# Lead Safe Housing Rule Webinar Series, Subparts J & K

# Spring Session 2: Office Hour

# Thursday, May 27, 2021

Kris Richmond: Thanks, Paul. Hi, everybody. Welcome back. My name is Kris Richmond. I am accompanied today by my colleague Les Warner, and then we are fortunate enough to have two HUD staff with us today: Bruce Haber and Jerry Freese. So, we are really appreciative of their time today.

I know that Paul just went through the logistics of telling you where to put in your questions. So today, please make sure you put your questions in the Q&A box. Yesterday, we had quite a few questions coming in through the chat box. And Bruce and Jerry are not looking at the chat box. They are looking at the Q&A box. So please go ahead and put your questions in the Q&A box.

And so, for today, we are going to be going over the exercise. Hopefully had an opportunity yesterday to review the exercise and to look at the work write-up. We do want to let you know it is a very fictional work write-up. We are aware that the costs are probably a lot lower than what your costs are, where you are working. But we just wanted you to go through to get a feel for it and then try to figure out which kind, well, which -- what kind of evaluation do I need to do? Or what training to do, or what kind of treatments need to be done?

So hopefully you had an opportunity to do that. And then after we go over those, and we will see if there is any questions directly about the homework, we will start to answer questions that you have put in the Q&A box and then Les has had an opportunity to go through all the Q&A that came in yesterday and usually does a really nice job of grouping those together. And we will review some of those chance to see those as we were training yesterday, which is really hard to do.

So let us get started. So, in the exercise, when I scroll down the page, remember, you also need to take your grey bar and move down the page, otherwise you are not going to see what I am looking at.

So we have the Jones family; and the Jones family has applied to the Park Town Homeowner Rehab Program. And Richard Miller is the rehab specialist who works the Park Town. And he goes and visits the Jones family's 1960s home. And he is going to develop a work write-up. And then we supposed to be looking at this work write-up. And so, the work write-up was the next couple pages.

After the exercise, you can see the work write-up here. It goes through different definitions, it lists with the different materials are that you want to be using, the warrantees. And then what is the workday to be done? Where does the work need to be done? We have work on the porch. I think I saw some work in the kitchen. We are doing work in the bathroom. So that is -- a couple of bedrooms, we have work being done -- and so that is just the basic work write-up.

So we wanted you to look at. Let us go back to our question. So, the first question was, what is the initial cost estimate. Well, that one should have been pretty simple because it is actually on the first page here of the work item cover sheet. You can see right here this cost estimate number that Richard already put down for us, is $11,707.95. So that is the answer to number one.

And then the second question is asking us to go back to the page here. What lead hazard evaluation is required, and why? So, we know we have $11,000. So, if you were following along yesterday, you remember in our chart, we are going to be looking at this middle level here. So, we are in the $5,000 to $25,000 range. So what level of evaluation is required? Evaluation is: how are we looking, how are we determining if there is lead in this house or not?

So according to our summary chart, when we are looking at our evaluation, we can see that in the $5,000 to $25,000 range, we have a choice. We can do paint testing and a risk assessment, or we can presume that there is lead hazards. So, if we are going to be paint testing and doing a risk assessment, we need to hire a risk assessor who is going to go out and do the risk assessment. And then they are also to be doing testing on the surfaces to be disturbed.

So that is if we hire that risk assessor. Or they will be doing -- we, the, Richard, will be presuming that there is lead paint and we will be doing standard treatments. So, I kind of jumped ahead a little bit on our questions. I am going to scroll down the page so you might need to do that to, to be beyond question number two: which surfaces require paint testing?

So, all the painted surfaces that will be disturbed, according to the work write-up are going to be requiring paint testing. So, it is going to be really important for Richard to give this work write-up over to the risk assessors. The risk assessor knows what areas are going to be disturbed so that they do the testing on those areas to disturbed. They are going to do a risk assessment of the entire house, but they are going to be testing on the surfaces to be disturbed.

So, let us look at number four, which items might become part of the required lead hazard control work upon evaluation or presumption, and how would you separate the hard costs of rehab from the lead hazard control costs? So, all the items that are affecting painted surfaces, doors, walls, ceilings, above the de minimis may be required to be addressed with lead hazard control measures and methods if the lead paint is present.

And according to interpretive guidance, the originally planned item such as the ceiling or the walls; the originally planned item is treated as a hard cost of rehab, but any additional costs pertaining to their control can be attributed to the lead hazard cost. And the reason you want to separate those, is because remember, we -- our letter of the amount of federal assistance or our rehab hard costs -- and in our rehab hard costs we are separating, I mean, we are subtracting any soft costs and any costs attributed to lead hazard control. That is why we are trying to help you figure out what would be the hard costs, what might be a lead hazard control cost.

And it also might be helpful if you do two separate work write-ups, maybe you do a work, write-up for the rehab work and a work write-up for the lead work, and that would help you determine which category you would want to put that in. Are you putting in the hard costs of rehab, or is it counting as a lead cost? So, that is something that some grantees do as well.

Let us look at number five. Suppose Park Town has adopted a strategy of presuming the lead paint instead of doing risk assessments, what specific measures will be required on the building components we know about, and what other measures will be needed and why? So, if Park Town

decides not to do a risk assessment and paint testing, if they are presuming -- they are presuming what hazards, they have to perform standard treatments.

And standard treatments have to be applied because we are in that five to 25,000. So, if we go back to our summary chart here, we see -- let us see if I can change colors, or I will just use my little arrow thing. We can see here, that we are presuming that they paint hazards and we are using standard treatment. So that is what we are doing -- right here, standard treatments if we are doing presumptions.

So, we are going to be doing standard treatments, and we are doing presumption instead of a risk assessment, and instead of interim controls. And standard treatments have to be performed on all applicable surfaces, including their soil, to control lead hazard. So we mean by applicable surfaces.
So applicable surfaces, we are doing paint stabilization. So, we are addressing all these deteriorated paint on the exterior and the interior surfaces. And these have to be stabilized or repairs, safe paint removal and repainting or abatement. And then we are creating smooth and cleanable horizontal surfaces. So, all the horizontal surfaces that are rough, or pitted, or porous, such as maybe they are floors, or stairs, or windowsills, and window traps, they have to be covered with a smooth cleanable covering or coating such as a metal coil stock, or plastic, or polyurethane, or linoleum.

So we are creating smooth and cleanable horizontal surfaces. We are also going to be correcting dust generating conditions. So any condition that generating dust from paint, such as those that rub, or bind, or crushed surfaces with the paint, has to be corrected. And so an example, this might be repainting doors, or installing doorstops, or maybe even reworking the windows.

And then we are going to be addressing the bare residential soil. The soil is addressed using interim control methods, including impermanent surfaces covering such as gravel, bark, and sod, as well as land use controls such as maybe fencing, or landscaping, maybe even warning signs. And they have to address all the surfaces, not just those identified in the work write-up, if you are choosing presumption.

Because presumption is a blanket statement, we are presuming that everything has lead in all of the paint, and the surfaces, and the soil. So, I think that is our last question. Let me go back and look. Yep. Les, are there any questions that have come in about the homework, or anything you want to expand upon in the homework?

Les Warner: Yeah, we actually have a couple of questions related. Folks have asked for you to repeat the answer to number four.

Kris Richmond: Sure, we can do that. Let us go back to number four, is: which items might become part of the required lead hazard control work upon evaluation or presumption, and how do you separate the hard costs from the rehab costs? So, all items affecting painted surfaces, doors, walls, ceilings above the de minimis, may be required to be addressed with lead hazard control measures and methods if lead paint is present.

And just so you know that the interpretive guidance does state that if you originally planned to treat doors, walls, surfaces, certain surfaces, then you count that as a rehab hard cost that any additional cost to treat that as lead hazard control can be attributed to lead hazard control column. And then you also might want to separate your work write-up, maybe do your specifications for the rehab work, and then the specifications for the lead work. And that will help you see the differences between the cost, because there is often, you know, if you need to use abatement workers, you do not want to have abatement supervisors or abatement workers do your entire project.

That might be just certain components they have to do. So, you probably do not want to bid the whole job out to them. That is going to be really expensive. So, you would want to have your rehab work and your lead work; and you would have the lead work done by the proper specialists, depending on the kind of work that needs to be done. You would maybe get an interim clearance, and then Have your rehab work done by your general contractor who is going to be RRP certified, and then do a full clearance on the project. Other questions, or things we want to expand upon, Les?

Les Warner: Great. Well, I will just mentioned there was a question which I think it is really worth repeating here. So, there was a question about if we were doing rehabilitation for a single-family house that had outbuildings on that property, would our lead testing include those outbuildings, or would it be just the home?

So Bruce responded to that and explained that the risk assessment is for the full property. And so that would include the inside, the outside of the house and any outbuildings such as a garage. And I think the point here is that for many of our programs, you may -- let us say you have a home, single family rehabilitation program and in a lot of cases you would not be doing rehab to those outbuildings, but you would be addressing health and safety hazards.

And so with a risk assessment where we had lead testing done and determined that there were hazards, those would need to be addressed as part of dealing with those hazards. In some cases, we will see outbuildings that might simply do demolition on, or we might be doing interim controls for those areas. Let us see. You answered a couple of these. There was a question about is the cleanup cost a lead hazard cat cost only if the paint is positive with lead. Could you review such examples of which items are soft cost?

So, and I am not sure on how they are defining cleanup costs, but as Jerry put in, you know, soft costs are sort of non-construction costs, such as an inspections and assessments, permits, those sorts of things. We have certainly as part of lead hazard reduction work, where they would be, as part of that work, cleaning up as they completed that work in preparation for a clearance test. And that would be part of the lead hazard control work itself.

So, I think, you know, some explanation or, kind of being careful about if -- part of construction, whether it is lead hazard work, or simply are hard construction costs, there is some clean up as we are doing the construction itself. So, depending on what is meant by a cleanup cost, I think it is going to be how you are going to determine whether it is a soft cost or it is actually part of the construction itself.

Kris Richmond: So, Les, do you want to turn your camera on, and I will turn mine off, if you want to keep going through the questions?

Les Warner: I can do that. All right. So, we are going to flip back and forth. And Kris, if you can keep an eye on the Q&A box, and I am going to flip to the list from yesterday of some of the questions that came in.

So, one of the questions, and we talked about this some yesterday, but I think in looking back over the question, it probably makes sense to talk about this a little bit more. So, we used an example where there was a question yesterday, about trying to figure out when we have projects that are exempt. And in the example that was asked in a question, there was a question about, you know, if we were doing a sewer line replacement, would that be exempt? So as part of that, we were then trying to think about, well, what is -- the where is this work happening? What is the pathway of that work?

And so, where does it -- where is it going to intersect with painted surfaces? So, part of our response on that was, you know, generally a sewer line could be exempt. But we have to think about foundations, flooring, other places where, as we are cutting through to do that replacement, we might then be disturbing painted surfaces.

So that would be part of our determination of whether our overall, the scope of work for the sewer line was going to be exempt or not. But there also was a question, a sort of a secondary question asked a little later on that same scenario, saying, well, so if our sewer line project is over that $5,000 amount, so let us say we have a $10,000 sewer line replacement, are we just dealing with paint disturbance that were part of the work area, or are we also needing to do an assessment or the whole house?

So, we know that when we are between $5,001 and $25,000, that are a evaluation requirement is a risk assessment. So, the risk assessment is going to be looking overall at the whole house, and also looking at things like bare soil, where we have dust accumulation, or friction surfaces.

So, I just want to make sure, Bruce and Jerry, that you agree. But in the case where we have this sewer line, because in the example, where we are at ten thousand dollars, our scope of work is limited, might be exempt. But if we are doing a risk assessment on this and the risk assessment identifies that there are other lead hazards in that unit, my understanding would be we would have to address those. Jerry or Bruce, do you agree with that?

Bruce Haber: Yeah. Les, this is Bruce, and you are correct. If the sewer work disturbs paint on the way into the house, then let us say a thousand little flies [ph] in a risk assessment would have to be done because the value was over 5,000. And then any lead-based paint hazards that are found elsewhere on the property would have to be addressed using interim controls, because the value is between $5,000 and $25,000. I hope that answers it.

Les Warner: Yes, actually, I think that raises an interesting question. So, I think as folks look at this, they are pondering, well, which comes first. Do I look at my hard costs and say, well, this is

a hard cost that are $10,000 in this case. So, I have a risk assessment that I am going to do, or are they looking at the scope of work and saying, well, my scope of work itself is not disturbing any painted surfaces, so my project itself is exempt and I am not required to do a risk assessment.

Bruce Haber: I think -- this is Bruce again -- the correct answer would be to evaluate the project first, to determine if any paint is being disturbed. And if no paint is disturbed, then that falls under one of the exemptions to the Lead Safe Housing rule, and therefore since it is exempt from the safe housing will no risk assessment would be required.

So typical projects are sidewalks, roofing, mechanical system replacements such as boilers, and furnaces. Those are the common type of work that would fall in under the exemption. But every project is different, you have to look at it and make that determination in the field. I suggested yesterday in the Q&A answers, take a picture of what the work is. Add that to the file so that if they were being monitored, you have evidence that indeed, no paint was to be disturbed.

Les Warner: Great. I think that is very helpful. We had a couple of questions trying to figure out whether -- when things apply or not. There was a question about with emergency rehabilitation being done, and doing a roof replacement and whether a roof would be considered to be an exempt activity. And so, I thought it was important to kind of go back to this.

So, the roof replacement is probably typically going to be considered exempt. But you do have to really examine the work area. So, are you able to do this roof replacement without having an impact, without disturbing painted surfaces that surrounds that? So sometimes, because of sockets and other things, we are actually going to be disturbing painted surfaces.

And so, I think it is a matter of looking specifically at the work area and making that determination about whether we have softest eaves or other things that will be end up being part of that work area. If so, then that project would be covered. It would not be an exempt project.

And I think we oftentimes have folks who will want to say just as a blanket, oh, this is exempt; I do not have to be worried about the Lead Safe Housing rule. And that really is going to depend on that particular work area, based on the activity that is being proposed.

We had questions yesterday about trying to be -- folks trying to get a real clear feel on the difference between interim controls versus hazard abatement, and I think Kris talked about this a little bit in the exercise today on interim controls are trying to get to smooth cleanable surfaces. And so, we are eliminating any unstable surfaces as part of our work, but we are not doing -- making a permanent correction to this.

So, we are not removing all lead. We are not, you know, permanently encasing it, such as doing some kind of mechanical fasteners and putting it behind some new substrate that is going to block that off. So, the key here is that we are, under interim controls, dealing with that hazard, controlling it, but not not permanently removing it as part of that.

So, Bruce yesterday offered, and I thought this was really good, a good way to think about it in thinking about interim controls as sort of normal paint maintenance. And so, we are addressing

where we have deterioration, whereas abatement is a is a permanent fix on this and either eliminating those surfaces, or doing some kind of enclosure encapsulation, which will be a much more permanent fix on that.

Let us see a couple of these we have -- so, there were questions about how do we know if windows are a lead hazard, if we have not determined the level and done the testing risk assessment? So, you know, generally we are going to either be doing testing or we are going to be doing a presumption. So, if we are presuming that they are a lead hazard, then we are going to include them as being part of our lead hazard work. Otherwise, we are going to be doing testing if we believe that they would include lead paint.

And, of course, keep in mind that our evaluation requirements are going to be based on our hard costs. If this is over $5,000 that we know we are going to be doing a risk assessment, rather than doing just our paint testing on this. So, it is really going to be determined by: is my overall project and exempt project? And then also following the requirements on our evaluation requirements based on our hard construction costs.

There was a question about permitting fees as a hard cost, and those were clarified yesterday as being soft. And so, as you are thinking about, as I am making that calculation of my hard costs on that, those are some of the things that would be excluded from that.

Let us see, oh, this was a good -- so I think we cannot repeat this too many times. When we talked about the exemption for elderly, we have been very specific that it is not based on the occupancy of the structure, but it is based on whether that is a structure that is restricted on who can live there. So, if it is an elderly structure, then we have a restriction in place that only an elderly person could occupy that unit.

Now, we know that that exemption goes away if we have a child under six who is actually occupying that unit. So we had a question yesterday about doing a door replacement for a single family unit where we had an elderly person that was living there, and they were thinking that, you know, maybe this was going to be exempt because of the fact that we had an elderly occupant.

So, again, the key here is that the exemption for elderly is not based on the occupant that we have in place, but it is based on how that unit is designated and whether it is restricted for the elderly or disabled usage. Kris, any other questions that are coming into the question-and-answer box?

Kris Richmond: Yeah, there is there is a whole bunch of questions coming through. Let us see. Somebody was asking for projects over $25,000, and we are doing -- are we doing paint testing beyond the services to be disturbed. And we tell them the risk assessor will test all paint surfaces that may be a lead-based paint hazard, as well as surfaces to be disturbed. And dust testing and soil testing is also part of the risk assessment. So little more expanded.

Somebody was asking when calculating, which Lead Safe Housing will approach to use, or are repair or replacements that do not disturb paint removed entirely from the equation

predetermining approach. For example, a new septic is $20,000, the remaining work that does disturb paint is $8,000, and the cost calculations is for the entire project. So, we just wanted to alert to that.

Let us see. People are asking if I am going to be able to share the documents with the Q&A. So right now, we are just collecting the questions and we are putting together some answers and HUD has to approve everything. So, you know, in a training we are answering questions quickly and before we can actually publish Q&A, they need to be fully vetted.

So, we cannot share them at this time. But they are going to be hopefully eventually posted on the HUD exchange. That is really helpful for you to join the mailing list, the listserv so that when new things are posted, you will be able to go there and and find them. Well, Les, that is about it, if you want to keep going through the questions from yesterday?

Les Warner: Okay. So we had a question yesterday about whether an XRF machine was eligible as an admin cost under HOME and CDBG. So CBDG is very specific that you are not able to use generally CDBG funds to purchase equipment. But there is there is sort of an exception that we have a few communities with CBDG funds who have created tool lending programs.

And so they provided things like XRF machines, or cleaning machinery to be able to be used then by their contractors. So I do think that might be the one potential under CDBG. For HOME, I do believe it would be an eligible admin costs for the PJ to pay for that. Oftentimes we are seeing that, you know, the work is being contracted out, and so the machinery is something that is brought by the contractor.

One thing to note here is that XRF machines have to be, on a regular basis, recalibrated to make sure that they are reading accurately. And so generally, I think most folks will have several XRF machines. So, one while one is out being recalibrated, that they have a working machine. So that may be a factor in how many are needed as part of that.

There was a question about, you know, how do we encourage contractors to become RRP certified? Well, generally, whether a contractor is using -- being paid with HUD dollars or not, they are going to be required to be EPA certified. And that is if they are working on residential units that were constructed prior to 1978. But we certainly will have contractors.

I have told the story of -- I, in my old house, which part of it was built in 1917; my sort of handyman guy, when I asked him about doing some painting work, asked what year the house was constructed, and then said no, that he would not be able to do painting because he had chosen not to become certified for the RRP certification.

So, we certainly have contractors that have chosen not to do that. I think the way we generally encourage participation and appropriate certification, is that we are marketing that you have program funding. And so, there is a stream of work that is -- will be available for contractors that have the appropriate certification. And that might be not only just your local program, but in the surrounding area where we have a number of grantees that are seeking an appropriate number of RRP certified contractors.

Oftentimes when the economy is good and there is a lot of work out there, it is harder to recruit contractors to go through and keep that certification in place. But it is one of the things that we, essentially, have to do to make sure that we are going to have an adequate supply of appropriately certified contractors as part of that.

We have a couple of questions yesterday about the length of time that a risk assessment would be valid for a property. And so our answer is that the inspection part of that is not going to expire, necessarily. Generally, assessments would be accepted up to a year before they would require some kind of updating. And so you may have more stringent requirements where you are working.

So, we mentioned yesterday a couple of times the importance of paying attention and looking, following the links that we provided for state -- EPA state programs to see if there are more restrictive requirements within your area that you are working.

Let us see. So there was a question yesterday about, can we really do a full risk assessment without knowing where the lead is? And so, it is important to understand that a risk assessment is going to be a surface-by-surface inspection of painted surfaces, and also then looking for other hazards, such as: we talked about impact surfaces, dust where we have bare soil. So our risk assessment is going to make a determination.

So we are either going to be using an XRF machine and determining whether the painted surfaces actually include lead, or we could do paint testing and sending off samples to make that determination. So that is part of our risk assessment process. Kris, anything come through your end that we should address, or should I keep going here?

Kris Richmond: Yeah, so somebody was trying to ask about for the over $5,000 to $25,000. And for the risk assessment, are you looking at all hazards in the paint testing in painted surfaces that could be a hazard. And for over $25,000, am I looking at something different. And the question is no. So, for the paint testing and the risk assessment, it is the same, regardless of the value of work. It is the same for all projects over $5,000 to $25,000, and over $25,000. The process for the paint testing and risk assessment.

Les, maybe if you can pull up the summary document?

Les Warner: Yeah, let me switch back because I am looking at my list too.

Kris Richmond: Because I think I gave you control of the screen.

Les Warner: Yes, I am trying to think, are you looking for --

Kris Richmond: It is the next tab over. The next tab.

Les Warner: Let me see if I can move this.

Kris Richmond: It is the one that has the subpart J and subpart K; it is a chart. It is just the next top tab.

Les Warner: Yeah, I do not see it on my screen.

Kris Richmond: Okay. Do you want to give me control and I will bring it up?

Les Warner: Yeah, let us do that.

Kris Richmond: Okay.

Les Warner: There you go.

Kris Richmond: So, you can speak to the evaluation and the evaluation is the same thing and risk assessment, whether you are in the $5,000 to $25,000, or the over $25,000 category. I did not mean to make them look like a funny face, but that is how it ended up.

All right. Let us see. Somebody else is saying, for surface testing, peeling paint may be due to excessive moisture or the presence of lead. How do we differentiate without testing? Most of the reported cases are due to humidity factors. And we let this person know that you cannot really differentiate without testing. So, you should be doing the testing.

Somebody else is asking this question, it always comes up every time. When it is HUD ever going to look at the thresholds, you know, the under $5,000, $5,000 to $25,000, and over $25,000, because they were written, and when the rule came out in 1999. And as always, we give the same answer: it is really up to Congress. HUD does not really have any decisions on that. So, Les, other questions from yesterday?

Les Warner: Though we are probably not expecting that change soon.

Kris Richmond: No, I would say do not hold your breath on that one.

Les Warner: Yeah, yeah. So there was a question yesterday -- and for a lot of things we have, for each program we have certain terms that have specific meaning in a particular program that when we use that term for, you know, in another type of regulatory setting, it means something different. So, there was a question about, you know, if we are doing interim controls, does that mean that we are doing something to stabilize the situation, deal with the hazard?

But that is just a temporary fix until we do a permanent solution on that. And we talk about in some of our other rehab programs about some kind of interim thing that we have done to stabilize that structure while we are waiting for the actual permanent project to take place.

So, in this case, when we talk about interim controls, it is simply that we are differentiating that we are not eliminating, we are not required to eliminate, all lead, but we are taking steps that are going to put that -- whatever that surface is -- back into a maintainable situation. So, we are

addressing that present hazard, but we are not, unless we are doing abatement, required to have a more permanent correction on that.

So, under abatement, instead of just putting it into good condition, we might be removing it completely. We might be enclosing it in some way. And so, with our interim controls, it is going to be important for that household to continue to monitor those surfaces, to follow as part of our education. In the brochure, we talk about ways to control lead hazards such as appropriate cleaning being done as part of that.

We had a question --

Kris Richmond: --Les, I just want to point out I brought up the treatment worksheet that we have the handout, that does explain a little more detail about interim control. And then also to point to people the definitions hand out. They do need to scroll down to be able to see the page. But there is a definition there about interim control that I fully support your explanation.

But to let people know, interim control is the turn of the type of treatment that is being that you are required to do from $5,000 to $25,000, it is not temporary. It is not until you can get to do abatement. That is what the control method is for the $5,000 to $25,000.

Les Warner: Right, right. Okay. So there was a there was also a question yesterday about, thinking about sampling. And so when you are doing the evaluation, are there specific guidelines about the number of samples that need to be taken? And so within and we, as part of our reference, provided a link to the guidelines, which there is a chapter about methodologies for testing. So generally, we are looking for a minimum of four samples per room.

And that would also -- that would be also include windowsill and floor for each room. And so, you know, depending on the components in that room, what is going on there? You know, the more samples you have, obviously, the better information you are capturing about that area. But I would reference you to the guide and I do not know, Kris, I am looking at my list, but can you pull up -- I think on our last slide, perhaps one of our last slides, we have the linkage for the guidance. There we go.

Kris Richmond: The interpretive guidance for that, or the guidelines for evaluations?

Les Warner: The guidelines. Yeah, within the guidelines, I believe there is a chapter and I do not recall which chapter specifically, but it talks you through about sampling and determining a sample size for that. Right. All right, I am going to go back to my list here and see what else.

There was no question --

Kris Richmond: -- we had some help; we had some help from the Q&A box. So, Chapter 5 talks about risk assessment and the guidelines for evaluation, and Chapter 15 is clearing. So, thanks for the person who put that in real quick.

Les Warner: There was a question yesterday about if a program is a loan; does that change the requirements on that?

So, the form of the way the funding is being provided does not make any difference on the Lead Safe housing rule requirement. I will mention, though, in program design, that we often see programs that, when they make -- let us say we are doing single family rehab. We often see programs that make the rehab itself a loan but exclude from that the cost of the lead work that is being done.

And so, there certainly are program designs that will make some decisions about whether those costs will be included in that loan that may have to be repaid by that household. And that is a program design decision that you would need to make as part of that. Let us see. See if there are other things here that we ought to --

Kris Richmond: Somebody was asking about the type of training that is required for the different types of lead specialists. So, we have our worker type of --we have our type of workers on page one, and on page two we have where they can find training or what type of certifications they need to have. So where did the answer go.

Okay, so somebody was asking me, can you clarify, and we said well, it depends on the certification they are after. So, our RRP requires only one person to attend in person for the training and then that person can train others in the company, or abatement training requires all workers and supervisors to attend classroom training.

So, we recommend that you look at the handout that talks about what the required certifications are. And then in our slide, Les, I think it was in your section so I do not know the slide number, we had some of the screenshots that showed where you could find training, as well as --

Les Warner: We have links to both certified firms. But we also have links to where training is available. Encourage folks to look at those.

We had a related question yesterday about that, asking whether, is the RRP certifications is that a, we recommend it versus a requirement. And so, it is important for folks to understand that these are requirements. These are not just suggestions as part of that. So, we mentioned yesterday that as you are going through a procurement process on this, you need to make sure that the certifications are submitted as part of bid packets.

We have certainly had some grantees that will do a certified contractor list. And so they will go through in advance, and make sure that they have those certifications in place and then they will only send their bid packets out to qualifying contractors as part of that. But that becomes an important part of that selection of who is going to be doing the work, is making sure you have not only verified, but you have documentation that they do meet those certification requirements.

I think that is pretty much what I had pulled up from yesterday's list that we ought to revisit. There was a question about clearance yesterday, and they were asking, you know, if we have -- if we have actually removed all of the surfaces that included lead, and we put in new products -- so

maybe we discovered that all of the lead in the unit was in the windows and the trim around the windows. And so, if we have installed brand new windows and replace the trim, do we still have to do clearance?

And the answer here is yes, absolutely, because what we are trying to do is not only make sure that these hazards that we are generating, lead dust and debris, have been removed, but also that we have done appropriate clearance or cleanup to remove that residue that was there from before those friction surfaces or impacted surfaces were removed. So, we are always going to do some clearance, even though we have removed all of the lead covered surfaces.

We want to make sure that as we leave that work area, that it is now been -- our hazards have been brought down to an acceptable level as part of that.

Kris Richmond: We had a question come in asking about FHA multifamily housing, and we just want to let folks know that if it is going through RAD, that they have to follow the instructions provided in the map guide. That is not something that we are covering today for that.

And then another question asking saying, there was a slide that said on HUD projects it was different from EPA, that the job can only be done by abatement contractor. And if you recall, it depends on what type of work we are doing. So, if we are in our middle category --let me see if I can clear my pointer here -- if we are in our middle category of $5,000 to $25,000, we are doing interim control, and interim controls can be done by an RRP contractor, it can be done, also be done by a -- trying to find the chart. We have the workers --

So interim controls are right here. It can be done by an RRP contractor, but it can also be done by abatement workers, abatement supervisors, but you only need the abatement, I mean, you only need the contractor. So this is going to be usually a cheaper contractor than going with people who have gone through abatement.

But, you know, you can always the more stringent level of worker. And then back in our summary, if you are in over $25,000, then you are in abatement. So you need to be using abatement contractors. You want to look to see which level do I need to be doing. And there are some times -- and Les, feel free to expand upon this, but there may be some times when you are in interim control and you have decided that some of the replacement of items are going to go in your lead cost.

It is not part of your hard cost because you do not typically do window replacement or some other types of replacements like that, in your regular rehab. You are going to count it as a lead cost, even though you are in the interim controlled area. Some of those components may need to be done by an abatement contractor rather than someone trained in RRP. It just depends on how some of these costs have been attributed to -- when you are in the $5,000 to $25,000five, whether it can be an RRP contractor, or it may need to be an abatement contractor. Les is there anything you can explain a little deeper to make that a little clearer?

Les Warner: Well, I would like to get a clarification from Bruce or Jerry on that. So if we are replacing windows in a -- where we are only required to do interim controls, are we required to bring in an abatement contractor or can an RRP contractor remove those windows?

Kris Richmond: And that is if that is being counted as a lead cost. So has that added caveat?

Les Warner: Yeah. Now, Bruce or Jerry, I do not know if you want to respond, and you might be on mute if you are talking.

Jerry Freese: This is Jerry. I was waiting for Bruce to respond to that. Window removal, and I think Karen is still here, so she can disagree with me or agree with me until she gets off, but we regard window removal as an abatement procedure. Now, there are some places, and window contractors have argued that our RRP certified workers can remove windows, but is it us in HUD -- now, if it was not HUD funded, I would say yes.

But being it is HUD funded, I would be safe and use abatement contractors just because we are -- we like the additional training that the certification brings versus what the RRP brings, so it is kind of a matter of do you want to be really safe? Because the whole point is, is to make the family safe and making sure the project is done safely and correctly. So personally, I would recommend --

Karen: This is Karen.

Jerry Freese: Hi Karen. Go ahead.

Karen: Yeah. So by and large, I agree with the methodology of our answer here. But what I will kind of add on to that is, if the intent of window replacement was originally part of the scope of work for rehabilitation, then the intent is rehab and a renovator can do that work. However, in this case, the intent was to get rid of the lead hazard. So I -- in that case, an abatement contractor is are required by law.

Jerry Freese: I absolutely agree with that.

Les Warner: Okay, so I think that kind of goes back to what we were talking about yesterday is needing to be able to document what is your basis for choosing to replace the windows.

So, for instance, the programs that I worked with directly, we normally were not doing window replacement, but we might replace them based on that hazards. But we also might choose, based on that they were no longer in an operable condition, and they were not. And so that inspection and the scope of work should be noting that the reason we are doing the window replacement is based on its condition, not related to lead.

And so we have a clear then line of, if this is that is a hard construction cost or is this a lead cost, and who can actually do that work? We do have some programs that I would think are probably as a general matter on every house that they work on, going to be replacing windows. And so in

that case, then it would seem very reasonable to say these are not part of lead hazard control work, but again, I think their inspection and their sort of program protocol should call that out.

So, someone, you know, monitoring and trying to determine whether that calculation of hard construction costs and what was required for this job and certification of the contractor, we need that backup documentation to show that they followed that appropriately.

I will just mention one last question here, we had a question yesterday about wanting to assist someone with interim controls, and the person was a hoarder and how do they, how do they do this work? So, it kind of is a segue into next week's session when we are thinking about -- particularly we mentioned a little bit about sometimes we need to not only relocate an individual, but also how do we protect their possessions.

And so, as part of a program, when we have a case where we have a hoarder, we might say as part of our condition of, you know, we are going to assist in rehabbing your house, that you are going to have to get some of that under control before we can enter that work area, because, as part of doing the lead work and doing the interim controls, you are going to need to be protecting those possessions. And if they are, if they are kind of out of control with hoarding, that is going to make it nearly impossible to be able to do that.

So, with that, we are at the top of the hour. I will thank folks for participating, and remind you that next Wednesday we are going to be doing the second half of subpart J and talking more about the management of the rehab itself and some of those oversight requirements. So thanks, everybody, for participating. We hope this was helpful and we encourage you to join us next week. Thanks, everybody. Goodbye.

(END)