

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

## **June/July '22 Session 3**

Kris Richmond: Welcome back. Today we are going to be focusing on the second part of subpart J rehab, construction phase. My name is Kris Richmond. I'm with ICF. We're a technical assistance provider for HUD.

I am accompanied today by my colleague, Les Warner, and Sharita is helping us with the logistics today. I also have two HUD staff with us today. Bruce Haber and Karen Griego from the Office of Lead Hazard Control and Healthy Homes. So glad that everybody is here today.

All right. So you guys should all know this by now. We're meeting for four weeks up to two hours and we will have our one-hour office hour session tomorrow.

We'll be going over our homework and we'll be answering general questions or questions that you type into the Q&A box.

So I know it's really hard to listen to us talk and type in the Q&A box at the same time, so today, probably just listen to us and then tomorrow go ahead and type in your questions in the Q&A box, especially if you're really new.

This is the third week. The links to the recordings are available now. I was told right before the session started that they are available. So Sharita or John, they're going to go ahead and put that link in the chat in case you didn't see it, because I think last week they weren't quite up yet.

Today, like I said, is session three, so we are going over subpart J -- continuing on with that. Next week, we're getting into subpart K, which is acquisition, leasing, support services and operations.

A couple goals for this training session, since we're only here for a really short time, is we really want you to be able to understand what the requirements are so that you can manage those for compliance.

We're going to be talking about different decision steps or paths that you might be taking. We're going to go over some key terms and then show you some of the resources.

So I'm really glad that you're here today, but I do want you to be aware if you missed last week there are some key critical topics that we talked about last week that we're not going to get in to again this week.

So last week, we talked a great deal about exemptions, when did the Lead Safe Housing Rule not apply. Today we're going to be talking about the projects where it does apply. Where the Lead Safe Housing Rule is triggered and the different structures and the units that it applies to.

We're also -- last week we talked about the level of assistance and how we calculated that. Today we're just kind of referring to are you -- you know, which category of the level of assistance are you in?

So we're not going to go over how you calculate that, because we did that last week, and we talked quite a bit about the RRP rule, the EPA's Renovation, Repair and Painting rule.

So if you missed last week, you're welcome to stay here, but please make sure you go back and listen to the recording from last week, because that'll be really key critical for you to understand some of these concepts that we're talking about.

All right. Now, if we were all together in a conference room or if we were in a hotel room, I would ask you to raise your hand. Tell me who is doing this, who is doing that. Well, since I can't see all of you, we've set this up as a poll.

So if you could go ahead and vote in the poll what type of rehab program are you operating? Are you doing a homeowner rehab program? Are you doing rental rehab? Acquisition rehab? Over \$5000? Or more than one of these programs?

That just helps Les and I kind of know who's with us today. I think there's somebody who might not have muted, because I'm hearing a little bit of background noise, Sharita.

All right. Well, hopefully you've been able to go in and tell us what kind of program you're operating. Are we able to close the poll, Sharita? I know there's a little bit of a delay. All right, well I'm going to assume we have a mix of people here. I'm going to move on.

So you have seen this several times now. I was thinking last night when I was reviewing the materials for today, maybe we don't need this in the third session as well. But just a reminder, we're doing subpart J, rehab. These are the different current HUD programs that trigger subpart J, rehab. It's not an exhaustive list, but these are some of the ones that we see most often.

So we have our Community Development Block Grant, that's our CDBG program, our HOME program, Continuum of Care, Housing Opportunities for Persons with AIDS, our SHOP program. These are all some of the different programs that show up here.

And the poll results did come through. So it looks like the majority of you are either running a homeowner rehab program, very few area doing rental, which is surprising. It's such a high need in this -- in the country. And then also a small percentage of you are doing more than one program.

All right. So we are going to review implementation of the Lead Safe Housing Rule and different various stages of rehab. So your program can meet compliance of both HUD and the EPA requirements.

So this is that summary chart. Remember, you have a handout. Let me see if I can see which handout. Here it is. So it's the summary chart handout. We are focusing on these -- this side right here, subpart J.

And I'm going to just briefly review some of these requirements. We talked about some last week. Les is going to continue to go into some of these others later on. But just a quick summary.

So we have our evaluation. Remember, our evaluation is how we are looking and so if we are in this first category here, this less than or equal to \$5000 per unit, that's our level of assistance on average, then we're going to be doing paint testing.

And we're doing paint testing of that surfaces to be disturbed. If we are in our \$5001 to \$25,000 as well as our over \$25,000, that evaluation is the same. We're doing a risk assessment and paint testing as well.

For our reduction, again, it depends on which category we're in. If we're in the less than or equal to \$5000, we're repairing paint. In the middle category, we're doing interim controls and over \$25,000 we're doing abatement. And we're going to talk about -- we talked about this a little bit last week. We'll talk about it more, about what each of these categories actually mean.

We have to be following lead safe work practices. We're going to be doing unit clearance. We have notification. So when we do our evaluation, our paint testing or our paint testing and risk assessment, we are going to be providing a notice of evaluation.

That is going to be provided within 15 days of receiving that report. After we do all the work, we have to do clearance. So you'll see in the under \$5000 we're doing worksite clearance. In the over \$5000 and over \$25,000 we're doing unit clearance.

Okay? So we're doing clearance of the whole unit. Again, after we receive clearance, we also need to do a notification. So we're going to be doing a notice of lead hazard reduction activities.

And so that's going to be provided to the owners and the tenants within 15 days of receiving the clearance report as well.

We have ongoing maintenance if you're doing home rental only, because there's an ongoing relationship for home rental. Those units need to be maintained to a certain property standard. They need to be reviewed for lead and Les will talk about what those are at the end.

There is no EBLL requirements for subpart J. EBLL stands for the Elevated Blood Lead Level requirements. So if you're working in tenant-based rental assistance, that's subpart M. But for J, EBLL does not apply, but it does apply for subpart M, L, which is public housing, and H, which is project-based assistance.

And then the other thing that you don't see on here, but it is an option, and we'll talk a little bit about it during this module is presumption. So this chart is telling you the evaluation method could be paint testing or risk assessment and paint testing.

But you also have the option to do presumption where you're not testing, but you're just presuming that there's lead. And if you were presuming there was lead, you would still do a notification and that would be a notification of presumption.

And then I just want to tell you, this chart is not in any particular order. We just like to have it here to be able to show you the different items that are required.

Okay, so insular areas. Are you working in an insular area? Insular area would be the American Samoa, Guam, Northern Mariana Island and the US Virgin Islands. So if you're working in the insular areas, the lead safe requirements are a little different.

The rules are less stringent in the insular areas, because these insular areas really face conditions that make it an unreasonable burden to meet some of the requirements.

So this slide is showing us what the Lead Safe Housing Rule requirements are for an insular area where you are less than or equal to \$5000 per unit. So there is no lead hazard evaluation requirements. We're not required to do any testing.

We're not doing a lead inspection. We're not doing a risk assessment. This is for under \$5000. And then the lead hazard reduction requirements are the same. So the same meaning as under \$5000 in our regular programs.

So you would repair any paint that's disturbed during the rehab. We need to make sure lead safe work practices are being conducted and that we need to make sure that we're passing clearance of that work after it's done before the occupants are returning.

Now, this is the bare minimum, so you can always do more, but they're trying to make it a little more feasible in insular areas.

And now this slide is telling us about insular areas for projects that have more than \$5000 per unit. So remember in our summary chart we have three categories. We have, you know, these three categories here.

In our insular areas, we only have two categories. So we're dealing with less than or equal to \$5000 or greater than \$5000 per unit. So in an insular area with greater than \$5000 per unit, we are doing a visual assessment and a visual assessment is where we're looking to try to identify any deteriorated paint.

So any peeling, chipping, flaking, scaling paint. That's what we're looking for. There is no notice of evaluation for visual assessment. Again, we're not doing any paint testing or risk assessment.

And then when we identify deteriorated paint, we will be doing paint stabilization on all those deteriorated painted surfaces that are going to be disturbed during the rehab. So we're not required to do interim controls. We're not required to do abatement, but we're doing paint stabilization.

And paint stabilization is where we're removing the loose paint and other materials from that surface to be treated. So we're repairing any defects in the substrate. And remember that substrate, that's that surface that's below the paint.

So we're repairing any defects in the substrate, [inaudible] painted surface that's causing that paint to deteriorate and we're applying a new protective coating or paint. So that's what paint stabilization is.

And again, we need to make sure that the unit is passing clearance and that we're keeping proper records. We would do the record keeping as well for our under \$5000. But again, remember this is the bare minimum. You can always do more. And this is only in insular areas. Okay?

So these last two slides are insular areas, so only applies if you are doing projects in America Samoa, Guam, Northern Mariana Island and the US Virgin Islands.

All right. I'm not going to go into deep detail on this slide, because this is now the third time we've seen it. Our same key actors we have, our program staff, our traditional partners in rehab, our general contractors.

We want to make sure that our general contractors are RRP certified and then we have our lead specialists. And this is where we're going to go into a lot more detail when we talk about these different lead specialists, our paint inspectors, our risk assessors, clearance examiners.

They're the ones that are doing our evaluations. They're the ones that are going to be doing clearance. We have who is going to be doing the work. Our certified or trained lead contractors. Our lead abatement supervisors and our RRP workers.

Remember, that's our renovation, repainting and painting certified workers. That's what our RRP is.

We have a handout that's this chart here of who can do what type of work. So I've identified a bunch of these different -- the different categories of the key actors, so of our lead specialists.

So you see our certified lead-based paint inspector, our lead sampling technician, abatement workers, abatement contractors, and so this helps you understand who can do what kind of work.

So an RRP can do repair. They can do paint [inaudible]. They can do interim controls. But someone in RRP cannot do abatement. Okay? So if we're doing abatement, we need to have abatement workers. We need to have abatement contractors and supervisors in order for us to be able to do abatement.

So this handout is a nice little reference for you to look at, in case you're not quite sure about what are these different categories of these workers? Who can do what? So that's the first page.

And then the second page, we help provide a little more background information about the requirements that support these different categories and where you can find more information about those as well.

All right. As we go through the next couple areas of this training, we're trying to walk through the rules as they would apply to the key steps of rehab. So we've identified on here what we think are some key steps of a typical rehab program.

Your rehab program might be a little bit different, but we're trying to keep it as general as possible and as we go through these different key steps, where do the lead rules apply? What are different steps you could be taking? What are different things you could be doing or decisions you might need to be making?

So we're going to try to follow these key steps of one through eight as we go through the next parts of this training.

All right. So the first step that we have is the program application and interview. So in this stage, you really have the opportunity to educate the owner.

So there's no specific requirements at program application, but this is an opportunity for staff to provide information on their program goals related to lead. They can discuss the different levels of participation and cooperation of the owners and the tenants.

We can provide that pamphlet and the pamphlet we're talking about the Renovate Right pamphlet. That could be provided.

We could also be talking about the different specifications and how we might have to do a work writeup and then we might -- we're going to maybe have to have a risk assessor come in and then we may have to -- we're going to have to revise that work write-up so we can talk about that process of how we're developing that.

We can talk about how we might need to relocate people. Maybe they might not be able to stay in the unit or there might be part of the unit they might not have access to or perhaps we need to protect some of their belongings.

Les is going to talk more about that. I know we had a ton of questions come up the last couple office hours, tell me about relocation. So we're finally at that module where we're going to get into some more detail about relocation.

But during this application and interview process, this is your opportunity to share with them what might happen during that time.

It also gives the grantee an opportunity to find out any lead history from the applicant about the property. So they could ask has there been any previous lead testing that was done? Was there any lead hazard reduction work that was performed?

So these are [inaudible] opportunity to share information and to gather information as well.

So the second stage, talking about property inspection and specification development, during this time staff is going to be conducting a review to determine the work that's required for the program.

And the scope of work, you know, it's initially based on the rehab or the repair needs of the property and the requirements within your program but lead hazard reduction measures and cost might add to your scope of work.

So you might be running a CBG program and maybe you think for this house you're just going to be updating all the electrical. Maybe they're not up to electrical codes and you need to do a lot of work to get all the electrical codes up to date in that unit and now you've moved over into a category where you have to do a full risk assessment.

So maybe you thought you were only going to be doing one thing, but now you've done the risk assessment. The risk assessment has identified other hazards in that unit that also need to be addressed.

So there are times where the scope of work may need to be increased. We also have times where we need to be thinking about the items that are identified in our specifications and are they going to be considered a rehabilitation cost or is it a lead hazard reduction cost?

And window replacement is one example. If you always do window replacement as part of your rehab, that would be a rehab cost. If you're only dealing with the windows because of lead, then that would be considered a lead hazard reduction cost.

And if you recall last week, that could affect the category that you fall in to, because we're subtracting all of our lead hazard reduction costs when we're doing that calculation. So we need to remember what is the intent when we talk about these different items.

And then the cost estimate breakdown, that's really going to determine the required level of evaluation and the hazard control.

And again, just to show you what I'm talking about that, when I mention level of evaluation, I mean the less than or equal to \$5000 or the \$5001 to \$25,000 or the greater \$25,000. That's what I'm talking about for these different categories.

Then when we talk about the different levels of evaluation, remember, if we're in under \$5000, we're only doing paint testing of the surfaces to be disturbed. If I'm over \$5000 and over \$25,000, I'm doing paint testing and risk assessment.

So paint testing of surfaces to be disturbed as well as deteriorated paint and we're doing risk assessments of the whole unit. Okay? So that's -- that's what we mean when we talk about that.



While you're on site, it's a good time to find out what the age of the property is. What kind of condition is that property in? And what -- you know, what is the likelihood that lead was -- was conducted in that unit -- was used in that unit?

You know, if you're -- when I worked for Community Development Department, we had targeted neighborhoods and we knew which neighborhoods had all the lead in them and which units -- which neighborhoods really didn't have lead in them.

And so you might have that type of situation set up and if you're working in a neighborhood where you know there's lead everywhere, then maybe you're going to decide to do presumption rather than testing. That's an option to you.

Or if you're in a neighborhood where you don't usually have lead, then you should do testing, because then you can find out exactly if there is lead in that unit or not and remember if there's not any lead, then we don't need to follow these lead safe housing rule requirements.

So grantees also need to ensure that the person writing these specifications or the work writeup has that capacity to understand what needs to be written in the specs to reduce the lead hazards.

So if you don't have a risk assessor on staff, you would probably want to hire a risk assessor or contract out a risk assessor to help write those certain sections, because they need to be able to be knowledgeable about what those lead hazard control methods are, because that's what needs to be written into the scope of work.

They also need to have a good understanding of what those costs would be as well.

And then if you decide to do presumption, you should also have a risk assessor involved. Not that they're doing a risk assessment, because we're presuming lead's everywhere, but we still need to write a correct scope of work.

We need to make sure that we're dealing with the lead hazards properly and a risk assessor would know how to write a scope of work to address that.

So thinking through the items on the work writeup, or the specifications and how it might affect the level of assistance. You might have a single purpose, non-lead project that's falling under the \$5000 category, but it could easily go over, triggering whole house reduction.

So some of these examples, doing your roof, major structural plumbing, rewiring, rebuilding porches, these are all projects that you might be thinking you're under \$5000, but all of a sudden you're in a higher category and so you might have to be doing some more -- more types of work or more restrictive hazard reduction.

So instead of just doing repair, if you thought you were in this under \$5000, perhaps maybe now you may be doing interim control or if you're in the over \$5000, \$25,000 category, you might now have to be doing abatement on the interior and you could do interim controls on any exterior surfaces that were not being disturbed by the rehab.

So just some things to consider.

All right, so continuing on with step two here and the property's specifications and evaluation. Remember, evaluation is how we are determining if there's lead in the unit.

So if it's less than or equal to \$5000, we're doing paint testing and we're doing paint testing on the surfaces to be disturbed. If we are over \$5000, we are doing paint testing of the surfaces to be disturbed as well as any deteriorated paint and we are doing a risk assessment of the whole unit.

The under \$5000 is the areas to be disturbed, that work area. The over \$5000 is the whole entire unit.

And like I said, you always have that option to presume if you want to presume that there's lead-based paint. Most grantees will do testing, because presumption sometimes end up being more expensive.

You also have an option to do a lead hazard screen. This is not too common, but HUD did write it as an option in the regulations. It's really for units that were built after 1960. So you would be looking for units between 1960 and the end of 1977 and they should be in good condition.

And so you would do a lead hazard screen to determine if it would apply. Now, a lot of projects that end up doing a lead hazard screen actually fail this screen and then they have to do a full risk assessment anyways and they end up paying for two things -- for a hazard screen and a risk assessment.

So it is an option, but it's not really recommended by HUD.

We also want to make sure that we have the proper certified professionals that are conducting the evaluation. So if we are only doing paint testing, that can be a lead-based paint inspector. If we have to do a full risk assessment, that needs to be a certified risk assessor.

Remember, you can look at this worker's chart here on who can do what. So who can do a risk assessment? That needs to be a risk assessor. And then who can do a paint inspection? That needs to be a paint inspector.

I'm trying to see -- I thought it was on this chart. Sorry, guess it's not.

All right, and then we also need to be providing a notice. And so if we are doing testing, we're providing a notice of lead hazard evaluation. If we are doing presumption, we are providing a notice of presumption.

And this is all provided within 15 days of either receiving the paint testing and risk assessment report or you've decided that you're going to presume, so within 15 days of making that decision to presume, you'd provide the notice of presumption.

So it's one or the other, okay? We don't do both. We're either testing and testing in risk assessment or we're presuming. So depending on which method of evaluation you're following then determines what type of notification is required.

Okay, and as I've mentioned, the programs always have the option to presume the presence of lead-based paint rather than evaluate, which is testing and know our risk assessment.

But if you do decide to presume, there are more enhanced control treatment measures that are required and it could cost more, because you could potentially be treating areas that may not have lead-based paint.

So if you are choosing to do presumption, then the treatment methods for less than or equal to \$5000 is that you are now doing the treatments on all painted surfaces rather than just the area that's being disturbed. So now we're doing all painted surfaces.

If we are in the \$5000 to \$25,000 range, we're doing standard treatments to all interior and exterior [inaudible] paint, including friction and impact surfaces, and if we are in the over \$25,000 range, we are doing abatement of all interior and exterior deteriorated paint, including friction, impact surfaces and soil and we're doing interim controls for any exterior that's not being disturbed by the rehab.

So moving on to the third category of a typical rehab program of contractor selection. So as we think through the process of contract selection, most typically you have an RFP process, but you do need to ensure that you have the proper contractor in place.

So we want to make sure that we have proper qualifications. If we need a lead hazard control worker, do they have the RRP certification? Are we checking references for past work that they've performed?

Has their past work passed clearance? You know, we want to make sure we have a contractor who is going to be able to have their projects pass clearance for us. Do they have the proper certifications?

We want to keep copies of those certifications. You may want to have a list of your prequalified lead contractors on hand. That would help you easily notify them when you have any bid opportunities. Not a requirement, just a suggestion.

If you don't have lead contractors in your area, you might need to do some recruiting. Perhaps you are able to use some admin funding. Maybe some of your home or your CDBG funding to help pay for training.

Maybe you can pay for an RRP class for some contractors in your area. So just different ideas here when we're talking about contractor selection. We do want to make sure that we're interviewing our contractors and we're asking for all these credentials, qualifications and our references.

And then moving on to the work phase coordination. This is dealing with our trades coordination and scheduling. You know, sometimes grantees will stage the work.

Well, they may need to do all the lead work first and then they'll get an interim clearance, and then they'll do all the rest of the regular non-lead work where they're not disturbing any lead work.

And then after that's done, they would do a final clearance of the entire unit again. So that's where they're staging some of these different parts of the work writeup. Again, at this coordination phase, we need to decide do we have to relocate our occupants? How is that going to happen?

What about the subsequent rehab that's being done by untrained workers? So if we did all the lead work, we had interim clearance, now we're doing the other work that's not involving lead.

We could have untrained workers do that, but they need to know, don't go in those other areas or don't disturb these particular components because those have already been treated by someone who is specially trained in this area.

And then again, we need to have our entire site cleared at the end. But this takes some coordination and scheduling. Then the preconstruction conference, this would be like the fifth area that we can talk about here.

There's no special requirements in the Lead Safe Housing Rule for a preconstruction meeting, but it's a good idea to review these items so everybody's on the same page. So I always like to talk about the roles and expectations.

Who is doing what? What is expected? What about the work schedule? Are we going to have to do this coordination where we're doing all the lead work first and then doing interim clearance and then the non-lead work and then we're doing final clearance?

We need to make sure that we have some work schedule in place so that they know, you know, the non-lead workers, they know as soon as the lead workers are done so they can get in there and do their work.

What about the responsibilities and the coordination? What's the roles of the rehab and the lead contractors? If they're working together, who's responsible for doing what? What are the different work methods that need to be followed?

We're doing safe work practices. Do we have to do occupant protection? What about cleanup and clearance? We want to make sure we're covering all the work methods. And any special contractual provisions. What about debris disposal? How do we want that to take place?

What about achievement of successful clearance? I would be writing that into my contract. This contract is not complete until we are able to achieve successful clearance for that project.

So just different things that you might want to consider as you start to think through your pre-construction conferences for projects that are triggering the Lead Safe Housing Rule.

So Les, before we move into your section, is there any things that we want to clarify or add to? Or is there any questions that came up?

Les Warner: Well, we've had a lot of questions. Open this back up and kind of run through these. So we have -- there was a question about the two brochures.

Kris Richmond: The RRP and then the Protect Your Family from Lead in Your Home?

Les Warner: And whether we always have to provide both of those. And particularly then there was sort of a follow up question of, okay, well, if I'm doing abatement, then do I still have to provide the RRP brochure?

So my understanding of this would be your abatement contractor is still following the RRP requirements, which do require that brochure to be provided.

Kris Richmond: Yes.

Les Warner: And so we really have our -- and I don't have that in front of me, but we have a HUD required brochure and then we also have a Renovate Right brochure, which is then the EPA requirement.

So we have two separate brochures because of two separate program regulations playing into the same [inaudible].

Kris Richmond: Yeah. And we typically see the Protect Your Family from Lead in Your Home during the disclosure.

Les Warner: Right.

Kris Richmond: And so for rehab, we're not really triggering disclosure at the beginning of this rehab, because we haven't sold a unit and we have not leased a unit. So that's when disclosure would be triggered.

But if we're rehabbing a rental unit and we have now dealt with lead hazards. That disclosure has now changed. So that owner needs to be educated that this information now needs to be updated in the disclosure for your tenants the next time you update your leases.

So they're going to need an updated disclosure notice and that Protect Your Family from Lead in Your Home pamphlet as well as any owner, the next time they sell, they're going to need to disclose any knowledge now that they have copies of the notices that we provided them.

Copies of work that was done, things like that.

Les Warner: And I think that brochure also does a good basic job of providing some simple explanation about the risks to that household, their family, of lead. So I think people kind of use that oftentimes standardly right up front to start that conversation.

And there was a related question that kind of goes with that about, well, if I have a vacant unit, does that mean that I don't have any disclosures that I need to provide? So we will, at the point that that unit is rented or sold, we're going to be providing disclosures on that.

But we would also be providing, presuming that we're not the owner, we would also be providing those disclosures to the owner of that property.

And we're going to be talking a little bit later about the importance of holding on to all that information, because over time, we're going to be using that to make appropriate disclosures to future tenants, but also when we're going to talk a little bit later about ongoing maintenance.

We're going to want all that documentation of what work was done on that property. So we're kind of creating some files that we're going to hold on to for the life of that project.

Kris Richmond: Yes. Recordkeeping. You'll learn lots about recordkeeping later on today.

Les Warner: Let's see. There was a question about the emergency rental assistance program, but it sounded like if this is a project that is just providing funding for leasing, so for affordability on this and we're not doing rehabilitation, then of course we're going to be talking in our next section about subpart K, which has a separate set of requirements on that.

But if we're doing rehabilitation, then we're going to be triggering subpart J and following those requirements. So kind of depends on what we're doing and what subpart we're going to be following on that.

We had a couple of questions about displacement and I think we can hold those off, because we're going to be talking in this next section about relocation and some of that, and so I think that'll be probably covered.

Kris Richmond: I've been promising people for two weeks we were going to talk about relocation.

Les Warner: I will just -- there was one that, you know, some of these are a little limited on how many letters we can type in.

Kris Richmond: Sure.

Les Warner: There was a question about if we have small jobs over time on the same unit, how do we manage this based on cost category?

So you certainly, depending on program requirements, could return to a unit that you -- maybe you went in and did maybe an emergency repair. Under CDBG it was less than \$5000 and so you are following the category -- let's see if I can -- my pen working here. Yes.

So you would be following this level on thinking about the level of evaluation, the level of treatment that's going to be required.

So there's not sort of a cumulative, okay, well, over the last three years I've done some other work, so I'm going to do sort of a running total and say now I'm going to -- you know, because of that prior work, now I'm going to be in a higher category adding those in.

So it is going to be on that sort of, what's the project? What's my level of funding that's going to trigger this? Now, any time you try to break apart a project into smaller projects to avoid triggering some of the requirements, that would be a compliance issue.

I'm not perceiving this question as someone trying to avoid the regulations, but we certainly have had, particularly when the -- we've had projects that said, well, I don't want to trigger abatement, so I'm going to try to figure out how do I reduce my scope of work to not trigger the above \$25,000 category?

Just keep in mind that in most cases, you have set or the program has set that you need to bring that unit up to your property standards that you've put in place.

So you need to do, you know, presumably that scope of work you've come up with are based on making that unit safe, sanitary for that household, and then of course based on the level of assistance that's required to address the Lead Safe Housing Rule based on whatever level of evaluation.

You need to do what is required for this unit rather than trying to manipulate in some way to stay under a particular category that you don't want to trigger.

I know early on folks were saying, well, I don't really have abatement contractors and so I'm trying to avoid that. So, you know, follow the trail of what is needed to bring that unit into compliance. Make it appropriate long term and then essentially do what needs to be done there.

I think, Kris, that's probably most of this. There was a question about the ARP money and whether that's subject to the Lead Safe Housing Rule, and yes, it is. All of the HUD rehab assistance is subject to the Lead Safe Housing Rule.

So we have a number of new sources of funding. We also have CDBG disaster and our CDBG CD money. All of that as a subset of CDBG is going to be subject to Lead Safe Housing Rule and of course then following what is my activity?

What's my level of assistance? To determine what subpart am I going to be following and what will those rules be that are going to apply to that?

All right. I think we can then move over.

Kris Richmond: Okay. I can give you the control.

Les Warner: Now the presenter. All right. So now we're going to switch gears a little bit and talk about program oversight and sort of the role as construction is going on, on things to look for, monitoring.

We'll talk a little bit more about clearance on this, but we're also going to be spending some time -- I know there have been quite a few questions about, okay, what about since a lot of these are going to be occupied units, how does this impact what we're going to do in trying to protect those tenants or owners of that unit?

And so we'll spend some time in this section also talking about that.

So one of our key roles, we've talked about a lot about figuring out what level of evaluation, what level of treatment and of course we then captured all that information in our contract, in our scope of work.

But that doesn't kind of mean that we can then step away. We do need to provide some appropriate oversight during that work.

So we're used to doing inspections at the point that someone is asking for a draw on funding, and so we certainly are going to want to do those, but also making some periodic visits to that worksite and being able to observe that they are following -- we've kind of carefully laid out what the protocol is going to be, who is able to do that work, the lead safe work practices that we expect them to be using.

So having some inspections that are done periodically just to make sure that all that protocol that we so carefully laid out is actually being followed as part of that.

So on those visits, we would be looking to see that all of our containment that we've done on trying to protect contamination from the work that's being done and that would be not only the -- if we have occupied units, but also their possessions.

Trying to make sure that the dust and other hazards that we might be generating as part of the work we're doing are contained as much as possible. That it's appropriately being cleaned. That we have appropriate signage as part of that.

And so being able to observe who's on site, who is completing the work, are they wearing protective gear? Are they using a HEPA vac? We want to make sure they're not using any of our prohibited work practices.

So there's a lot that we simply, from observation, can make sure that, yeah, it would appear that they are following the very careful planning that we did for this particular project.



And obviously any time that we have a failure of that to happen, can not only put at risk the workers that are working on site, but also this may be an occupied unit or it's going to be occupied in the future and so we want to make sure that what we've put in place is actually going to be followed on that.

So thinking about who is going to do those routine inspections, what are they looking for, maybe how you record that oversight that's being done.

So wanted to talk a little bit about some of resources here. So if you haven't looked at the Renovate Right brochure, it really has a good section kind of talking through safe work practices.

That's part of our disclosure, but it also is kind of a good basic information for a program person who maybe is going to be observing but is not a certified staff person.

It kind of talks through, and I recommend that you spend a little bit of time on this thinking through the elements that need to be considered in planning that project.

On trying to contain the work area, trying to make sure that we don't have cross contamination where we have lead, dust and other debris that's being tracked out of that work area, the protection of the possessions, maybe the occupants of that unit.

Don't forget the fact that when we're dealing with occupied units, they also oftentimes have pets and pets can be very vulnerable to lead and so that's also part of our planning is, okay, who actually lives in this unit? Where are we working? What are the pathways in and out of that work area?

So how do we minimize or protect all of the occupants of that unit and kind of planning ahead, budgeting for that, having an agreed upon plan that then contractor and their workers are going to be following and that we're going to be observing on that.

So I recommend taking a look at that Renovate Right brochure and particularly the section about safe work practices and that kind of helps give you some clues on if I'm doing project oversight, what am I looking for when I'm going on site?

We keep referencing the interpretative guidance, which is really helpful and so there are some specific guidance that we're recommending here about lead safe units, but also under interim clearance and then particularly when we have an elderly household, we're going to be talking in a few minutes about one of our exemptions could be an elderly household that waives relocation and there's some additional guidance in the interpretive guidance about what needs to be in place for that consent to be given by that household.

So we've mentioned before, I just want to mention again, there's a really good toolkit that's been recently updated. Kris and I and others worked on that. And so there are a number of tools and checklists and planning things that are really helpful and would really recommend.

So there's a couple of forms here that are recommended and then in the guidebook, we've got chapter eight which walks you through, in a lot of detail, about resident protection, worksite preparation, and again, if you've not taken a look at that, that's kind of the go-to Bible on this, I would say, on -- it gives you a lot more detail than we're actually providing in this training.

So if you're not familiar with that, I would recommend that you spend some time and get familiar with that.

All right. So we're going to go through just some visualizations here to help us think about, you know, if I'm visiting a worksite and maybe I'm not the risk assessor, I may not have a lot of training here, but I could be kind of looking at the scenario, and there should be some alarm bells that would be working.

So apparently this is a unit that we've got some lead hazard reduction work that's going on. We apparently have the window open with the curtains blowing in the breeze.

So if we're thinking about trying to contain dust, we've got stuff blowing around in that breeze and you can clearly see we've got non-scrubbable surfaces like a rug, some furniture, the child's toy which is sitting on the floor, which all of which are going to be contaminated if we have dust that's being blown around in that room.

I would be also thinking about, gee, do we have the HVAC system? Have we closed off? Do we have a fan that's going to come on and not only be blowing things around, but also with the return on that system, sucking in some of that contamination into the system and contaminating duct work, perhaps spreading that around?

So we're really trying to think about how do we control hazards? How do we try to protect the occupants from contamination here?

So it looks like we've got a little piece of maybe plastic put down that is not adequate in any way. We've got a toolbox and then looks like they're working on something right in the midst of this resident's possessions.

Looks like we've got a broken -- I assume that that's some framed piece. Maybe it's part of a window sash. So we've got some big concerns here. If we were looking for appropriate cleaning, doesn't look like that broom that's leaning against the wall is in any way a HEPA vac.

And so we've got a whole bunch of issues here that should -- there should be a lot of red flags waving in looking at something like this. So these are the sorts of things that we are looking to see how is this worksite being managed and handled? What are we observing on that?

So we've got an exterior shot here, just as bad. So we've got someone working on the side of the house, which looks like they might be scraping or grinding, which probably is one of our unacceptable work practices.

Not to mention the fact that the ladder has some boards propping up one side of it, that looks like we might have some other safety issues. But at the same time, while this exterior work is being done, we've got windows open in that house.

We've got people in that work area. We have nothing covering the ground to try to collect any debris or dust that's being generated. We've got a kid right on the swing set in the midst of that.

So this is not a properly contained work area and so thinking about -- and this becomes a big part of our planning, is how do we deal when we have occupied units on when those occupants can be there?

How we cordon off work areas, how we restrict access to where we're working, and also working in a manner that when we're done, we're going to be able to capture the debris that we've created.

So it doesn't appear that we have anything down on the ground here that's going to be trying to collect or capture anything that we're creating from the work that's being done. So lots -- again, lots of red flags in looking at this scenario.

And then here's our last -- I think our last example here, which is just as troubling that of course we have a worker right in the midst of this area, window open, debris blowing around. Looks like probably using a belt sander, so grinding the paint right off of that, right in an occupied area.

We've got some of the homeowner's possessions in that area. Can't really tell, but it doesn't look like our worker is appropriately wearing protective gear.

So again, these are things that we've done careful planning on and the reason that we have certified contractors, trained workers, is to try to make sure that they know what those protocols would be, how they're going to work in a lead safe manner on this project, and that we would have planned ahead in thinking about what's the scope of our work, where will that work happen?

I mean, maybe the actual lead work is happening in another room, but they needed a place to put their sawhorses and work on that door, so they drug it out of the work area and have plopped it here.

So all of this is something that we're trying to make sure never happens on this.

All right. So in kind of following with this theme about occupant protections, we know that we need to make sure that not only the occupants themselves, but their belongings need to be protected.

So we -- you know, we've talked about when our work is completed, we're going to do specialized cleaning and then we're going to be doing clearance testing.

But if we leave their belongings in that work area, and particularly we've got things that are really not scrubbable -- you know, upholstered items, rugs, fabrics, but also how do we appropriately get clean the child's toy that we saw in that example?

We really want to clear and secure those work areas. In some cases, we're going to have maybe a large object that we don't have a place to relocate it to. That could be masked off. It could be covered in plastic and sealed so that it is appropriately protected.

We're going to be doing our specialized cleaning at the point we have completed work before we're going to uncover that, and then we're going to clean everything before we say, you know, our unit is completed, we're going to do our clearance testing on this.

So the planning begins with thinking about what's the scope of my project. What part of this unit, both interior and exterior are going to be involved in this? And then what do we know about the occupancy of this unit?

If it's a vacant unit, obviously our work is going to be much easier, but if we have an occupied unit, then we have to think about do we need to temporarily move our occupants out of that unit? Do we have the ability to cordon off work areas and protect them while leaving them on site?

We'll talk a little bit more about those details as we go through this section. Or do we need to plan to have them temporarily removed from that unit? Maybe we're going to send off possessions to storage or be able to contain them and seal them off in a room that's not going to be part of our scope of work.

So any time that we have tenants or occupants that need to be out of that unit, then we're going to need to plan for that. There will be notifications that will be part of that. And they're not going to be able to return until clearance is achieved.

So thinking about, you know, okay, if I have a very limited scope of work here, can I complete that work, get -- you know, complete my cleanup, but also get my clearance testing completed and think about that timeline to know how long will that tenant or occupant need to be out of that unit?

In some cases, as we mentioned, we might have a work area that simply can be cordoned off, and so our risk assessment is going through and identifying where we have lead hazards and so in some cases we may have a unit that is a couple of rooms in the overall unit and based on function, you know, for them to occupy, they're going to need to have kitchens and baths and sleeping areas.

So it may be that in some of our projects we could say, okay, we don't actually have to remove you from this unit, but we're going to cordon off and seal off particular areas.

If that work area can be contained, we also could be requiring that that tenant be out just during an eight-hour workday and may be able to return and have normal function for the rest of that unit, we could still do that.

But in some cases where they're not -- maybe we are going to be doing interim controls in the kitchen, they're not going to have a functioning kitchen. We're going to have to relocate those folks during that work until that clearance can -- the work can be completed and the clearance being obtained by that.

And so on the front end, we need to determine what's our plan. Are we moving folks offsite? Are we containing, storing possessions? That would be part of our planning and our budgeting. It would be agreed upon in conjunction with those owners.

We're going to talk in a minute about URA, Uniform Relocation Act, versus not on this. Programs, if we're -- and let's just throw this out now. So any time we have a tenant, they're always going to be covered by the Uniform Relocation Act, and so there are specific rules required about notices.

They always will be reimbursed for all out-of-pocket costs on that. In the case where we have owner occupants, they are voluntarily part of this project. So let's use the example of doing a homeowner rehabilitation.

They've signed up for your program. They are voluntarily part of this and so Uniform Relocation Act wouldn't require that you follow URA and provide them relocation benefits.

But for you to be able to do this work, if you need that owner occupant to be somewhere else, maybe you need your estimating -- maybe they need to be out of that unit for three days, you're going to need to decide is it viable that I can say to an owner occupant, you will need to find somewhere else to stay during this period until I notify you that it's safe to come back.

Some of our households, that's going to create a hardship and that's not going to be workable. So it is eligible, I believe, in all of our programs for you to provide what we would call optional relocation assistance for owners.

So it's not URA specific assistance, but it would be an eligible cost to pay to temporarily put, let's say, that household up in their local motel in the area while that work is being done. So planning on the front-end kind of a key issue here.

So we have some times when relocation is specifically not required. So we may have a project where we're not disturbing any paint. We talked in -- I think last week about, you know, we might be doing -- we're running a new sewer line into the basement and hooking it in.

We're doing HVAC work in that particular property. Maybe we're putting a new roof on. And so we might have some projects where based on that scope of work, we're not disturbing any paint and we would say, okay, no relocation is required.

In some cases, we might have a really limited scope of work on the interior of that unit and it can be completed with an eight daytime hours, so they would be able to return to that unit.

Now, keep in mind, completed also includes having a clearance test to determine yeah, we've not only completed our work. We've done appropriate specialized cleaning and now we have determined, based on our clearance testing, that it's now safe for them to reoccupy that unit.

So really assessing what's my scope of work? What's reasonable on this? On whether we could say, okay, relocation isn't required.

In some cases, you may have a project where all of your work is on the exterior. So as long as you can seal this so we don't have infiltration of dust and debris that's being created that would be penetrating into the inside of that unit, in those cases we'd be able to say, okay, it's exterior only.

This is appropriate. We can allow that household to remain in that unit.

This fourth bullet with our little icon with the family is really that example where we have a way, based on the scope of work, to be able to cordon off, seal off some parts of that unit and be able to say, you know, this -- it's going to be safe for this household to continue to occupy this unit and have normal function.

So we've got sleeping areas, kitchens and baths, and this work can be completed within five calendar days. We could allow that household to remain. Now, obviously we're going to carefully seal those areas.

We're going to have signage and I would think some really good discussions with that household about what the rules will be during that time period for that.

I know in my past, I know of some projects where we had -- the contractors commented that when they came in, in the morning, that they found that there was evidence that that household had actually disobeyed all that, went into a work area.

Probably out of curiosity to see what had been done during that time period or maybe there was a sealed area where some of their possessions were and they had gone in to try to retrieve something.

So that can obviously cause contamination. It would be unsafe. So kind of a -- it's a policy decision here on what's going to be the most workable here and so I think in some cases folks will say, I might be able to do this with leaving occupants in place, but I'm going to go ahead and do relocation on this.

We also have the exemption where we have elderly occupants. So this isn't the exemption of, well, this is a restricted elderly property and the Lead Safe Housing Rule doesn't apply.

This is where the only occupants I have are elderly and they are signing a consent form saying I've been informed about this project and the dangers on this. I am elderly and I'm going to sign saying that I am waiving essentially being relocated.

And we have some sample documentation in the toolkit itself to be able to do that, because obviously we're going to want to have a good paper trail for that.

So when we're temporarily moving folks, then sometimes the challenge is, okay, where will they go? So most typically we're going to see that we'll provide vouchers for that household.

We're going to put them up in a motel or hotel in the area and we're going to provide them, since they're not going to have cooking facilities, we're going to provide them meal vouchers for that time period.

I've had households that were thrilled, it was like a vacation for them, to be able to be relocated to a local motel where they had air conditioning and cable TV. They had meal vouchers, so they weren't cooking and doing dishes.

We pretty much had to evict them to send them back to their house at the end. So in many cases, that's going to work well. Now, keep in mind if we have the household that has three large dogs, then we might need to think about where can the dogs go?

Are they going to be -- will another family member or friend take them? Will they need to be boarded during that? Might we have a hotel or a motel that would temporarily allow them?

So thinking about what is the household and making sure that that's going to be working well for you.

So I also think the thing to keep in mind, a lot of folks try to minimize. It's sort of like when you hire a contractor and they tell you just how quickly they're going to be able to complete that project, a lot of times it's going to take longer than that.

So I think it's important on the front end to reasonably evaluate what the appropriate timeline is going to be on that project and then think about putting them in a unit that's functionally equivalent.

So if they're going to have to be out of that unit and not have cooking facilities, that's probably appropriate short term, but if it's going to be a longer term period, then you probably need to be looking for an apartment or maybe a motel that's set up that actually has sort of an efficiency unit with a kitchen as part of that.

In some cases, where we're doing multi-family, then we're going to look at the project on the front end and what we kind of call checkerboarding where we would determine, okay, so we've got -- maybe we have some vacant units in that property and we could go ahead and treat those first and then shift people into that unit while we're doing their unit, shift them back.

In some cases, we're going to shift them to an equivalent unit, leave them there and just kind of keep moving folks along. In some of those projects, we might be saying, okay, we only have a couple of vacant units, so we're going to go ahead and temporarily displace a number more.

So we get to a certain number of vacant units that we can work with and kind of then move folks through in sort of larger groups. So all of that is a front end planning on this thinking about that.

So one of the things to keep in mind, that that temporary unit must be lead-safe. And I will also just mention that it also needs to be decent, safe and sanitary, so you're going to need to be inspecting those units.

So in most cases, folks are simply going to use a post-1978 unit. You know, we might be asking the hotel or motel what year was this structure built, or looking it up on the tax records.

We still also will need to make sure that it is decent, safe and sanitary as part of that. And then if we have a unit that has hazards, we would need to be dealing with those hazards and doing the clearance on that.

I think in most cases, folks are simply going to identify a 1978 or more recent unit and document that in their files to show that we have the lead-safe unit as part of that.

And that may be part of the leg work on the front end on planning for a project on where are we going to find appropriate units on that.

And I will just mention that as part of that planning -- so if we're going to move folks to the motel for a certain length of time, okay, that handles the occupants. We also mentioned about their pets.

But keep in mind that we also then are thinking about their possessions. And so can we -- do we have some portions of that unit that aren't being touched and we can shift possessions into a room or two in the house, seal those off.

Are we going to be temporarily moving things out of that house? Maybe we're bringing pods that are going to be on that site and secured or maybe it needs to be taken offsite and stored somewhere.

So all of that is part of the planning, not only where the occupants are going, but also where their possessions -- how they're going to be handled.

So this is what I mentioned earlier on and just to reiterate this. So any time we're dealing with a tenant, the tenant is not seen as being voluntarily part of this project and so they're always going to be covered by the Uniform Relocation Act.

So we're going to be providing them our standard notice, that general information notice, at the first point that we are considering doing this project. We're going to make sure that we cover all of their out-of-pocket expenses.

And so that would not only be for their temporary housing, but any storage or other costs. We talked about meal vouchers are oftentimes part of that. And then there is guidance in the HUD



1378 handbook, and I'll just note that a lot of the 1378 handbook is related to permanent displacement.

And so for temporary relocation, we have more flexibility on this, but we still have some required notifications. We're still needing to make sure that where we temporarily place folks, that it's going to be appropriate and particularly based on the length of time that they're going to be there.

So a lot of documentation in the file to make sure that every tenant was appropriately notified and that we can document that all of -- we followed all the rules, that all of the out of pocket costs were covered for them.

And I mentioned for owner occupants, because they're voluntarily part of your program, we're not triggering Uniform Relocation Act.

And so you're not under this prescribed process and notices and things, but as I mentioned, you know, to be able to get this project done, you're going to need them to be elsewhere.

In some cases, we have programs that will say, you know, I'm going to say to owners if you want to participate in this, you will need to find other housing for a specific period of time. It might be just a couple of days and they'd say, okay, I can go stay with friends of family.

The owner, the occupant themselves could be responsible for the cost of getting the motel room on that.

Because a lot of our programs, or really all of our programs, are targeting low and moderate income individuals, that can create a hardship and so it's pretty common for programs to say, okay, I'm going to create an optional relocation plan.

So it's not following URA requirements, but we're saying this is what our program will pay for or not pay for. So up to maybe a certain number of days of temporary housing, maybe we have a maximum amount that we will pay for a motel room.

Maybe we have identified a couple of motels that we're going to be using for this. That also might have a policy then on if we're going to provide meal vouchers, that we would provide up to this dollar amount.

Maybe you're using from your own travel expense requirements where you already have what those meal amounts are going to be for reimbursement, but something in that policy that lays out this is what we will pay for. Maybe these are our maximums, this is how long we would pay for it.

So that's going to be disclosed up front and you'll work with those households for them to fully understand what the terms and conditions would be, what the expectations were for those owners, and obviously those discussions need to happen well in advance of when you're going to notify them, okay, we're now going to be starting the work on your unit next Wednesday.

I will need you to, as of Wednesday morning, be out of the unit. We're going to begin to cordon off clear work areas. You will not have access back in this work area until we are projecting whatever the timeline would be on that.

So making sure that that was all in place. We're going to be mentioning there are some tools in the toolkit that can be helpful for you on not only making those disclosures, but also thinking through the planning and what needs to be in place and kind of documenting that in your files.

So keep in mind that prior to giving that final clearance, we need to make sure that all of our work has been completed and that it's satisfactory.

So in inspection, generally by our own staff, is going to be completed going through that scope of work to ensure that yes, everything that was spec'd out that needed to be done has been not only completed, but it's been completed in a workman like manner and we're finding that to be acceptable.

As part of that, since we would expect the contractor to be doing a specialized cleaning prior to our clearance testing, we're going to be doing a visual inspection looking for evidence that there are areas that appear to have dust or other debris in that area that are likely going to be an indication that we are not going to be passing a clearance on that.

So we need to make sure that all of the work has been done. It's been appropriately cleaned up. As part of that, we need to make sure that the inspectors themselves are not causing contamination, so in some cases we're going to be putting on some booties on as we go into a work area and being careful then about not causing cross contamination on this.

You know, one of the planning things that often is done on the front end is thinking about for work that's being done, for materials that are being brought in or maybe being removed, is there a way to create a separate pathway for those workers, particularly in the units that are not going to be -- where we're not going to have everybody and their possessions out of that.

So trying to control that cross contamination. So sometimes that clearance and cleaning will also be looking at those adjacent areas. Making sure that anything that's been tracked in and out has also been cleared up as part of that.

And then our last bullet point is about timing. So you know, that sort of phrase of waiting until the dust clears is kind of applicable here.

So making sure that at least an hour has gone by so that any sort of contamination that is still in the area has fully settled so that when we do our sampling on our clearance testing, that we're getting a good representative sample of what those actual conditions are, because we don't have things that are still kind of floating around on that.

All right, so as part of this, we are going to be required to have a clearance exam that's going to be -- we don't consider a project completed until we have an acceptable clearance results coming back in.

So it's a combination, as we mentioned before, of that visual, looking at all the area, not only to see that the work has been completed, but looking for any evidence that we still have contamination in that area.

But we're also then doing some scientific sampling, some quantitative evaluation where we're going to take samples from that area, send those off to a lab for evaluation and then going to determine have we brought those levels of lead contamination down to within our acceptable parameters on that.

And so I will recommend, if you haven't looked at chapter 15 in the guidelines for evaluation control, it is -- and it's a big chapter, but it really goes through a lot of details about if we're doing a visual evaluation, what are we looking for?

A form to be able to use to make notes on that. Talking about how do we determine how many samples, where we're going to take samples on that, goes into a lot of detail.

I think that's something that anyone who is involved in that aspect of the implementation or is overseeing others that are doing that, I think it would be a required read. I actually found it really interesting, going back, hadn't looked at it for awhile and was looking at it this morning.

So I really recommend these sources on this. So in some cases, you're going to have someone else that is hired to be doing the evaluation and the clearance. The key here is that it needs to be an independent third party.

So we mentioned, when we had the side by side chart of EPA versus HUD rules, that EPA actually allows the contractor themselves to do this inspection. HUD is requiring that it be a third party.

So it could be you as the program have in-house staff who is going to be collecting those samples and then sending it off to a lab or we have a third party and a lot of folks are working with a third-party contractor that's going to handle that for them.

So when we talk about who can actually do that clearance examination, we need to have a certified risk assessor or paint inspector in place for non-abatement work. Also, we would add to that list, a certified sampling technician. I don't think they're very common.

I've never had -- worked in an area where that category of certification was also available, but it could be in your area. So that person is doing the clearance examination on this does need to have appropriate certification and that would be contained in your files.

As we keep talking about that -- and each of our steps along the way, we're going to do appropriate disclosure. So we're going to provide the occupants of hazard reduction, which gives

them basic information about who to contact on this, the date of notice, but also it lists what was the work that was done?

What lead based paint actually remains? And then what the results were of the clearance testing on that. As Kris has mentioned a couple of times, we have a timeline on that. That has to be send within 15 days of completion of the hazard reduction work and it's really, I believe, 15 days from the point that we have that notification back.

So at the point we have our clearance results, we need to provide that notification within 15 days.

That work is only considered to be complete when clearance has been achieved. So if I'm doing that visual along with the dust wipes and I see that we clearly have some remaining evidence of dust, you know, the debris, I'm going to require that to be done right away, probably before we do our sampling.

But if those test results come back and they determine that we've not brought that lead contamination down to an acceptable level, we're going to be saying to that contractor, you need to go back, reclean and then we will come back in and retest.

It's not done until we've brought it to those acceptable levels and most importantly, we are not going to pay you until you've achieved clearance. It's really hard once you've paid someone to get their attention and have them return and do what needs to be done.

So this is just sort of a sample of the items that are included in the abatement and clearance reports and we're going to be showing you in another minute, maybe on the next slide, actually, some of the available resources that are out there for you and you can actually look at some sample abatement and clearance reports on that.

So some of the links we wanted to provide you, there is a post-construction safe work practices certification. So in the front end, we are saying these are the practices you're going to follow. This is a certification that the contractor is then signing off certifying yes, I did follow these.

There is a sample clearance report, but there's also a worksheet that kind of leads you through. If I'm looking at this clearance report that I've received, what are the things I'm looking at? Are these, you know, marking off is this complete?

Has it reached that acceptable level? Then similarly for an abatement report review. So I think these would be helpful resources for folks.

Let's kind of switch gears. So we've kind of completed the project. We've gotten clearance, but now we're talking about in the long term on ongoing maintenance on this.

And so when we have rental properties that were assisted with HOME funds, because HOME has a requirement of long-term affordability, then as part of that, units being maintained, meeting our ongoing property standards, that includes continuing to be lead-safe. So our lead-based paint maintenance needs to be part of that.

So we're going to continue to do a visual assessment looking for evidence of hazards. So that would be looking at deteriorated paint, any places where we had bare soil, but also we're going to be keeping an eye on where we had hazard reduction measures that were completed that might be damaged.

So, you know, that's why I was saying about creating that file that really laid out what were the interim controls or abatement measures that were done? In some cases, we're going to be wrapping mechanically sealing something.

If we have those areas that then are later damaged or maybe removed in some kind of later modification, we need to know where we still have lead-based paint in that unit and where we have these interim controls or abatement efforts that have been done. We're going to include that as part of our monitoring.

So we're required to do this each time that we have turnover of that unit, but we also have a requirement of every 12 months. So needing to have a schedule, needing to have a tracking system to making sure that we're going to be in compliance with that, and of course making sure that we have personnel to be able to do that.

The owner is also required to, in writing, require that or ask rental occupants that they monitor lead-based paint surfaces and inform the owner of potential lead hazards.

So in most cases, folks are going to make this as part of their annual process since we're going to be updating leases, we're going to be updating income information, that as part of that, we're going to do our disclosures and we're going to provide this notice to the occupants that we want them to essentially be part of that team keeping an eye on surfaces and reporting that so that you as the property owner, manager, would be able to do that.

Now, where you would not be required to do that would be where you could document that either that property never had any lead-based paint or that it's actually all been removed.

Not that we've done abatement and we've, you know encased it, but that it has been removed from the property. Only in that case, with that documentation in place, would you be exempt from those lead-based paint maintenance requirements.

So again, having records in place and having the folks that are doing these inspections or knowing what's required, being able to put their hands on that information will be important.

So here's the chart, just to kind of walk us back through this. So if we have any lead-based paint that's still in that property after abatement or interim controls, we're going to include that as part of our ongoing maintenance.

We're going to be checking each of those surfaces. We're also going to be doing, as we mentioned, that visual inspection. Making sure that we don't have unstable paint surfaces or evidence of potential hazards with that.

As part of that, we're going to make that -- provide that disclosure to tenants prior to the execution of the lease.

So before they make the decision of I'm going to rent this unit, I'm going to move my family into this unit, that we're going to disclose to them here is what we know about your unit and the work that has been done on that unit.

As we mentioned, the deteriorated paint, our visual inspection is going to be on both the interior and the exterior as part of that. We'd also be looking for bare soil as part of that and making sure that then we treat any of these identified hazards as part of that.

So we're going to follow safe work practices as part of that and then we are, again, going to do clearance testing to make sure that when we've completed whatever that stabilization work was, that we're again going to do clearance testing and make sure that that's in place.

I think one of the keys here is this failed enclosure. You know what was done previously. You know where to look and those are added to your sort of checklist of things I'm going to keep an eye on over the life of that project to make sure that they haven't been damaged or removed.

So to be able to complete all of this, we have to think about, okay, are we -- you know, do we have adequate staff? Do we have sort of a plan of what we're going to do? Who is going to do it? When we're going to do it?

So I've mentioned a number of times the toolkit, which is on our resource list. A lot of standard forms, a lot of review documents that'll walk you through.

You know, like if we're planning, determining whether an occupant needs to be temporarily relocated, there are kind of handy dandy guides that will walk you through the questions you need to consider, to make that determination.

So on the front end, thinking or identifying the tools, the implementation process that you're going to use, obviously the identifying contractors and other technicians that you're going to need.

Whether it's that risk assessor or the lab that's going to do your clearance testing analysis on those samples as part of that. So building all of that into program procedures, thinking about how you've designed your program, the information you're collecting as part of that, is going to be important.

So in some cases, you're going to need some training. Whether that's individual staff, maybe just to the point of knowing enough about this so that they're able to adequately oversee the work that's being done by a contracted let's say risk assessor as part of that.

But also, thinking about outreach that's going to be needed as part of this. Identifying the resources that you're going to need as part of that and then thinking about -- we talked quite a bit today about that ongoing oversight and monitoring.

Who is going to do that? When you're going to do it? How you're going to be able to document that. Because you not only want to provide appropriate oversight, but you want a paper trail to be able to demonstrate that you actually did complete that.

So as part of that, you know, thinking about for both you as a grantee or subrecipients that you're going to be funding, making sure that they have appropriate knowledge. In some cases, that's simply to oversee others that are procured.

In some cases, that might be in-house staff that is going to be certified in conducting part of that work. So if you're going to hire out, then of course that's going to trigger procurement and that needs to be done in advance.

So thinking about getting an RFP or an RFQ out to have adequate capacity in place. You know, depending on the scale of your program, maybe you need a couple of risk assessors that are going to be working on behalf of your program.

Also, thinking about who is going to handle each of these aspects. The visual assessments, the risk assessments, clearance testing. We talked a bit about not only disclosure notices that need to go out, but also if we are triggering Uniform Relocation Act there are some additional notices that have to be delivered.

So what's the form that we're going to use? Who is going to deliver it? When is that going to happen? And in all these, kind of thinking about roles and responsibilities for staff and kind of having a plan on that. Making sure that everybody understands what their part of this is and when it needs to happen.

So as part of that, thinking about -- we mentioned about identifying a pool of contractors, appropriate certification for both contractors and staff. We talked, I think in the second week session, about using the EPA website to be able to identify training programs.

Also, to identify existing, trained certified contractors and other resources in your area.

In some cases, that might be that you are simply helping direct people to those sources. Some programs also will help subsidize that. Maybe they'll sponsor a training that's happening in their area.

You know, in some cases, you are already working with skilled rehab contractors, but they don't have the appropriate certification and thinking about how do I encourage these folks to get that certification so that we have an adequate supply of contractors to be able to do this.

So thinking about what are the numbers I need, when do I need to get that training completed, and that's both those external partners, but also thinking about internally.

That may be something that you need to include in the next budget and saying, you know, I've got staff that need to get some additional training. We're going to put that in our budget so that we have that available for us.

We've talked quite a bit today about thinking about the monitoring and the procedures that are going to be part of that. So thinking through those processes of when am I going to issue the brochures that are required? Who's going to do that?

The notices. Implementing that, putting that into my policies and procedures and then, to me, the best way to keep your sanity is to use checklists to remind you, okay, I've got these things that need to be done at a particular point.

I've got a file checklist in place that, well, I can see, yes, these have all been done. Here's the date it was done.

And this documentation is in this file, so at the end of my project, I should have each of these minimum standards for documentation all in that file, all with a date on it, so we'd be able to see, yep, we've actually followed our carefully laid out procedures and we've captured all the information that needs to be done.

Thinking about contractor invoices. So clearly our finance folks are going to need to know that we're not going to pay that contractor who submits the invoice for interim controls that they completed unless either someone in staff has signed off and said, yes, we've inspected this, yes, the clearance tests have come back. They've been reviewed and they're acceptable.

So thinking about those protocols that would be in place so that we make sure that we're following that as part of that.

So you know, I think I mentioned earlier about some of these things, that you don't have to be a highly trained, certified individual to kind of do some visual checks to see that these systems are being followed.

So this fourth bullet about thinking about periodic reviews by a third party monitor, whether that's your own staff making sure that these third-party folks are doing things correctly or you have an outside entity that's going to do that on your behalf.

I think again with the submission of invoices, thinking about electronic transmission, evidence -- I mean, any time you can have visual evidence that's provided along with this can be really helpful for you.

Than again, as I was stressing earlier, we're not going to make that payment until we see that the project is complete and a project isn't considered to be complete until the clearance tests have been completed and found to be acceptable.



And again, our monitoring, the CPT monitoring handbook, has a separate checklist for the Lead Safe Housing Rule and so that's what a HUD monitor is going to be utilizing when they are monitoring to see if you're in compliance with that.

To me, that's the most logical go-to starting point of this. I'm building a file system to make sure -- and policies and procedures. I want to make sure that I've incorporated all those things that HUD is going to be expecting to see.

And so looking at that monitoring checklist can be really helpful as part of that.

So as part of our oversight, appropriate oversight on our program, we want to make sure that we are not only doing this consistent oversight of our projects, but that we have some way to be able to document that.

So you know, if we are going out and making our visits to those sites, that we have some documentation in place that shows that, you know, what we saw that things were found to be acceptable, a process if we do those visits and find that there's an issue, to be able to document that we had follow up on that.

So thinking about checklists, logs that would be kept that would be appropriate documentation on that.

You can see from all of our discussion that making sure that everybody that's involved in this process, whether it's the contractor or worker or it's our clearance technician, we need to make sure that everybody has the appropriate level of knowledge and certification on that.

And so incorporating into -- so if I'm getting a bid for a project, I need, as part of that bid, for them to demonstrate that they have certification. That they have workers with appropriate certification, so that we make sure that we have the right folks in place.

So as part of our lead-safe work practices, I again think making some visits and observing what we're seeing on site will be really critical and we might be capturing some of that with videos or other photos as part of that to make sure that, particularly when there are issues, that we are calling that out, being able to document that, and then taking action to make sure that that is happening.

One of the things we mentioned was making sure that lead-safe work practices, if we have anything other than the de minimis areas that are being disturbed, we want to make sure that none of those prohibited, HUD prohibited, safe work practices, we talked about grinding, about open flame, making sure that those were not being utilized on those sites.

If they were, we want to stop that immediately and make sure that our worksite protocol has been changed immediately, not only to protect the workers, but also that unit and the occupants.

Then we spent quite a bit of time today talking about temporary relocation and figuring out on the front end when do we need it? What's our plan? Where are folks going? Are they being relocated to a lead-free unit?

What's our protocol on when they can return? And we know we want to have clearance achieved before they're returning and then also thinking about their belongings, pets, other things as part of that.

So and as I mentioned, the toolkit has quite a bit in place that would help you not only think through that, but also to be able to document that process.

So we want to spend a little bit of time at the end here before we go into question and answers, revisiting a couple of the resources.

We mentioned that on the HUD Exchange we have our lead-based paint page, which is sort of our go-to spot for not only looking at the regulations, but you'll see on the left hand at the bottom here, here's what we can click on for the toolkit that's been recently updated.

So all of the resources, the FAQs, the interim guidance, are all on this page. I'd want to bookmark it and in the HUD exchange you can register to get notifications when things are added to this.

So it would be a good way to make sure that you're kind of staying up to speed on whatever those requirements would be.

Then I mentioned this on the last slide, but this is specifically the toolkit. It was updated I think last year. And so we've been mentioning lots of forms and sample guidance things that you need and you can simply borrow from here and customize if needed for your program.

So this is a really important resource and really robust with a lot of elements in it that I think will be helpful for you.

And then also we mentioned about mailing lists. So the HUD Exchange mailing list, also the Healthy Homes mailing list.

I would really encourage you to sign up for those. I know some folks think, oh, I don't want to get barraged with a bunch of emails, but this is how you keep up to date of when maybe the standard for dust levels is updated or there's a new guidance or an updated tool or something that would be available for you.

This is the way to make sure that you're up to speed on that.

And then we'd seen this resource list before. So again, the Office of Lead Housing Control and Healthy Homes, we've got their homepage, the lead regulations themselves, the toolkit that we mentioned.

The Lead Safe Housing Rule trainings are being posted on the website. We also have a link for the EPA website, which can be an important resource, particularly when we're talking about identifying training or certified contractors, workers.

You may have a state EPA website that will also be useful as part of that.

Kris and I have mentioned a number of times throughout this about the interpretive guidance, which goes into more detail on very specific topics. So it's kind of set up on a topic-by-topic area. Would really encourage you to be familiar with that resource.

And then, on the HUD exchange, it was mentioned the lead-based paint page and the Office for Healthy Homes guidelines are here.

For after this training series, after our office hours tomorrow, as you have additional questions, we do have a contact email address here at the bottom of this slide. So you can submit questions that you need some assistance with, and this would be the email to use for that.

All right. So just a reminder of where we are. So this wrapped up our second session focusing on subpart J, which is what we were following for any rehab we're doing. Next week, we're going to be then doing subpart K, which is applying when we're acquisition, leasing, supportive services or operation programs.

So I would think many of you probably also need to participate in the subpart K because you'll have other activities that don't include rehab that would be triggering -- potentially triggering subpart K.

So I would encourage you to participate in that and keep in mind, tomorrow we do have an office hour session and would really encourage you to join us for that.

Kris -- and Kris, do we have homework for the office hour session tomorrow?

Kris Richmond: Yes, we do. I'm trying to find my name so I can unmute myself. Yep. Exercise 3, Occupant Protection and Construction Monitoring is the exercise we'll go over tomorrow.

Les Warner: So in preparation for tomorrow's office hour session, if people can look at that in advance, that would be very helpful.

Kris Richmond: Yes.

Les Warner: Kris, I bet we've had a lot of questions.

Kris Richmond: We've had so many questions. All right, the most recent one that I was going back and forth with, somebody was asking does our housing rehab coordinator have to be -- what were they asking? Did they have to be renovator certified?

I think they were asking about the RRP and I said not if they're not doing the work. And they said, well, it was mentioned the spec writers have to be certified.

So the specification writers do not have to be risk assessors. That was the category, the lead specialists that we were referring to. It's recommended that your specification writers are risk assessors, because they have to enhance the scope of work to write on how you are going to address those lead hazards.

So someone who has been trained as a risk assessor would know what needs to be done to fix those lead hazards. So it's recommended. Not required, but recommended, that they be risk assessors or that you hire a risk assessor to help with that scope of work.

Les, anything you want to add to that?

Les Warner: Well, I -- and Bruce or Karen may want to weigh in. My understanding is sometimes you also will have contractors that are risk assessors and so they would be able to essentially do the specifications for meeting the risk assessment prescribed treatments on that.

Bruce Haber: Yes, Les, this is Bruce. You're right and in addition to that, there are some states that have more protective standards that you would have to follow. So if you're writing up a scope of work for lead abatement, you might have to be a lead risk assessor or even a project designer.

So be aware that state requirements sometimes go into more protective standards than the Lead Safe Housing Rule does.

Les Warner: Thank you.

Kris Warner: We've also had a lot of questions about relocation, like we always do. People were super busy typing in, asking questions about relocation.

So a lot of people were in disbelief that they had to check out the unit that someone was going to go to and stay, even if they were staying with friends. We have to go look at the friend's house? Yes.

We have to make sure that unit is lead-safe and, as Les also mentioned, decent, safe and sanitary. So we need to make sure that we're doing that. People asked can we pay for -- you had mentioned having some pods, like those things that are dropped off, storage pods, dropped off in the driveway.

You know, can we pay for that? And the answer to that is yes, if that's part of your program design. So a lot of these suggestions that we're providing all come down to program design on how it's paid for.

The Lead Safe Housing Rule dictates when relocation is required, and Les, I don't know if you want to pull that slide back up that says like if you can't get into your bathroom or there's a slide that lists when the Lead Safe Housing Rule dictates that relocation is required.

Les Warner: Yeah.

Kris Richmond: But who pays for it and how it's triggered depends on the project that you're undertaking. So if you're doing homeowner rehab, which the majority of you are, we all know that's a voluntary program.

That family has voluntarily come to your offices and asked to have their home rehabilitated. So whether you the grantee pay for that relocation or not, is up to your program design. You're not required to -- so it's not that one.

I think there was another one that said when you have to relocate, but I could be getting it mixed up too. You keep looking, I'll keep talking. Yeah, there it is. Relocation required.

So if this is a rental situation and there's tenants in the units, then we do have to pay for relocation, because that is triggering the Uniform Relocation Act, which is another other federal requirement being layered onto the Lead Safe Housing Rule.

So you have to kind of tease apart is this someone who has willingly come to have their unit relocated? I mean, their unit rehabilitated. Or is this someone who is having their unit rehabilitated because the owner decided to do that?

So you have to figure out are they a tenant or are they the owner as to whether you have to pay for that or not. Then your program design for your ones that are voluntary, your homeowner rehab, that will decide on whether you pay or not.

I've worked with a lot of grantees where they think it's a huge hardship for low-income people to have to pay for temporary relocation, so they build that into their program design. That is not -- it does not come through as part of the loan.

So if some of them have a loan program set up, that's not part of the loan. That's a grant. So they've set up their projects where it's part loan, part grant. Some of those costs are coming across as a grant and their relocation costs are put in as the grant part and then other costs are put in as the loan part.

So those are different ways, but again, it all comes down to program design on how you pay for it and what you pay for, for voluntary types of programs.

Les, you're also a re-lo expert. Anything you want to add to that?

Les Warner: Well, I would just add to that from experience -- my experience has been that doing that optional relocation is the best way to get the tenant actually out of the unit, get their possessions stored.

It just logistically helps to get that project completed and so not having where you said to the tenant, well, you're going to have to be out of here for three days, they agree to it on the front end, but then when the day comes that you need them to be somewhere else, they're saying, well, I thought I was going to be able to stay somewhere, and I --

So I think a lot of folks, for just of ease of getting this done, have chosen to include that. And really end up, in the program design, I mean you also -- frankly, in the rehab programs that I've worked with, we chose to where they were a loan program, only the rehab work itself was the loan that the lead work was not part of the loan.

That kind of helped us to get more participation from that and not create a hardship. So you've got a lot of flexibility in that program design, but I think the main key is do it up front on that.

Kris Richmond: Yes. Thank you.

Les Warner: And we could spend -- since we'll have more time tomorrow in the office hour, you want to bring your scenarios and further -- we can spend quite a bit more time tomorrow on that, if you want.

Kris Richmond: Great. Somebody else was asking about how do I get the slides. You should have received a link with your registration confirmation. Usually there's a reminder that's sent. There should be a link for you to be able to get to the slides, because they are available now.

Maybe John or Sharita, one of you can stick that link again back in the chat. So the slides, all the handouts that we were referring to, those are available in there as well.

Les Warner: And they will be --

Kris Richmond: Yeah. Go ahead.

Les Warner: And they will be posted, I think, when we're getting all this posted on the exchange, so they would be available as a resource later.

Kris Richmond: Yeah and someone was asking you to find program design. Well, program design is up to the grantee. They design their program, meaning their homeowner rehab program or their rental rehab program.

Any type of rehab program that's being run by a grantee, they have to design their program, because HUD expects them to have policies and procedures on how that's run and they come -- and HUD comes and monitors them as to how they're running those programs, policies and procedures and the policies and procedures are designed as part of the program design.

So it's really like how much money are you putting in per unit? How much -- where are you working? Are you working in certain parts of your city? You know, are there certain populations you're trying to work with.

All of those things go into the program design. So that's what we mean by program design.

Someone else, Les, this is an interesting question ,because we were talking about ongoing maintenance and our slides say, well, this is for home only. Like our handout. The summary chart says home only ongoing maintenance.

And they said, well, what about CDBG? And so I let them know that the ongoing relationship between the program and the unit is what triggers the ongoing maintenance. Typically, CDBG does not have programs or projects where there is this ongoing relationship.

So that's why we don't really talk about CDBG in the ongoing maintenance, but I don't know if Karen or Bruce want to weigh in on that a little bit or if Les, you have anything else to add about that?

Les Warner: Well, the CDBG regulations don't require long-term affordability requirements. So some of you may have chosen to have long-term affordability requirements because of the investment and wanting to make sure that that continues.

But it's not covered in this way, because CDBG doesn't require it.

Kris Richmond: Yeah. But it doesn't mean that you can't institute it, right? I mean, these are bare minimum and if, you know, as Les was going through, it's a visual assessment at unit turnover or at move-in and it's making sure that the residents are letting the owner know of any encapsulations or enclosures have been damaged.

It's making sure it's being repaired properly and clearance is achieved and that's always to protect our tenants. So just because it's not required doesn't mean it's not something you can implement as a best practice as part of your program design.

Les Warner: And you'll notice that we aren't talking about homeowner rehabilitation, because again, under HOME, it doesn't have long-term affordability requirements on that.

But one of our purposes on providing the disclosures to those owners and the -- both the HUD and the EPA brochure is we're trying to educate them about lead, about their unit so that in the long-term, even though we're, as a program, not going to be doing this ongoing maintenance and inspections, we want them to be aware of what those hazards are and what they need to be watching over time.

Kris Richmond: Right. Somebody else asked, you know, is it okay if we keep using the same certified contractors if they meet our RFP procurement process? And I said yes. If they're meeting your procurement process and they're qualified, then that should be fine.

I mean, you might want to start to think about is there ways to do some recruiting if you're not happy with that contractor and you want to try to have more contractors as part of your program, you may need to look into some type of recruiting.

But as long as they're following your RFP procurement process and they're meeting all of the qualification that are needed for the work that's required, then that should be fine.

So that's about everything. We had a lot of questions, but mostly in those category areas. Les, anything else before we drop off today?

Les Warner: Just that we'll encourage you to come to our office hours tomorrow, go through the homework. And we'll have done a little bit of review and gone back through all the questions that came through today and probably if we have time, do some revisiting of some of those key areas where there were a lot of questions.

So as you have questions that pop into your head later, jot them down, bring them tomorrow and we'll address them.

Kris Richmond: Great. Well, thanks everybody. Thanks to Karen and Bruce as well, and to Sharita and John for helping to support us today. We will see you all tomorrow for our office hour. Have a good afternoon. Bye.

Les Warner: Thanks, everybody.

(END)