

Lead Safe Housing Rule Webinar Series, Subparts J & K

June/July '22 Office Hours 2

Kris Richmond: Thanks, John. Welcome back, everybody. Today is our office hours. And so, we are going to start by going over our exercise, exercise two, and then we'll be taking questions that are coming in through the Q&A box. And I know Les also has a couple areas that he wants to cover, and we got some answers about a couple things that we looked up yesterday as well.

So hopefully, you had an opportunity yesterday afternoon or this morning to review exercise two. So let's dive into that. So as I start to go through the questions, you may need to grab onto the gray bar and slide down for you to see the rest of the questions. Okay. So depending on how your screen is set up, as I scroll down, you're not going to be able to see me scrolling down. So you need to scroll down yourself.

So let's get started. Exercise two we're looking at an initial work write-up and cost estimate, and it's really asking us about a couple different things, thinking through what kind of evaluation and what kind of work do we need to do.

So we have the Jones family and they have applied to the Park Town's Homeowner Rehab program. And Richard Miller is the rehab specialist and he is visiting the Jones's 1960s home and he develops a work write-up for the job. So we're going to look at the work write-up and answer the questions below. And the work right up for the Jones home was provided after the question. So hopefully, you noticed that. You saw that you had to go and look at the other pages here to see the work write-up.

Okay. So let's go back to our questions. All right. So the first question is, what is the initial cost estimate? So hopefully, you realized that you did not have to add up all of the items there because it was actually listed right here. The initial estimate was listed as \$11,707.95. So hopefully, you saw that. So that's the answer to number one.

And then number two, it's asking us, well, what lead hazard evaluation is required, and why is this required? So remember we had our summary chart. Let me pull up that summary chart and show you. So our initial cost estimate was \$11,000. So that's going to put us in this middle category here. Okay.

And so, remember with that middle category, because it's over \$5,000, we're in the over \$5,000 to \$25,000, we can either do a risk assessment with paint testing of the services to be disturbed. So that's one choice, the risk assessment with paint testing services to be served, or we can be presuming that there's lead hazards.

Okay. So either we're doing paint testing of services being disturbed and a risk assessment or we're doing presumption. So that's the answer to number two. And the reason we're doing that is because we're in that middle category.

All right. So let's look at number three. Which surfaces -- so, if we decide we're going to do the risk assessment and paint testing, we're not going to do presumption, we're going to go ahead and test, which surfaces require paint testing?

Well, we need to make sure that all the painted surfaces that are going to be disturbed, according to the work write-up, are going to have the paint testing done. Okay. So it's going to be really important for our rehab specialist to give the work write-up to the person who's going to be conducting the risk assessment and paint testing so they know which surfaces are going to be disturbed.

All right. Let's look at 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?

Right. So all the items affecting the painted surfaces, the doors, the walls, ceilings may be required to be addressed with lead hazard control measures and methods if paint -- if lead paint is present.

So according to the interpretive guidance, the originally planned item is treated as a hard cost of rehab, but the additional cost that's pertaining to the lead hazard control can be attributed to the lead hazard cost. And then you might have a separate work write-up. You'd have your bid specs for the lead work, and then you could have a work write-up for your rehab work.

And then to determine which item belongs in each category, you can check out on the HUD guidelines, as well as looking at interpretive guidance J5. And after this, Les is going to go over a little bit of what are some of those costs that we subtract? We'll go back and look at that slide and dive into that a little more.

So let's look at number five. Suppose Park Town has adopted a strategy of presuming lead-based paint lead hazards instead of doing a risk assessment. So what specific measures are required on building components we know about, and what other measures are going to be needed?

So if we are presuming lead hazards, the type of treatment that's going to be done are standard treatments. And standard treatments is what's required when we're in that \$5,000 to \$25,000, that middle category, and standard treatments are going to be done instead of interim controls.

If we had done a risk assessment and paint testing, then the treatment would be interim controls, but because we're presuming that there's lead, we're going to be following standard treatments. And standard treatments are dealing with paint stabilization. So all the deteriorated paint on the exterior and interior surfaces have to be stabilized through repairs, safe paint removal, and repainting or abatement.

Standard treatments also include creating smooth and cleanable horizontal surfaces. So all the horizontal surfaces that are rough, pitted, or porous, such as bare floors, stairs, window sills, window troughs, they have to be covered with a smooth, cleanable covering or coating such as a metal coil, stock, plastic, polyurethane, or linoleum.

We have to make sure we're correcting our dust generating conditions. So all conditions that generate dust from paint, such as those that rub or bind or crush surfaces with paint, must be

corrected. This might include rehang doors, maybe installing doorstops, or reworking the windows.

We also need to be addressing our bare residential soil. So soil is addressed using interim control methods, including impermanent surface coverings such as gravel, bark, and sod, as well as land use control such as fencing, landscaping, and warning signs.

We have to address all of these surfaces if we're doing presumption, not just those identified in the work write-up. So whenever we're doing presumption, we're making sure we're covering everything, not just what was in the work write-up.

Okay. I think that's all the questions that we have for that. Les, was there any questions that came in the box about the exercise that we need to explore?

Les Warner: Yes. So there was a question about, well, when we talk about the initial cost estimate, is this just the cost of the materials, or is that the total cost of the materials and the labor that are related to doing whatever that scope of work item is?

And it isn't just the materials. It's the cost of whatever that scope element would be. So when a bidder is going to bid on removing the windows and replacing them, it's the labor. It's the materials that are going to be part of that that we're going to use as our calculation.

Kris Richmond: Great. And this was just a sample. We do realize that the number -- we had that at the bottom -- the fictional property and the numbers are really simplified. So we do understand [inaudible].

Les Warner: And, Kris, I'm wondering and I --

Kris Richmond: Go ahead.

Les Warner: -- and I put a comment in the chat box to see what Bruce and others thought. On our answer to question three about the surfaces that require paint testing, I guess I'm assuming that not only would it be the disturbed surfaces, but if that visual inspection identified unstable paint surfaces or friction surfaces that weren't part of our scope of work, I'm thinking they would need to also be included in the testing.

Kris Richmond: Bruce or Karen, do you have a comment about that?

Bruce Haber: Could you repeat that again? I was trying to look through the chat.

Kris Richmond: Yeah.

Les Warner: Yeah. So in our exercise here, we had a question, number three, about what surfaces require paint testing. And initially, we've provided the answer that it's really based on just those surfaces that are disturbed by our scope of work.

But I was thinking that it would also need to include, if our visual assessment identified that we had unstable paint surfaces in that unit that we were inspecting or friction surfaces, that they would also need to be included in the paint testing.

Bruce Haber: The friction surfaces could be, but there's two things here. There's one paint testing, which in the scope of work is the surfaces that are intended to be disturbed.

And the second part of that is the risk assessment to identify hazards. So the risk assessment would look beyond just the rehab area and look at the rest of the property for any deteriorated paint so those surfaces would get tested, and they'd also look at impact and friction surfaces, which could be causing dust conditions. So those would probably get XRF tested also and then included in the sampling scheme for dust sampling.

Les Warner: Great. So it's really what we call it. The paint testing is focused on our scope, but that risk assessment, we're going to be looking at these other potential hazards and I would think then wanting to test that paint to determine is this -- we've got a friction surface. Does this actually include lead so it potentially is creating a hazard or maybe doesn't have any lead, so even though we've got a friction surface, it's not creating a hazard?

Bruce Haber: Correct. And friction surfaces typically where two surfaces rub together. So think of a door, and you should visually evaluate them to make sure that there's no rubbing against the doorframe, against the doorstop, or the hinges or -- so, you have to look carefully at the door.

Les Warner: Great. Thank you.

Kris Richmond: Great. Les, any others questions about the exercise, or should we go into questions that have come in?

Les Warner: We can go into questions, and let me see. We handled that one. Yeah. I think we can go into questions at this point.

So our first question that's come in today that we haven't covered is about if we're using CDBG funds that are in the form of a loan. These funds are going to someone at 30 percent AMI. Is the expectation that the homeowner needs to absorb the additional cost of addressing lead-based paint hazards?

So that's -- I think that's a great question. In the programs that I worked with, we chose as part of our program design to not have the lead-based paint portion of the assistance be included as a loan. So the lead hazard reduction work was done as a grant, and they were only making loan payments based on the rehab that was done. But that's really a program design decision that you need to think about on that.

I mean it certainly is -- the lead hazard reduction work certainly is a benefit to that household. If they are later selling that unit, they're going to be disclosing that not only was there testing, but there has been this work done, which should be a value added. But I think some of the concern in -- I know in the programs I work with was, does that create a hardship to make this a loan for

something that may not impact on the sale ability or market value for this unit? So it's really -- it's a program design decision that you have the ability to make.

Kris, there was a question about, are we going to post the answers in the chat like we did last week? Do we have the ability to provide them a link to the answer sheet on this?

Kris Richmond: I don't think we have the answer sheet published. I can go in and paste them in the chat, if that would be helpful.

Les Warner: Okay. Great. All right. So we've got a question about, can our CDBG funded lead hazard control work be counted as match for our lead hazard control program grant?

That I don't know because that program is going to have specifics about what's eligible to be counted as match. Every program has a definition that's a little bit different. So you're going to have to go back to your program and to your HUD contact on that and ask that question.

Bruce Haber: And, Les, this is Bruce.

Les Warner: Perfect.

Bruce Haber: CDBG funding is one of the eligible matches that can be used for lead hazard control grant program. It is specifically called out in the authorizing legislation so that it can be used for match. CDBG becomes local funding, and so, it can be used. HOME cannot, but the match has to be a lead hazard control contribution to it. So CDBG is a good way to match the lead hazard control grant program.

Les Warner: Perfect. Thank you. So we have a question. We have someone who is -- they're using CDBG funds to acquire a property, and then they're going to donate it to a YouthBuild chapter along with some funding that's for sewer water line replacement, and a new roof. So asking about whether the rule -- these rules are going to apply for this.

So at the point that you have put CDBG funds into this project, it does trigger the lead safe housing rule based on all the requirements we talked about. So when we talk about our project, this project does include rehabilitation. In this case, it's a new roof. We've got a water sewer line replacement.

So you're then going to have to follow our summary chart in looking at the costs that are associated with this. So again, looking at this chart where we're looking at what are our -- see if I can clear the -- no. I can't -- following the chart to then look at what's the level of evaluation that's going to be triggered on this and what's the level of treatment that will be required on this.

So we oftentimes talk about, for a lot of different requirements, that at the point you put \$1 in, you've kind of federalized a project, and you often have triggered these requirements. And we are kind of looking at the overall project and what is included.

And that kind of brings us back to one of the things I wanted to include or mention. You know what? I guess I could turn my camera on. We had a question yesterday about using the example of having a project where we had a mix of CDBG or HOME funds in a multifamily project. And so, we have this designation of some units are assisted units. Some units are considered non-assisted units.

And that really normally translates into -- because we're able to designate specific units within that multifamily project, that we have some units that have all of the CDBG or HOME affordability requirements. CDBG generally doesn't have any long-term affordability, but certainly, HOME does. And so, the question had been, well, is the -- will a lead safe housing rule only apply to those specific units that we've designated as assisted units? And we did look up in the assistance, the --

Kris Richmond: Interpretive guidance.

Les Warner: Yes. Thank you. In the interpretive guidance, J20 is the reference on this, and it uses the example of if we have a partially HOME assisted project. So we've got a mix of HOME assisted and non-assisted units. Do the lead-based paint rules apply to those non-assisted units?

And so, interpretive guidance has provided information that those -- the project, since it receives the HOME funds, essentially, that whole project is now covered with the lead-based paint requirements. Similar sort of thing if we were -- if we might have HOME funds in with, let's say, low-income housing tax credit or other things. The fact that we have put our HOME dollars into that project is going to trigger those requirements for the overall project. That will be similar with the CDBG program in that.

So we would need to then follow the requirements for that overall project. And so, Kris went through yesterday when we have multifamily units, making that calculation about our hard costs on this and then determining what level of evaluation and treatment is going to be triggered for that project.

And Kris is showing you on the slides here there is an active link to the interpretive guidance, and I think you'll find, if you're not familiar with the interpretive guidance, in a lot of these things, you heard us in a number of these cases when there was a question about, well, where is that information? It was included in the interpretive guidance, and it's set up by topic area. So I think if you're not familiar with that, this would be a really good resource to spend a little bit of time and get to know that. All right.

Kris Richmond: Les, we had a question come in asking about they're using HUD dollars as a grant program for HOME rehab. So that's good. We're talking about rehab today. Does it trigger a risk assessment requirement, and how do we get that paid for? They said the scope of the HUD contract does not cover that.

So let's bring up our chart. Yeah. Go ahead.

Les Warner: Yeah. So here's our chart. And so, you're going to have to follow this, and this kind of is the path you'll see us keep coming back to on, okay. So we need to know base. We've got rehab. We've got funds in this that are going to trigger this. Then looking following our requirements on determining the level of evaluation and treatment that are going to be required.

So in this case, I don't think we have a dollar amount that we've been provided, but we're going to then look to see which -- what we're required. So if we were less than -- if we were \$5,000 -- if we were less than \$5,000, we're going to be paint -- doing paint testing on the surfaces that are being disturbed for that.

Now, keep in mind -- and we had a number of people with questions about this who said, well, what if this property was built in 1979? So it's a 1978 or more recent property. So it is exempt. So that would be one of my first questions on this. But presuming that it is pre-1978, then yeah. We're going to need to follow these requirements and so based on the level of assistance.

So if we're \$5,000 to \$25,000, then as we were talking about earlier, doing the paint testing of those disturbed surfaces, but we're also doing our risk assessment to look for potential hazards within that property or unit. And then out of that, we will have then a report which will lay out what those -- what that treatment plan would be for that particular property.

And then, of course, if we are above \$25,000, we're, again, going to be doing the paint testing and assessment, but our required level of treatment is going to be abatement rather than interim controls.

So we're always -- pretty much always going back to this chart, determining what our level of evaluation and treatment is going to be but bearing in mind, do we have an overall exemption that this is a 1978 or later unit?

So some of you would look at your housing stock and say, most everything that we are assisting is going to not be eligible for the exemption. And the programs I was working with it was probably more common to have something that was 1940s to 1860 as the age of the housing that we were working with. But you may have some areas of the country where much of your housing stock that you might be assisting is going to be exempt because of when it was built. So that's always a consideration on that.

Let's see. So we have a question here about paint testing and talking about that it's only for painted areas for lead.

So as we talked about in the exercise, our paint testing is going to be focused on looking at painted surfaces that are going to be disturbed as part of our rehabilitation. And then our lead risk assessment is doing sort of a broader evaluation of any potential lead hazards in that property or units.

That's where Bruce was talking about looking for friction surfaces, looking for unstable paint surfaces. We might not be disturbing them as part of the rehab, but they may be evidence or create -- of a lead hazard and would need to be included in that.

I think that gets us through, although let me scroll down.

Kris Richmond: Yeah. I didn't see any other new questions. Somebody is asking about Subpart K, but we haven't trained Subpart K yet. So we're going to hold that for a couple more weeks.

Les Warner: Okay. So I'm going to then for the moment go into some of the questions from yesterday.

So I wanted to go back. Let me switch our slide. Oh, Kris, I think you may be the -- can you go to Slide 73 or --

Kris Richmond: Yes. I can. Do you want me to hand the control back over to you or you just want to let me know when to move things?

John: I just made you presenter again, Les.

Les Warner: Okay. I will move it then. There we go. Oh, never mind. I'm on the -- I need to move back to the slide. That's the problem. All right. So we finally got to slide 73.

So there was a question yesterday while Kris I think was probably talking about hard costs and I was typing away on questions and answers, and I think I probably interpreted it differently than what the key point was that they were asking about.

So there was a question saying, my rehab inspector is also the lead risk assessor. And so, they were asking about the costs, the -- his costs and whether they're considered hard or soft costs.

And I answered the question based on thinking about how you're going to charge these costs off to a program. So for instance, under the HOME program, also CDBG, these could be considered project costs and be able to charge -- be charged off as part of the project or project implementation costs versus coming out of your admin, not paying attention to what Kris was talking about at the same time.

And so, the question about staff costs -- and so, you'll see we have our list here of costs that are not counted in calculating that rehab hard cost to then determine the level of evaluation and treatment that are going to be required. Staff overhead admin costs are all excluded from that.

So the cost of that rehab inspector who's going out doing that initial risk assessment, doing the inspections throughout that process, they're going to be excluded from that calculation when we're trying to determine what are our hard costs, projected hard costs for this project, and determining level of evaluation and treatment. So I want to make sure that that was clear.

Let's see. A couple of other things I wanted to make sure folks didn't miss because I think it's really -- as a participant in training, I think it's hard to listen to what the speaker is saying and watch what's happening in the question-and-answer box.

So there was a question about, how do we record or document when we are working within that de minimis exemption?

So the answer back on that, which I thought was really helpful, Karen had provided an answer about we're really looking to the work specifications to be able to document that. But ideally, supporting that -- and this is probably a good thing on a lot of these categories -- is providing some before and after photographs to be able to help someone who's trying to determine whether you actually were in compliance with that, to be able to not only look at that scope of work but that level of detail. Oftentimes, a picture is worth a thousand words. Being able to use a photograph on that can be really helpful as part of that.

There was a question yesterday which I thought was kind of important. I think a lot of programs will have a maximum level of assistance. We know that some of our funding sources have that maximum subsidy level, but a lot of programs will have determined the maximum our program will provide in assistance for a particular unit is going to be some dollar amount that's lower than what those programmatic subsidy limits are going to be.

And so, from time to time, you may have someone who applies for assistance. You go out and do the initial inspection, and that might -- sometimes we determine that we can't assist a unit specifically just on the basis of what it will take to bring that property up to our required property standards. So sometimes we're going to have units that are excluded from being assisted without us even considering lead as part of that aspect.

But the question was, what happens if we have tested, we have found or done our evaluation, we've determined that there is lead, but we have a household that we are not going to assist them with that rehab?

So we've talked about the fact that we're going to be doing disclosure all the way through this process. So we're informing that household about the dangers of lead, how they as someone occupying that unit can help to protect their family. If we're doing testing on that unit, then we are also going to be disclosing our test results. So those would have been also provided to that household.

So in the event that we are not assisting them based on maybe their -- this project will greatly exceed what our -- the scope of what our program can take on, we are -- still we can say, okay. We're not going to assist you, but we have disclosed those hazards.

If there's a way for us to route them to other resources in the community, that's probably an ideal situation, but the program would not block you from saying, Well, once you've identified lead, you will have to provide assistance to that household and be able to address that.

Now, I will also mention I've had some ugly situations after the fact where we had a grantee who did the evaluation on the unit on what all the work was to bring the unit up to property standards and also an evaluation on lead and what those costs would be. And they determined, oh, this is going to exceed what our particular program's limits are. And so, they chose to simply back out of that scope of work, the lead work.

You can't do that. If you are going to assist, if you're going to invest funding in assisting that property, then you not only have to bring it up to your property standards, but you're also going to need to follow the lead safe housing rule and be in compliance with that.

So it's evaluating what are my -- what are the requirements on this? What are the estimated costs on this? And is this within the boundaries of my program?

Kris, anything else that's come in in the meantime, or shall I just keep going?

Kris Richmond: Yeah. There's just some interesting questions coming in. So somebody was asking -- let's see. So they're saying, can you do over \$5,000 of all exempt work and not do a lead assessment or clearance?

And so, they're saying if the paint testing found the work did not disturb lead-based paint and the risk assessment found no lead-based paint hazards, then clearance would not be required, as hazards were not present and there was no lead disturbed.

And we have other questions keep coming in saying, well, if I'm not disturbing any paint? So someone said, well, perhaps I'm doing \$15,000 of concrete work on a 1960s home. Are there any lead requirements?

And remember, if no paint is disturbed, then that work would be exempt. So a concrete driveway replacement is a good example of where no paint is being disturbed. So you do not have to apply the lead safe housing rule if you're not disturbing any paint.

So just, again, lots of questions about the exemptions, which one -- which we went over at the end of yesterday.

Les Warner: Yeah. And I guess my suggestion on that is I would think, as sort of a standard process, you want to think about how am I kind of tracking this? A lot of folks will have like an evaluation sheet for a project. You may be -- let's say it's single family. Your first determining, is this an eligible household? Are they income eligible? Do they own the property?

And then I would think you might, as a standard question, want to determine, is this a unit that was constructed in 1978 or more recently? And so, be able to say, okay. So this is an exempt unit. I don't have to then go further with following determining, well, what's my -- what are my hard costs assistance for this and making those evaluations.

But I think having some kind of cheat sheet or process that kind of walks you through, what's the next question that I need to ask on this, would probably be helpful for folks and also document that process.

Karen Griego: Hi, this is Karen. I just wanted to add that our toolkits do include a screening worksheet, and we recommend that every rehab project, every other project that is or may be subject to the lead safe housing rule include that screening worksheet in the project file so it's

easy for any of us HUD people who monitor or audit to ensure that you followed your policies and procedures in at least identifying whether or not lead safe housing rule applies and then go from there.

Les Warner: I think that's great. And, I mean, I think part of the key here is there's a lot for folks to remember. And I think without some kind of a standard screening form that you're using, it could be -- you could have the unfortunate realization that, oh, we forgot to ask a pertinent question.

Maybe we're going ahead, and we are having a risk assessment and paint testing done on a property only to remember at some point, oh, wait. When was this building constructed? And so, obviously, we kind of want to remember all those pertinent questions that we need to ask.

There was a question that came through yesterday asking, is it wrong to treat nonexempt properties as lead abatement projects?

So a couple of things here. So we've looked at this summary chart, and we're always going to be looking to see, based on this project, based on our hard costs, what the requirement is going to be.

In some cases, your funding source might be requiring you to standardly do a higher level of treatment, or you, perhaps as a community, have determined that because you want to make sure that we have more permanent work done to address lead hazards, that maybe you've, as a community, decided we're always going to do abatement rather than interim controls, even though interim controls might be the level of treatment that's triggered here.

So you could have some overlay of some local or some funding source decisions that would need to be included in that decision making process.

There was a question yesterday I thought was really good, and I don't know if folks saw this. So there was a question about, how do we determine whether a property is restricted as an elderly property?

And within the interpretive guidance at B12, there is a really good answer on this which talks about that the housing for the elderly is defined in the regulation as retirement communities or similar types of housing that's restricted or reserved for households composed of one or more persons that's 62 years or older. And -- but also talking about looking at the lease requirements on this or other resident agreements, which would oftentimes contain specific language about the restrictions for that property.

Let's see. Kris, any new questions we should take on?

Kris Richmond: Yes. Sorry. It was taking me a little minute to get to the unmute button there.

We had a couple people asking, I don't see that evaluation form that Karen had mentioned in the documents you sent. They are actually in the toolkit. So I did put in the Q&A the link to the

toolkit. If you look at your slides on slide 47, we also have a link to the toolkit there. So if you're able to download the slides, you can just click on slide 47, and it'll take you directly to the toolkit as well.

Also, people were asking about the recordings. I thought the link had been sent out, but John let me know that it has not yet been sent out. So it should be soon that the link to last week and yesterday's recordings should be sent to you soon. So stay tuned for that.

Les Warner: There was a question yesterday. I think people are kind of trying to grasp what specifically does the lead safe housing rule cover, and there was a question about, so, does the rule only apply to painted surfaces?

So first off, it applies to target housing, and we talked about that being pre-1978 housing. And then we are looking not only -- we're looking at hazards. And so, that would include deteriorated paint surfaces, paint, dust, soil, lead hazards, but also hazards related to if we have a painted surface that's going to be disturbed as part of our scope of work.

So we've talked a little bit about we're doing paint testing on those surfaces that are going to be disturbed as part of our rehab. But our risk assessment then is looking overall for any lead hazards within that environment, and those would need to be incorporated into our lead hazard reduction activities.

Let's see. There were some questions yesterday. We spent some time talking about the EPA RRP rule versus the HUD rule and pointing out that there are differences between the two. And there were some comments about, wait a minute. These are both federal programs. Why don't we have the same set of rules that apply across the board?

And as we talked a little bit about yesterday, that the focus of these rules is a little bit different. So with our HUD programing, because we are owning and assisting units, there's sort of a higher level of responsibility on this. And so, the lead safe housing rule takes this a bit further.

The EPA RRP rule is, I think, kind of focused on we've got contractors that are going to be working not only in residential units but also in child care and daycare facilities. And so, trying to make sure that, as part of that work being done, that we're going to complete that work in a lead safe manner so we're not creating hazards that aren't there. And so, it has -- the RPP rule has a broader application.

I've used the example in some trainings. I had a house that part of it was from 1917, and the other part was, I think, from the late '80s. And so, asking my handyman if he did painting. He asked what the age of the house was, knowing that I had this older section of the house, and said, I can't do that work because I have not yet been certified under the RRP rule to be able to do that.

So it's -- there were no public funds involved in that, but it does apply more broadly than the lead safe housing rule would do.

Kris Richmond: Les, we got a couple questions that came in. So let me review some of those. Someone was asking the question that comes in every time, is HUD ever going to raise the \$25,000 abatement trigger?

And HUD let this person know that the dollar amount is statutory. So Congress would need to agree to amend the Title X statute and that the Office of Lead Hazard Control and Healthy Homes does request this nearly every year, and Congress has just not acted on that.

Another question that came in asked, am I required to address lead-based paint hazards outside of my scope of work? For this scenario, their cost estimate is \$15,000, and the scope of work will disturb lead-based paint.

And the answer to that is yes. So you're in that \$15,000 range. They're going to be doing a risk assessment, and they may identify -- they might see dust or soil, lead hazards, lead-based paint that's not originally in your scope of work, and you will need to address that as part of the job.

But you did mention yesterday, Les, that sometimes you might need to walk away. If you don't have the funding, if it doesn't fit within your program, you may need to walk away. We don't like to do that, but now that household does know that there's lead in the unit and they're going to need to be required to disclose that for all future scenarios. So hopefully, we're not walking away from programs and projects.

Les Warner: And I think this will do. I have to add this to my scope of work. It's much like you don't want to do -- let's say do a rehab on a unit but not address the electrical system which could have the potential of causing a fire and putting that household at risk.

So our risk assessment is looking at that overall unit and saying, hey, we've got something that puts that household in harm's way. And so, it is going to be required to be included. If we're going to do this unit, we're going to include that in our scope of work.

Kris Richmond: Great. We got a positive comment about the toolkit. So if you haven't had an opportunity to play with the toolkit, you might want to do that. We got some kudos for that.

And that's all the new questions that have come in. Again, we've got a couple people jumping ahead, and we're going to talk about acquisition, leasing, supportive services, and operations in Subpart K. Let's see. The first week of July, that's when we'll be talking about that.

Les Warner: So there was a question yesterday I thought which was a great question, was asking about the level of training or certification that would be recommended for a rehab program manager.

And I think part of that, it looks to what is that program manager's responsibilities. This training is a really good start. Might be sufficient as part of that, but I think the key is -- so, let's say I'm the manager for a rehab program and I'm going to contracting out for our inspections, our risk assessments that are going to be done on that.

So I've got expertise that's provided. I don't need to be certified as a risk assessor as part of this, but you need to know enough and understand enough about what the requirements are and what you would expect that person to have done, what the appropriate decisions would be based on that process.

So you need to be familiar enough to be able to kind of sample and look at, okay. We've got a risk assessment that's come back from a potential project we're going to do. Can we see that -- the suggested scope of work to be able to address the treatment plan for that property has been included in my scope of work?

If you were doing monitoring, you were on site and observing, are people masked and protected appropriately? Are they doing appropriate cleanup? So kind of knowing what to not only look in files, having learned about the disclosures that are required and seeing that that is being done, but being able to then think about these are the things I have to incorporate into maybe procurement where I'm asking for appropriate certifications from contractors that are bidding.

So I think the more that you can know, the better. I know when I was in running a state rehab program, that we went through the risk assessor training. Our legal counsel would not allow us to take the test to be certified, but it was really helpful to have gone through that training, understand the techniques that were being used, hear practitioners talk about the issues that they were facing, and it was very helpful then as a manager of a large rehab program to have that background.

So this is a good starting point, but you might want more depending on the role and the rest of the team that you have that you're working with.

There also is a question about, so, is the XRF -- if we've got an XRF, does that handle everything? Do we still need a lab for testing?

So Bruce had answered this yesterday in saying, the XRF is really the ideal preferred method for paint analysis, but it doesn't really handle or do a good job on things like dust and soil. And of course, we also, for our clearance tests, are going to be using a lab on that. So it handles our paint testing, but it doesn't really replace the fact that we still need to have gone through procurement and had a lab in place to be able to handle that part of the process.

Let's see. One of the questions that was asked and we had -- we talked a little bit about this yesterday on our disclosures and the fact that we need to make sure that those notices go out to occupants. And so, we talked about the fact that when you've got multifamily, that there is the option of posting that in a public area.

So I think the key here is that we're looking for, as part of our file evidence, evidence that that we have delivered that. So if we're doing a single family and we're providing that owner, the occupant, the disclosure, we normally will have a signature receipt that they'll simply sign when you give them each of our required disclosures.

If we were doing that common area posting for a multifamily project, I talked about yesterday that consider documenting that, showing what was posted, when it was posted. I would think some photographic evidence on that would be also important.

So the question we had yesterday was, well, who has to do this? Could I simply make that the responsibility of the owner to distribute it to their own tenants?

I will say in some other programs, including relocation things, that sometimes when we have said to the owner, you're going to be responsible, that it doesn't happen. So you either can handle it yourself or you can say to that owner, you're going to need to do this but this is the documentation that I'm going to require back.

So if you want a receipt that's been signed by tenants on that, great. Make that clear, and then look to see that you get that back. Or if we're doing this common area posting, again, set up some criteria of what you expect them to provide you as evidence that that's been completed.

Kris Richmond: So Les, we had a great question come in. Somebody was asking. They said, a client participated in a rehab program in 2011, and a lead-based paint risk assessment was conducted then. The client is back asking for assistance. So do we need to do another lead-based paint risk assessment?

And the answer is yes. A new risk assessment is required. A risk assessment is only valid for 12 months. So it's only valid for one year. So something done back in 2011, you definitely need to do another risk assessment. Even if it was done in 2020 -- what are we in 2022 now -- 2020, you would need to do another risk assessment because it's only valid for 12 months.

Someone else was asking, what is a typical timeline on lab results?

Remember we talked about sending our soil and our dust samples in to the lab, and really depends on the contract that the risk assessor has with the lab. It can be anywhere from 24 hours to one week. I know you can usually get quick turnaround, but that usually costs more for the rapid return results rather than waiting a week. So it really depends on the contract that you have.

Those are some of the new ones that came in.

Les Warner: Okay. And we had a number of questions yesterday about relocation, and just know that that's part of what we're going to be talking about next week in quite a bit of depth because that's -- we mentioned a little bit about needing to plan and figure out, okay. If we've got an occupied unit and we are doing -- going to be doing work on this, do we need to relocate folks? Can we cordon off? So we'll be going into that in quite a bit more detail in next week's session.

Let's see. I think we covered this already, but there was a question about sort of the level of documentation about disturbed -- how do we determine what painted surfaces are disturbed or not disturbed?

And again, going back to our scope of work and, where appropriate, adding some photographic evidence to that may be helpful.

Kris, I think that's about what I have highlighted from yesterday's.

Kris Richmond: Okay. So someone had written in a question. They're asking if clearance comes back with no lead paint.

So remember, clearance is done at the end of the job. So at the beginning of the job, we're doing -- depending on our categories we're in, we're either doing just paint testing of the surfaces to be disturbed or we're doing paint testing and a risk assessment of the entire safe -- surfaces to be disturbed for paint testing but a risk assessment of the entire unit and our common areas, if we're in a rental situation. And so, clearance is done at the end.

So they're asking, if it came back with no lead paint. Now, of course we want it to pass clearance at the end of the project, but they're asking that if it comes back for other services down the line, what do we need to do?

This is very similar to the other question we asked about the risk assessment done in 2011. So if you did a risk assessment for that project, more than a year has passed, you would need to do another risk assessment. So you just need to understand what the terminology is that we're looking at. Anything you want to add to that, Les?

Les Warner: No. But it kind of brings up a question that we had yesterday where we sometimes will have a project that we have followed this process appropriately, and maybe we've determined that this is a project that's not going to -- let's say it was under \$5,000, not disturbing any painted surfaces, and then there is a change.

Sometimes we have to do a change order on a project, and we are expanding what that scope of work would be and what the requirements would be on this. And I'm not sure on what the specific guidance would be. I would presume that we would need to then follow with the change order the new level of requirements that are going to be triggered based on that. I don't know if Karen or Bruce want to comment on this.

Kris Richmond: Les, were you saying if there was a change order and we're in the middle?

Les Warner: Yeah.

Kris Richmond: So I think in the past and I think it was in the interpretive guidance, if you were in the \$5,000 to \$25,000 and you had a changeover and it got you over in the over \$25,000, you could still stay in that middle category. But what we don't want to see is a full file of change orders to try to avoid a higher level.

Les Warner: Yes. And in this example, they actually were in the under \$5,000 --

Kris Richmond: Oh, I see.

Les Warner: -- category and not disturbing paint. So this really changes it kind of dramatically depending on that scope of work and what happens on that.

Kris Richmond: Okay. I'm sorry. I was trying to read questions and listen at the same time.

Les Warner: Yeah.

Kris Richmond: Karen or Bruce, maybe one of you can weigh in on if you were --

Bruce Haber: Kris, this is Bruce. I think it would follow the same way, that as long as this is not a pattern of events, the occasional change order that takes the value above \$5,000 would still follow the under \$5,000 requirements. And remember, we are going to get clearance at the conclusion if we're disturbing any paint. So if the clearance fails, then additional work is going to have to be done.

Les Warner: And if that was -- if it was -- let's say the change was kind of significant, might the grantee say, let's go ahead and do a risk assessment just to simplify, making sure that when we get to the end of this project, we will when we do our clearance testing, might that be an option for them?

Bruce Haber: Absolutely. That would definitely be an option, and it may make a lot of sense depending on the scope of the change.

Les Warner: I mean, hopefully, we will not have change orders that suddenly go from less than \$5,000 to close to \$20,000. We normally see minor sorts of things as change orders. Otherwise, there's something wrong probably with your inspection process in determining up front what that scope of work is going to be on that particular property.

Kris Richmond: Well, this brings us to the end of our time together. We had some great questions come in, great discussion among the different panelists. I want to thank everybody for your attendance and attention today. Thank you again to Bruce Haber and Karen Griego. Always helpful to have your support.

And next week -- Les, I don't know if you want to maybe go to slide -- one of our last slides there. We can tell people what we're -- slide 119. Yeah. There we go.

So next week we'll be continuing Subpart J. We'll be diving into the construction phase. So this is where Les is going to be talking about some of the different safe work practices. We're going to look at some pictures and try to identify what's not safe and what do we need to change about that?

We're going to talk in great detail about relocation. I've had so many questions come up about relocation, and I promise you we will talk about relocation next week. So come back next week. We will continue Subpart J. And continue to think about your questions and you can type them in next week and we'll address those as well. So thanks, everybody.

Les Warner: Great. Thanks.

Karen Griego: Bye.

(END)