needs to be done. So if we're under \$5000, we're doing repair. The surfaces should be disturbed. If we're over \$5000 to \$25,000, we're doing interim control. And if we're over \$25,000 for doing abatement. And so people were saying, well, I'm still confused about those. What do those mean? Well, you can look in the guidelines. But we also have these definitions.

So if you're really brand new, you know, what is abatement? So we have the definition of abatement here. Abatement is really trying to permanently eliminate lead-based paint. This is done by removing lead-based paint, as well as dust hazards. We were using terms yesterday, enclosures, encapsulation. These are different abatement methods that are used. Also need to be always following lead-based practices. They need to have the proper certifications in place. And when I was saying go back through the HUD guidelines, when you click on this link, it does go to the guidelines, and we have the guidelines website also at the very back of our training materials as well.

And then on our definitions, people were asking about interim control. Let's see. Here's my interim controls. So my interim controls, if you recall, were in the \$5000 to \$25,000 range. So back to my definition. Here's my interim control. So my interim control instead of measures designed to reduce the exposure to lead. These are different parts of interim controls, repairs, painting, containment, specialized cleaning, clearance.

Temporary containment, Les is going to go over that next week. He's going to go over relocation, occupant protection. So we'll go over a lot of that. We'll also go over ongoing lead-based paint maintenance next week as well. And then what was the other one? So we have repairs. Repairs is under \$5000. Go to the second page where repairs were. Yes. Here we go.

So repairs -- remember I'm scrolling down. You need to use your gray bar to scroll down as well. So repairs is work being done on disturbed lead-based paint that includes surface preparations and applying a new coat of paint. We had somebody up yesterday, well, does applying a new coat of paint count as encapsulation? The answer to that is no. That's a repair, or that could be part of an interim control. Okay. Let's see. I'm looking at some other questions.

Oh, another reason I want to send you back to these definitions. People were asking about applicable surfaces. They said, I don't know what an applicable surface is. Well, we were way ahead of you here. We put it on here. Applicable surfaces include deteriorated surfaces, impact surfaces, surfaces that are being walked on or friction as far as you're opening and closing the windows. You're opening and closing the door. These are dust generating items that are causing friction and impact.

Chewable surfaces, that might be like the baseboard where the baby's chewing. It might be part of the chair board where they're pulling themselves up and chewing. It might be the window sill.

You'll actually see the chew marks, chewable surfaces, as well as other surfaces to be disturbed. That's what we mean by applicable surfaces.

So if you haven't discovered these handouts, please, please, please -- I'm a print person, so I'd print these out. But if you're an E person and you got your two screens going, have the definitions page up as one of these pages so that if we go over a term during these training sessions and you're not really familiar with that, then please go ahead and check it out on the definitions page.

If during these training sessions -- like I said, we haven't trained this in a really long time, so we're always finding new things to help you with. If there's a definition that said quite often and it's not on the page, put it in the Q&A and say, hey, Kris, hey, Nicole, we'd really like you to add this term to the definitions list. We think that might be really helpful in the future. So we're always looking for feedback on that as well.

Let's see. Yeah. So someone had asked is painting a form of encapsulation? And the answer to that is no. Encapsulation is an abatement method. It's done by a certified abatement worker. It uses a special coating. And an encapsulment is not typically exterior. It's not typically used as a latex house paint.

Someone else was saying how is interim control different from abatement? And so, you know, interim controls are controlling the hazards in place, whereas abatement is either removing or encapsulating the hazard. We had a lot of questions about presumptions. And I'm trying to find my page where we talked about presumption. It was towards the end of my session yesterday. And so people were asking about presumption, like why should we do presumption? Do people actually think that they're going to be saving costs by doing presumption, by not having to pay for a risk assessment or having to pay for paint testing? Do they think they're saving money just by presuming?

Well, presuming lead-based paint will require stabilization of the entire residential property, so perhaps cost savings on the front end of not doing a risk assessment or a paint testing may not be so beneficial for the entire project because you may actually be treating services that may not have lead-based paint or may not be a lead hazard. But you wouldn't know that unless you actually tested or did a risk assessment.

And people were asking about this notice of presumption, like who does the notice of presumption go to? So if you're presuming, you do need to provide this notice the presumption within 15 days of presuming that there's lead-based paint. This is just a sample. And we did provide a link here where you could get the sample. But they wanted to know who does it go to. Well, it's going to go to the owner. If there's tenants, the tenants are also going to get a copy of that as well. And then a copy needs to be kept in the file.

And the same goes with the notice of the evaluation. So if you are doing a risk assessment paint testing, you're going to do a notice of evaluation to actually know where the lead is or where the lead hazards are. And the notice of evaluation also needs to be provided within 15 days of

evaluation. And it needs to go to the owner. If there's tenants, the copy needs to go to the tenants as well, and a copy needs to be kept in the file.

Nicole Hassman: Hey, Kris?

Kris Richmond: Yeah. Go ahead.

Nicole Hassman: The notice being provided within 15 days of presuming the lead-based paint brings up a couple similar questions that have to do with timing. So one person asked if a homeowner has a risk assessment from 5 to 10 years ago that states that they have not addressed any of the identified hazards, should you use that report or get a new risk assessment conducted? And Jerry shared that a new risk assessment should be conducted. But I think that brings up an important point that you want to make sure that the information you have on your lead is pretty recent. And there was a similar question on this timeline that says, is there a timeline required to address hazards? For example, can we phase the project into interior/exterior work over multiple years to address any lead hazards?

Kris Richmond: Did HUD give an answer that? Because I have an answer to that, but I'm not sure if that's HUD's answer. I'll give my answer, and then I'll have HUD expand upon that. I don't think lead hazards should ever go over years at all. I think if they're identified, they need to be taken care of as soon as possible because this is a health and safety issue for anybody that's living in the unit and anybody in the surrounding areas. Lead hazards are horrible for children, but they can also cause a lot of harmful effects on adults as well. Any of my HUD staff want to expand on that on timeline, once you what's been identified as an issue?

Bruce Haber: Yeah. Kris, this is Bruce again. A couple of things that go into all of this. Can we extend it out over a period of years? The answer would be no. If you can reasonably expect a project to include all of the work, then it should be included together. So you can't break it apart. So it would be fewer dollars and you could do a lesser standard. Start with that one.

The other thing is a risk assessment is only valid for up to 12 months. So if you have -- time has gone by longer than 12 months since the last risk assessment, you'll have to do a new risk assessment. Then in the lead safe housing rule, particularly in subpart L and subpart H, dealing with public housing authorities and multifamily project based rental assistance properties, they have an obligation to conduct a risk assessment basically every two years. There's other qualifications there. But the basic thing is every two years. And they are required to repair lead paint hazards identified during the risk assessment in child occupied units within 90 days and within 1 year in all other units and the common areas. So literally, the one year is probably the most that should ever be expected between identifying a hazard and completing the work to eliminate the hazard. So I hope that helps.

Kris Richmond: Yeah. That's really helpful, Bruce. Thank you. Especially having those exact time periods as well. Nicole, is there other things, other Q&As that have come in that we should share?

Nicole Hassman: Yep. So these are both questions that have to do with workers. So one question is, can the rehab specialist and the lead risk assessor be the same person?

Kris Richmond: Can you ask that again? Can the --

Nicole Hassman: Sorry. The rehab specialist and the risk assessor?

Kris Richmond: Yes. So the rehab specialist can be a trained risk assessor. That's fine. What we can't have be the same is the person who's doing the work, so the contractor and the person doing the clearance. So that needs to be a separate party. We want to make sure there's a separation of duties there of who is actually undertaking the work and who's deciding whether it passes clearance or not.

Nicole Hassman: Great. And then the second question is, if a contractor and a [audio glitch] firm is RRP certified, are they able to do legwork?

Kris Richmond: So they're able to do RRP work. It depends. If there needs to be abatement work, they need to have abatement training on that. Karen or Bruce, do either one of you want to expand a little bit on some of the training?

Bruce Haber: Kris, this is Bruce. Could you repeat that again? I'd gone back to reading questions.

Kris Richmond: That's okay. No. They were asking about if they're RRP certified, can they do all of the work? And I said, well, they can do the work that's required by RRP trained supervisors and workers. But if there's abatement work needing to be done, there's other types of training that needs to be done. We haven't really gone too much into that in this session, but I didn't know if you wanted to expand a little bit on any type of other abatement type of training or workers.

Bruce Haber: This is Bruce Haber again. I think you did a good job describing that. It's basically if you have to repair hazards because your renovation is in excess of \$25,000, you have to repair the hazards through an abatement method. Then the RRP-certified individuals would not be the appropriate individuals unless they also have state or EPA certifications as a lead-based paint contractor/supervisor depending on the state and also lead-based paint worker. And these are specialty classes with state-sponsored examination, and they carry a higher certification than just the one-day renovate safe or lead safe work practices training. So it's a more intensive training. A lot of the work is very similar realistically and ultimately at the conclusion of abatement or interim controls, clearance is required to demonstrate that the property, the unit, the area is lead safe for occupancy.

Kris Richmond: Great. Thanks, Bruce. I want to show some of the clearance slides again because I know Les had to go over that really quickly because we were starting to run out of time. It's 105, not 05. Get us over there to clearance.

So after the work has been done, the property needs to pass clearance. And so we only consider that hazard work is completed after it passes clearance. And like I said, it needs to be done by a

certified risk assessor or a lead-based inspector. There are some states that have a sampling technician, but there's not too many of those. It's usually a risk assessor or a lead-based paint inspector. And if you did abatement, the clearance needs to be done by a risk assessor.

So we need to make sure that there's no hazards anymore. We also, as I said, there can't be a conflict of interest where the clearance examiner has to be independent from the person who did that work. And then there's this concept here called interim clearance because a lot of grantees -- remember when we did the exercise, one suggestion was to have a rehab work write-up and then to have a lead hazard control work write-up where they actually split the work. So if you're doing that, you will need to do an interim clearance. An interim clearance means you have the lead work done first and you clear the house to make sure it's passed and cleared. And then you have the rest of the rehab work done where they're not interfering or they're not engaging with any of the other work that had been done. And then a final clearance has been done. And so that's what I mean by interim clearance. It's one that's done in between contractors to determine did that first set of contractors, did they work to the level that was required? Is this unit going to pass an clearance? That's our interim clearance. And then when all of the rehab work is done, then we'll get a final clearance, and the final clearance will have to pass or we're not going to consider this unit to be safe yet.

And then just how clearance is done. There's different -- there's dust wipe samples that have to be collected, as well as using that XRF machine to determine that as well. And then once it passes testing, then it will be considered clear. And these are the new dust clearance levels. We did want to alert you to those. You'll see that the floors are much lower than they used to be. So this might mean that you may have to go back and do more work. It's not passing clearance. You might -- usually people just go back and clean again and then wait an hour and try to do it again. But if it's not passing, you might actually have to do more of that hazard reduction work on that as well.

And then if we -- once you do that work, you'll do this notice of lead hazard reduction activities. This is where it has to be provided to the owner as well as any tenant to keep a copy in the file. And then if you need a sample of this, we've provided the link here as well.

Nicole, is there any other big questions that have come in? I know we're getting close to the end of our time here.

Nicole Hassman: Not at the moment. I just wanted to say that we did have a set of questions about the testing and the standard treatments, and so I included the link to the HUD guidelines, which you referenced in the chat. And in the guidelines, there's a lot of good information about all of that broken up by chapter.

Kris Richmond: Yeah. Great. Thanks, Nicole. And so I have on this slide -- this is slide 112. So if you printed them out, it's slide 112; here's the link. It is really big, really big meaning like 700 plus pages, I think.

So you don't want to print, especially if you're working from home like I have since March because my office hasn't opened yet and your printer can only handle about 10 pages a day. You

want to save it. And it's great. You can reference it. You can do searches on it. But if you're new to this and you weren't quite sure what's in a risk assessment or what is paint testing, this is a really good resource to go back to. It's very detailed, but it'll actually -- it's very understandable. You can actually go through and learn more about it because we're only with you two hours for four weeks in a row. But this is a great resource that's available to you.

And the 2012 one is the most current one available at this time. Okay. Anything else that came up or Bruce or Karen or Jerry, anything that's come through, through questions that you think we should share with everybody before we close?

Bruce Haber: Yeah. This is Bruce. And no. I had nothing more additional to add before closing today, but probably let everybody know that we couldn't answer all the questions individually. We will be looking at them. We will be discussing among ourselves how we can present responses to many of these questions in upcoming sessions. And so I want to thank you and Kris and all your work. You did a wonderful job today. And hopefully I didn't just overstep my bounds if I'm giving you more work.

Kris Richmond: Not at all, Bruce. We are so happy that you guys are able to join us each week and each office hours. It's been really great to have that support, as well as all of you being able to expand upon some of these questions that have come in. So I just want to remind everybody the next -- yep. Go ahead, Karen.

Karen Griego: Before we close, I just want to say thank you also. This is Karen Griego. I work for Bruce. And we've all been busy answering questions as best we can. I will note that a couple of questions have come in it looks like related to public housing units. And we'll remind those of you who are asking questions about modernization or rehabilitation work on public housing units have to apply a different subpart of the lead safe housing rule regulation, not Subpart J.

So you may be in -- well, while I think a lot of the concepts that we're going over are relevant in terms of who can do the work and what constitutes interim controls and risk assessments, inspections, who can do them and who can do clearance and all of that kind of thing are relevant to your work in public housing units, we want to caution you that you're not in the same subparts that the other rehabilitation programs that are operated most of the time by CDBG and HOME recipients are doing.

Kris Richmond: And so, Karen, would you refer the public housing folks to subpart L?

Karen Griego: Yes.

Kris Richmond: Great. So I'm putting that on the screen here. We're not going over subpart L right now, but that is if you're a public housing agency, that's where you want to refer back to. For public housing agencies that might be dealing with children with elevated blood lead levels, we did do quite a bit of training about a year and a half ago, and that's all available on the HUD Exchange. So you can go back and listen to those webinars. And we have some really great resources listed there as well. So great, great reminder. Thanks, Karen, about that.

So just to close, just want to remind everybody, please join us again next week. We will be continuing rehab Subpart J on the 17th, which is next Wednesday. And then the following Thursday, the 24th, we'll be getting into Subpart K, acquisition leasing for services and operations.

So thanks, everybody, for joining us today. Glad we were able to answer as many questions as we could, but like HUD said, we will continue to collect these questions and answer them and make sure we're trying to make sure the right information is getting out to you. So thanks, everybody. Thanks for joining us today. Bye-bye.

(END)