

Lead Safe Housing Rule Webinar Series, Subparts J & K
Spring Session 3: Subpart J - Rehabilitation Construction Phase
Wednesday, June 2, 2021

Kris Richmond: Thanks, Medora. Welcome back, everybody. My name is Kris Richmond, and today we are going to be focusing on the construction phase of Subpart J. So let's get started.

As I said, my name is Kris Richmond. I work for ICF. We are a technical assistance provider for HUD. I'm accompanied by my colleague Les Warner. And we are really fortunate, again, to have three fantastic HUD staff from the Office of Lead Hazard Control and Healthy Homes with us today. We have Bruce Haber, Karen Griego, and Jerry Freese. And the three of them are answering questions in the Q&A box. So if you have any content questions, we do want to make sure you put those in the Q&A box.

I do want to remind you, though, don't worry so much about looking at the Q&A box. We're going to be reviewing questions that came in today during our office hour session tomorrow. So it's really hard to listen to me and Les talk about these really technical things and look at the Q&A box at the same time. So don't worry so much about that. We'll review that tomorrow after we go over the homework. But really want to thank my HUD partners for being here today and helping to support us. It's really fantastic to have them here with us.

All right. So you hopefully have been with us for a couple weeks now. So you should be familiar with the way we're doing our format. It is four weekly sessions. We have been going up to the full two hours. I'm not sure if today we'll go to full two hours or not. But if we're done early, we'll let you go. If we have time to answer more questions, we'll make sure we do that.

As I said, tomorrow we're going to have our one-hour office hour session. We will review the answers to the homework for week three, and the recordings will be available. Usually, it takes several days for them to be up, but they will be up on the training page. So if you missed anything, you can go back and listen to that. And then in a couple more weeks, we will order transcripts, and the transcripts will be up there as well.

So as I said, today is session three. We are going over construction planning. If you did miss any of the other sessions, session one was our basics. So we went over some really general Lead Safe Housing Rule basics. And last week we started with rehab requirements. So two and three really do go together. Next week we will be getting into Subpart K, which is acquisition, leasing, support services and operations. But today, we're going to finish out rehab.

So we have a lot of items we want to go over today in a really short time. So we're going to really focus on your ability to manage compliance, help you think through different critical decision steps, and make sure you have path to be successful and compliant with your programs. We're going to go over a couple key terms, and we'll review some of the available resources that we have as well.

I do want to alert you. If for some reason you did not join us for session two, you are still welcome to stay with us today for session three, but there are some key critical terms and items that we discussed in session two. So in Session two, we went over what all the exemptions were. Today, we are going to be talking about projects that are not exempt. So what do we do when the Lead Safe Housing Rule is triggered?

Last week in session two, we also talked about the level of assistance and how do we calculate that level of assistance. If you recall -- let me see if we can find the right handout. There it is. Okay. So this handout that we have, you'll see these dollar amounts at the top, up to and including \$5,000, over \$5,000 to \$25,000 or over \$25,000. Those are the different levels of assistance. So once you determine what your level of assistance is, then you'll know which of these types of requirements and types of evaluations or reduction that you need to follow.

So if for some reason you missed last week, please go back and listen to that recording so that you understand how to get to that level of assistance.

And then we also discussed in great detail the EPA Renovation, Repair, and Painting Rule. That's the RRP Rule. So we're going to be referring to RRP. We're not going to go too much in detail about it because we spent a lot of time last week going over that, but there is a handout, if you missed that as well, that does compare the differences between the HUD rule and the RRP Rule.

For example, there's more prohibitive practices for the HUD rule than the EPA Rules. The de minimis -- the interior de minimis levels are different for the HUD rule and the EPA RRP Rule. So just a couple things to keep in mind if you missed last week.

All right. So we're going to do a real quick poll. If we were all in the room together, I'd say, hey, raise your hand. Let me know what kind of activities you're doing. But if you could just go in and click on the poll, choose what type of rehab program are you operating, and are you doing homeowner rehab? Are you doing rental rehab, acquisition rehab over \$5,000, or more than one of these programs?

And then after you click on that button, if you could just hit the submit button, then we'll make sure that your answer is recorded. So if you could just go ahead and do that for us, that would be really helpful.

All right. Medora, where did we land with what people are doing? What kind of rehab programs are people doing?

Medora: The poll is just closing up now.

Kris Richmond: Okay. Thanks. All right. So it looks like about half of you are doing homeowner rehab, and the other half are doing more than one of these programs, which is fairly typical. When I worked for a city, we did all of these programs as well. So glad that you're here today with us, and we're in a dive right into -- are we?

All right. So you've seen this several times now. We've shown this slide in all of the modules we've been together so far. But, again, just a reminder, this is showing the current HUD programs that may trigger Subpart J, which is rehab. It's not an exhaustive list, but you'll see we have our Community Development Block Grant program, the HOME program. We have our HOPWA program, Continuum of Care. We have our SHOP program, Emergency Solutions Grant.

So if you're funded with any of these programs and you are undertaking rehab, then Subpart J of the Lead Safe Housing Rule will be triggered.

All right. So we're going to review the implementation of the Lead Safe Housing Rule at various stages of rehab so your program can meet compliance with HUD and the EPA requirements. Remember we learned about that last week and the first week, that we have to take the Lead Safe Housing Rule, and we're overlaying that with the EPA rule as well.

So each level of assistance or numbered level of assistance are our numbers here, our less than and including \$5,000, our over \$5,000 to \$25,000, or our over \$25,000. Those are our level of assistance. So we have different requirements depending on where we fall within our level of assistance.

So what will change, we'll see here first that the notifications are all the same. So we're going to have a notice of evaluation. After we do our valuation, our evaluation will change depending on which category we're in. So if we're up to and including \$5,000, we have paint testing as our evaluation. If we are over \$5,000, we are doing a risk assessment and paint testing.

So after we do our evaluation, we need to do a notification. So we'll do a notice of evaluation. So that will be provided within 15 days of either getting the results from the paint testing or the paint testing and the risk assessment or, if you're doing presumption, we would do a notice of presumption. That's also a notification, and that would be provided within 15 days of you determining you're going to presume that there's lead-based paint.

And then you'll see that the lead hazard reduction varies, again, depending on that level of assistance. So if we are up to and including \$5,000, we're doing repairing the paint. If we're over \$5,000 to \$25,000, we're doing interim controls. If we're over \$25,000, we're going to be doing abatement. And we're always doing lead safe work practices.

We're going to do worksite clearance, if we're up to and including \$5,000 because, remember, it's a very small -- usually, a small amount of repairs being done. So we're only dealing with the worksite area, whereas we're in the over \$5,000 range, as well as the over \$25,000 range, we're doing lead safe work practices and total unit clearance. So it's not just the worksite clearance. It's the entire unit clearance.

We do have ongoing maintenance requirements. Les is going to talk about that today. And there is no elevated blood lead level requirements. Those are more for our project-based assistance, our tenant-based rental assistance, and our public housing. So elevated blood lead level requirements are not triggered for Subpart J, and that's why you see that's not required.

Last week we did go into great detail about these different reduction methods, but I do want to remind you, we have this really nice treatment handout. And so it goes through what the different kinds of treatments are. We have repair, paint stabilization. We have interim controls. When you go to page two, you can see that we have standard treatment, and then we have abatement. And

then on page three of this document also goes into detail about what these different treatment methods are.

And then we have a worker hand out, which I particularly like because we didn't have this the first time we did our sessions. And I thought this would be really helpful. You'll see the type of workers or supervisors that need to be done depending on the type of work that we're going to be doing. So if we are doing repair, you can see that you need to have an RRP certified contractor.

Abatement workers, abatement supervisors can always do -- that -- that's like the highest level of certification. So they can always do repair. They can also do paint stabilization and interim control. But, typically, you would hire just an RRP contractor because they would be cheaper than abatement supervisors and abatement workers. So you would hire an RRP contractor to do your repairs, do your paint stabilization, and to do your interim control.

When you're dealing with abatement, then you have to hire your abatement contractor and your abatement workers. So I just want to point -- oops. I just want to point those differences out. I'm sorry. I lost my page. There we go. So you see here for abatement, you do need to have your abatement workers and you're your abatement contractors.

And then on the second page of this document -- and if I scroll down, you also need to take your gray bar and scroll down with me. This will show you what type of courses do they need to take. So we have our RRP here. So our RRP need to be taking the classes that are offered by EPA, or if you're an EPA authorized state, whatever those types of programs are that's available.

Our abatement workers, you see the type of courses that are also need to be accredited by the EPA. I'm going to scroll down. We have the same thing here with our workers and supervisors. So really helpful for some of these handouts. Again, this is -- that was the worker handout on page two that showed the qualifications. So all of these handouts are available on the same training link that was sent out to you.

Okay. So you also have the summary sheet here, too. And so, on our slides, you see that we took the summary sheet, and we just kind of truncated it a little bit. So you can go back to this handout as well.

And then we just want to remind everybody that the items that are listed here are not necessarily listed in the order of steps of how you'd be undertaking your Lead Safe Housing Rule program.

Okay. So we do want to mention insular areas. So are you working in an insular area? And insular area are these areas that we have listed here, the American Samoa, Guam, the Mariana Islands, Micronesia, Republic of the Marshall Islands, Republic of Palau, Puerto Rico, and the Virgin Islands. Those are the insular areas.

So if you're working in one of these areas, the requirements are going to be different than what we are going to be going through if you don't live in an insular area. So if you live in insular areas, are working in insular areas, the rules are less stringent in these insular areas. They do face

conditions that make it an unreasonable burden to meet some of the requirements. And this slide shows the federal requirements for up to and including \$5,000 per unit.

So there are no lead evaluation requirements. So you're not doing paint testing. You're not doing a risk assessment. There's no evaluation requirements whatsoever. And then the lead hazard reduction requirements are the same for up to and including \$5,000.

So remember, if we look here, our evaluation method is usually paint testing and then our hazard reduction method is repair the services to be disturbed. So we go back to our insular area, and you'll see we don't have to do paint testing because there's no evaluation requirements, but the hazard reduction requirements are the same. So we're repairing any painted disturbed during the rehab. So we do need to make sure we're following lead safe work practices and repairing the disturbed paint. And then the work area also needs to pass clearance before occupants can return. So this is for up to and including \$5,000 for a level of assistance.

Now, for insular areas that are greater than \$5,000, there's a reduced level of evaluation and reductions. So remember, you normally would have to do paint testing and a risk assessment. But for the insular areas, we're not doing paint testing or risk assessment. We're actually going to do something that we haven't referred to yet in this course, a visual assessment. And a visual assessment is done by a trained visual assessor.

It's a free training course on HUD.gov. It takes anywhere from a half hour to an hour, depending on how long it takes you to read the different slides. And so, someone who's knowledgeable about paint conditions can go through that free online training and become a visual assessor. So they're looking around the unit to determine if there's any deteriorated paint.

We don't know if there's actually lead in that paint or not because we're not doing any type of physical testing. We're just looking around. So we're just doing a visual assessment. So if you're in an insular area and your level of assistance is greater than \$5,000, then you need to do a visual assessment.

And then our level of reduction or hazard reduction is paint stabilization on all deteriorated paint surfaces disturbed by the rehab. So paint stabilization, if you recall, is when we're removing the loose paint and other materials from the surface to be treated. So we're repairing any defects in the substrate, and the substrate is that material that's underneath the paint. So it might be wood. It might be concrete. It might be bricks. So whatever is beneath the paint, we're making sure that that's being -- that's being treated and repaired, and then we're going to paint a new protective coating of paint over that substrate once we've repaired the substrate. So that's the -- that's what paint stabilization means.

So we're going to do paint socialization on all deteriorated paint and surfaces disturbed by the rehab. Again, not doing interim controls or abatement. And then we do need to ensure that our dwelling unit and our common areas are passing clearance before our occupants are allowed to reoccupy the spaces where we did do paint stabilization. But again, these two sides only for insular area. So if you don't work in an insular area, you want to disregard the information on

these two slides, because this is a lot less stringent than the Lead Safe Housing Rule actually requires. So again, only for insular areas.

We saw this slide in module two. This talks about some key actors and who's involved in the rehab process. So we have our program staff. This is the -- usually our homeowner intake. They're taking the application. We have our inspectors, our compliance staff, finance department. We're going to have our rehab specialist. This is the person who usually writes the specifications, the work write-up [inaudible] specifications. That might be an in-house staff person. We might need to contract that out. Just depends on how big our program is and how we're set up.

We do want to make sure that our specification writer is hopefully qualified as a certified risk assessor. It's not required, but it is a best practice to have your spec writer be a certified risk assessor. You can use admin funds to pay for training. It is an eligible cost of that.

There are some states where they may require the person that's doing the work write-up or putting together that scope of work if there's any type of abatement work that needs to be done, some -- there are some states where that scope of work needs to be written by a certified abatement supervisor or a project designer. So you might want to check in with your state requirements to see if you're in a state where that's going to be required.

And then we have our traditional participants in rehab. We have our general contractors, our painters, our plumbers, our electricians. At a minimum, our general contractors should be RRP certified. And our program staff is going to have to help our general contractors understand the requirements that apply to their work. We're going to need to use the lead language in our contracts, in our work specifications, and in our communications.

And then the program staff is going to have to help locate lead specialists, and our lead specialists, our certified paint inspectors, our risk assessors, our clearance examiners, also, our trained lead contractors, our lead abatement supervisors, and our RRP workers. So we did talk quite a bit about these different lead specialists.

And just to remind you, again, on page one of our worker handout, we also have identified all these different lead specialists for you as well and what they're able to do.

All right. So now, we are going to go through the typical steps of a rehab program or project and how the Lead Safe Housing Rule will be weaved in and out of these different steps. So this is just a typical housing rehab program. Your programs may have more steps than this. They may have less steps. But try to think about, as we're going through these different areas, how you can apply this information to your program, if for some reason you're not already applying that.

So I'm hopeful that everybody is following along with the Lead Safe Housing Rule. It's been in place for over 20 years now. But sometimes we run across programs where certain things are just not as compliant as they could be or they just weren't aware of certain requirements that had to be applied at certain stages. So follow along with us. If you have questions, again, please put them in the Q&A, and we will be able to answer those.

So we're going to talk about our program application, our interviews, property inspection, and specification development -- that's our work write-up -- how we're going to do contractor selection, any kind of work phase coordination, if we need to stage the work in different phases, the pre-construction conference, how this -- the progress inspections, final inspections, and then post-rehab.

All right. So first, we're going to talk about the program application and interview, and in this stage, you have the opportunity to actually educate the owner. So there are no specific requirements at program application, but it does give you an opportunity for your staff to provide information on the program goals related to lead that will really help you discuss the level of participation and cooperation that's needed of an owner and the tenant. And it's an opportunity for you to give that pamphlet.

The pamphlet is the Renovate Right pamphlet. This is what your RRP contractor will be giving to the homeowner. But it doesn't hurt for the staff of the program to also hand that Renovate Right pamphlet out as well.

It also gives you a chance to talk about how your program works, do you have certain cost limitations. I mean, when I worked for a homeowner -- when I worked for a city, for our rehab programs, we had certain caps, that we would only fund up to \$20,000 for a rehab. And that was a long time ago. So I'm sure it's a lot higher now. But, if there was a house that needed more rehab assistance than that, then we were unable to assist them. So you need to talk about different cost limitations.

You also want to find out what does the owner want to do. What kind of rehab were they thinking about? So sometimes what the owner wants and what your program can provide are two very different things. So you want to talk about those different things as well.

You want to also talk about the development and how you're going to be going through the different stages. We need to talk a lot about occupant protections. This is a good time to start to mention that. We might need to move items and temporarily store them somewhere else. We may need to actually temporarily relocate the owners or the tenants of the unit too, depending on what kind of work is going to be done.

So this is a good chance to find out how -- if we have to limit their use of the property, are -- how are they going to be able to handle that? Do we have funding in our program to pay for them to be relocated? So these are all different things that you can discuss during this first section, the first step of the program application and interview.

Also, an opportunity for the grantee to obtain any information about the unit or the property on any past lead information that might be known. So can find out has there been any previous lead testing or was there any hazards that were identified in the past, or had there been any lead reduction work performed in the past as well? So more information you can find out during this stage.

The second stage is talking about the property inspection and the specification development. Specifications is the work write-up. That's what I mean when we mention that. So during the property inspection, the staff conducting the review is doing that to determine the work that's required for the program. So your scope of work is initially based on the rehab or the repair needs of your property, and as you go through looking at the inspection, maybe you're running a CDBG program and you were really only going to use your CDBG money to bring the electric up to code for this house.

Well, now, you're in a level of assistance where maybe you're over \$5,000. And so, you thought you were only going to be dealing with the electric, but now, you need to deal with lead hazards throughout the whole unit, because when we're over \$5,000 -- [inaudible] here. When we're over \$5,000, we need to be doing paint testing and risk assessment of the entire unit. We're not just dealing with one work area. So these dollar amounts, these level of assistance can really drive us to do more work than we initially thought we were going to do.

We also need to look at how we're identifying some of our work. We talked about this last week. What is the intent. So remember if the intent of doing some of these items is the rehab, then it would be part of the rehab hard cost. If the intent is to do lead hazard reduction, then we would subtract that dollar amount. So window replacement is a good example of that. And, again, whether the intent is rehab or whether the intent is lead hazard reduction could also drive what kind of lead specialists need to actually do that type of component or work?

So these are all different things. We talked about these in great detail in module two, but just to remind you, as you're starting to develop your specifications, these are different decisions based on your program design that can affect the type and scope of work that needs to be done.

And then the cost estimate ultimately will determine the level of evaluation. Are you only doing testing, or are you doing paint testing and risk assessment? And the level of hazard control. Are you doing repair? Are you doing interim controls? Are you doing abatement? So all these things will come out after you do your initial work write-up.

While you're on site, it's also an opportunity for you to determine the condition of the property. So what is the age? Are we a pre-'78 unit? If we're post-'78, remember, the Lead Safe Housing Rule does not apply. So what year is -- was the house or the units built? What kind of condition are they in? Was there information known about former use of lead-based paint in that unit? So all opportunities to be able to find out more information during that property inspection.

We also want to find out what's the capacity and the coordination while we're doing these types of work write-ups. So the grantee needs to ensure that the person who's writing the work write-up or specifications has the capacity or hire a risk assessor to write in certain sections to meet HUD and EPA's requirements, because we do need to ensure that we're identifying what type of lead hazard control needs to be done, and this needs to be written by a risk assessor, if it's more than \$5,000.

Oh, I did want to mention too, so, back here, even if you're presuming -- so, even if you're presuming that you're doing lead-based paint, you still should have a risk assessor involved

because you want to make sure that the work write-up is dealing with the lead hazard control properly, even if you're presuming.

All right. So level of assistance. Remember, the level of assistance is -- are up to and including \$5,000, our \$5,000 to \$25,000, or our over \$25,000. That's our level of assistance. So as you think through the level of assistance and thinking through the different items on the work write-up and what your specifications, the level of assistance will ultimately determine what type of evaluation you need to do and what type of lead hazard reduction you need to do.

So maybe you had a program set up where you were only doing a single type of work. Maybe you were going to do a roof or some plumbing or rewiring or some type of adaptability type of work, and you thought this is going to be under \$5,000, but it ends up being over \$5,000. And now, we're into the whole house, looking at the whole house or the whole unit for lead hazard control and we need risk assessment rather than just working on that particular area, if we were under \$5,000. So again, the specification design can push us over to a higher threshold than we originally planned.

Okay. So the second stage, looking at the property -- or continuing with the property inspection. This is for evaluation. So depending on the level of assistance, the program either has to conduct paint testing -- that's if we are up to and including \$5,000 -- or if we're over \$5,000, we're going to be doing paint testing and a risk assessment.

We need to -- for our paint testing, we need to have a paint inspector. And if we are doing paint testing and risk assessment, our risk assessor can do both of those. You always have the option to presume that there's lead-based paint. So you can do that.

We also have the option for a lead hazard screen. We don't see this too often. Lead hazard screens are done for buildings that were built from 1962 to 1977. So if you're in that time category from 1962 to 1977, you can do a lead hazard screen. And this is really done to determine if you need a risk assessment or not. So you do the screen, but if it fails, then you need to do a full risk assessment.

So again, it's not typically done because it often leads to needing a full risk assessment, and then you have to pay for two different things. You have to pay for the lead hazard screen, and you have to pay for the risk assessment. So just makes sense to just get the risk assessment, if that's what's required.

We do want to ensure that we're using certified professionals that are conducting our evaluation. So if we look our workers -- yeah. There we go. All right. So if we look at our workers and we are looking at evaluation, if we're doing a risk assessment, it's our risk assessor that's doing that. If we're doing any type of paint inspections, then we are having a certified lead paint inspector do that. If you're any type of paint sampling, you can have a lead sampling technician.

So we want to ensure that we're using our certified staff. And remember, back on that worker page, on page two, it shows you what kind of qualifications they needed and where they could get these certifications. You want to be checking against this document to make sure that

whoever you're hiring, or if it's your own staff, that they have the proper certifications to conduct that paint testing or the risk assessment.

And then if we are doing a paint testing and risk assessment, we need to provide a notice of lead hazard evaluation. This needs to be provided within 15 days of us receiving the results of the paint testing or the paint testing and risk assessment. Or if we are presuming, then we are going to provide a notice of presumption within 15 days of deciding that presumption is the type of method that we want to follow.

Okay. All right. So talk a little bit about presumption. So the program always has the option to presume the presence of lead-based paint rather than do an evaluation. So if you don't want to test, you don't want to do a risk assessment, you can presume that there's lead-based paint. But there are more enhanced control or lead hazard control treatment measures that are required, and it could potentially cost you more because you may be treating areas that may not have lead-based paint.

So we don't know. We're just presuming that there's lead-based paint. You might want to make this decision based on your former portfolio. Have you always -- like in this particular neighborhood, has every project that you've dealt with had lead-based paint, or can you do some swabs and then determine that you're going to presume?

So we do need to have lead-based paint inspection for inspections -- full inspections done by a lead-based paint inspector. But you could -- if you're presuming, you could do certain swab and say, oh, yeah. There's lead. We think there's lead there. We're just going to presume there's lead everywhere.

Okay. So if you do decide to do presumption, this is talking about the different types of hazard control that you're doing. So if you're in the up to including \$5,000, then we are going to be repairing the -- all painted surfaces.

So remember, if we were testing, we were only going to be repairing the painted surfaces to be disturbed. If we are presuming, we're not testing, we're presuming, then we need to repair all the painted surfaces -- okay -- everywhere, not just the surfaces to be disturbed. And we need to make sure that we're following lead safe work practices and that we're getting clearance as well.

And then if we're in the next level of assistance, if we're in the \$5,000 to \$25,000 range, we're going to be doing standard treatment. It's similar to interim control, but it's applied to all interior and exterior deteriorated paint, including friction and impact surfaces.

And then for over \$5,000 -- or I'm sorry -- our over \$25,000, we are abating all interior and exterior deteriorated paint, including our friction impact surfaces and our soil. And we're doing interim controls for exterior areas not disturbed by rehab.

So again, need to look at your program to determine is presumption something that you want to do? But do keep in mind you could have potentially greater cost as the level of assistance arises.

All right. So let's talk about contractor selection. So we're moving into stage three here, implementation. So thinking through the process of contractor selection, most grantees typically have an RFP process, but they do need to ensure that contractors have the proper certification.

So remember, again, on this worker handout, this document will go through, what are the different certifications that they need to have? So we want to make sure that we're checking to make sure they have the proper qualifications, the proper certifications, and we want to get copies of those certifications to put in the file.

And then we also want to check references from past jobs that they've done. We want to make sure that they're actually -- have they passed clearance for their other jobs that were done? Were the people that hired them, were they happy with the work? Did they feel like their items were protected well? So were they following the rules properly?

During this process, the contractor will submit the bids for work. Some programs may have a pre-qualified list of lead contractors, and they can use that list to notify these contractors when they might have potential bid opportunities. And you may, as a grantee, may need to recruit some additional lead contractors. You might need to offer -- use some of your admin money perhaps to pay for some RRP training for some of your contractors, if they want to be involved in your program. So these are different ways to help recruit them. And you -- again, you want to be interviewing your contractors, and you want to ask, in addition to their credentials, also for their references.

All right. So let's move on to stage four. This is the work phase coordination. So we might be doing some trades coordination and scheduling. So sometimes grantees stage the work. So they may need to do the lead work first. So maybe they're in the abatement category, and so they bring in their abatement supervisor and their abatement workers and they take care of all of the lead work first and they do an interim clearance. And then they'll do the regular rehab.

So they'll bring in a general contractor to do some of the other areas that were not needed to be abated or dealt with with the lead hazard control. And then they would get a final clearance. So if you end up doing this phasing, it is possible to do that. And so, again, you want to get an interim clearance, and then you would do a final clearance to make sure everything has been done properly after it's been cleaned.

During the coordination and scheduling time, you also want to talk about are we going to have to relocate our occupants. And Les has a couple slides here to talk about what those requirements are, how we can do that. And, again, we need to get final clearance at the end of the project. So planning ahead really helps control costs, and it keeps the work also within a reasonable time frame.

All right. So our fifth stage is the pre-construction conference, and there really are no special requirements in Lead Safe Housing Rule for pre-construction meeting, but it's a really good idea to review these items so that everyone's on the same page.

You want to be talking about your roles and expectations, who's doing what work? When it's expected? What kind of reporting needs to be done? How is the invoicing going to happen? How often is your staff going to go do inspections during that process?

You want to have a copy of the work schedule. So especially if you're coordinating lead work versus non-lead work, you want to have that schedule as well. You want to talk about the different responsibilities and the coordination. Again, if you're doing -- having the lead contractors come in and then non-lead contractors, how are you going to be doing that? Making sure that that coordination is going well.

And then what type of work methods need to be followed? What type of lead hazard control activities need to be undertaken? What about the safe work practices and proper set up and occupant protection? What about cleanup and clearance? We talked a lot about clearance last time we were together. Les has some slides about occupant protection and clean up. So we'll review that.

And then are there any special contractual provisions such as debris and disposal? Are there any certain items that need to be in the contract about how to take care of any type of debris and disposal? Also, about what do they need to do to be able to achieve successful clearance?

So we don't want to pay -- fully pay our contractor if this project is unable to achieve successful clearance. We want to make sure we're really clear in our contract provisions that that's going to be required. For you to get fully paid, this project needs to pass final clearance.

So Les, that's my last slide. Is there questions that came up that we should review or any areas you want to expand upon a little bit?

Les Warner: Yeah. We have just a few questions, and I thought we could go through these.

So there was a question about, if we had a general contractor who was -- has an RRP supervisor on the site, can his supervision suffice for a contractor not being certified?

And so we have to have -- the answer on this is that the general contractor's workers need to be certified. And so, we can't simply substitute, I have someone monitoring or supervising the workers. And so, having the general contractor's renovation certification isn't sufficient to be able to meet those requirements. And Bruce did provide in the Q&A a link on this.

We also had a question kind of going back to something that we were exploring last week where we were using this example about, what if we were doing a sewer line replacement. And this question about evaluation and what's actually required.

And we went back and forth with this, discussed it quite a bit in last week. So you might want to revisit the posted session for that. But the answer on that, essentially, was that, if we were doing a \$6,000 sewer line, so we're over our \$5,000 dollar line, the question was, well, I thought if we were at \$5,001 to \$25,000 that we always had to have paint testing and a risk assessment.

But on the example of the sewer line, the project could be exempt, if, as we analyze that scope of work, if we determined that that project is not going to disturb any painted surfaces. So we'd really have to follow -- look at all of the portions of the sewer line, where it's going, the surfaces it's going to pass through, and determine whether it actually could be exempted.

And so, if our scope of work is not disturbing any lead-based paint or any painted surfaces, since we haven't done testing at this point, then we could determine that our overall project actually was exempt. So it's a project-by-project process to be able to make that determination of whether the overall project could be exempt, and so, we would not be required to do our evaluation, including the risk assessment, for that project.

The other question that was asked was about recognizing that when we go over \$25,000, that we are now in abatement. And so, we have more stringent rules. We're going to have, generally, a more expensive project on that. So they were questioning about, well, could they simply switch out? So could they analyze this and say, okay. I've got a \$35,000 project. Could I simply use \$11,000 of general funds so that my federal dollars in this were below this?

So just the reminder is that the way -- and if you go to last week's session, Kris spent a lot of time going through our methodology on for determining either our hard construction costs or our total federal dollars. So we've got sort of a two-part test that has to be done to determine what the level of evaluation and treatment is going then to be. So I would just refer you back to that.

Let's see if there's anything else that -- so, we have a question that's just come in. "How do we adjust if our original cost estimate and project costs were under \$5,000, but during the project change order, we add to that scope of work and it now exceeds? Do we stop the work and do the risk assessment before we continue?"

I'm going to turn that one over to either Karen or Bruce or Jerry, if one of you want to pop in and answer that one. So this is where we have a change during, after the initial testing -- or evaluation has been done, that changes the level on that.

Bruce Haber: Sure. Les, this is Bruce. I can start off and then also allow Karen and Jerry to speak up too.

Basically, it is expected that there will be the occasional change order. So if the original estimate was under \$5,000 or even if it was under \$25,000, so you have different aspects of the hazard remediation that has to be done, if the change order occurs because the project ran into unexpected conditions, that would be fine. You would document it in the project file and continue as you originally determined.

On the other hand, if your program has a habit of doing this all the time, estimating the job to be \$22,500, and then every job ends up being \$28,000, which is above \$25,000 abatement standard, that would probably result in a monetary finding going forward.

So the occasional change in scope is expected. The continuous observation, the same kind of condition on every project would be a red flag. So Jerry or Karen, want to add anything?

Les Warner: Sounds like no. And, Bruce, I would just add that I think that same sort of thing, if we were monitoring on CDBG or HOME, that that same sort of thing where, if there's a change order, we're always looking to make sure, is this something that could have been anticipated with a good inspection on the front end?

We know that there are some things that, as you dig into a construction job, that there can be surprises along the way. But when we begin to see sort of a pattern here, then it can be a finding. And part of that is really are you doing appropriate evaluation on the front end, whether it's lead or whether it's based on the scope of work that's needed to bring that property up to the required program standards for that? All right.

Jerry Freese: This is Jerry. I would agree, totally.

Les Warner: Great.

Karen Griego: Likewise. This is Karen.

Les Warner: Have a very agreeable group today. That's good.

All right. So we're going to switch gears here. I'm going to take over as the trainer, and let's move ahead and talk a little bit about occupants and how we're going to -- we talked a little bit last week about, as part of our planning for our project, thinking about the occupants and their possessions. But we're going to go into a little bit more detail here.

So thinking about while that construction is going on and kind of continuing -- Kris was walking through the steps, we're going to make periodic inspections to the work site. We've done careful planning on the front end, trying to make sure that we have very specific specifications in place, that we have certified contractors and trained workers that are on that site. But we want to make sure that we are checking to see is -- are all the things that we carefully planned for, are they actually happening on that site?

And so, having a plan, having some staffing about making those inspections, those periodic inspections becomes really important to make sure that work is going forward as proposed and as -- and work is being done in a manner that is going to be in compliance with the Lead Safe Housing Rule. But also then, of course, at the end of that project, we're going to make sure that all of the required scope of work has been completed.

We're going to be talking in a little bit about -- again, about clearance. And just keep in mind that clearance testing is then looking to make sure that we have left this location without lead hazards. But we need to, as part of that, our staff or someone working on behalf of the grantee, is having to make sure that all the work that was part of your specifications has been completed, that it was completed in a workmanlike manner. And then paired with that, we're going to have our clearance testing to ensure that we have not left behind potentially lead hazards at the completion of that work.

So as Kris talked about, kind of thinking about the staffing needs on this and who's going to handle some of that work. And so, making sure that staff for that project have appropriate certifications in place. Do we have PPE? Do we have protective gear that's available for folks?

We need to make sure that the lead safe work practices are being followed. And we're going to look at a couple of examples of workplace things that we might run across, making that -- if we made that onsite visit, but we want to make sure that none of those prohibited methods are being used on site when we're observing what's happening there. So they don't have the grinder or the belt sander going. They're not doing dry scraping, those sorts of things, that they're working with HEPA vacuums. So they're trying to contain and clean any dust that's being created as part of that process.

We're going to be talking more about this issue about containment. So we might have a unit that is occupied by that household and so needing to be able to contain those work areas, if that's something that's going to be possible with the scope of work that we've had.

In other cases, we're going to have relocated temporarily the occupants of that unit. But we have to think about all of their possessions, and we have a lot of sort of noncleanable surfaces. So we need to think about how do we clear those worksite areas? How do we contain the dust and any possible cross-contamination that might be happening? And then things, of course, like signage so that everybody understands what -- who can go where and that we're maintaining that.

And so, that plan for appropriate occupant protection needs to be in place. And we're checking then, as we're making our progress inspections, to see that not only the rehab work and the the lead risk reduction work is being done appropriately, but then, also, our plan for occupant protections and for their possessions has actually been implemented properly and is being followed.

So a lot to look for while we're on that site. And I will say, as this note mentioned, it's not uncommon to find that we have workers and sometimes also the occupants that are violating the protocol. I remember hearing over the years where we had families that were -- we were cordoning off a particular work area. It was not an essential portion of their home. And so, we were choosing not to relocate the occupants of that unit.

But when the contractor would come in in the morning, finding that it was obvious that the occupants of that unit had essentially violated that containment area, either gone in to look at the work that was being completed or gone in to try to find a possession that was in a containment area and so causing potentially cross-contamination as they're tracking in and out of that work area.

So we really want to keep an eye, as part of our progress inspections, and make sure that those actions that we so carefully planned are actually going forward and being followed.

So we're going to start here by looking at a couple of resources or identifying a couple of resources. So Kris mentioned about providing the Renovate Right brochure, which contains

really good information, including information for the occupants of that unit after the work has been completed.

So it walks them through the protections and the dangers or hazards of lead paint and other contaminants, but it also gives them some information about, as they occupy a unit after that work has been done, things that that household can do as part of cleaning on how to control in the future to make sure that there won't be other lead hazards that are created during that time period.

And so that has some good information about -- also, about segregating work areas and the safe work practices, things not to do on that.

And we've mentioned before the interpretive guide. So I want to point out a couple of these and talk through them a little bit.

So S4 is about lead safe units. So when we're doing temporary relocation, we have to relocate that household to a lead safe unit. And so, it's defined as not having any lead hazards. So that would include a visual inspection and dust wipes.

And so we need a plan of action on either we're going to have this testing in place or we could be identifying units for temporary relocation that were exempt because they were constructed in 1978 or later. So for instance, it's not uncommon with short temporary relocation to be putting someone up in a local motel or hotel. And so, by being able to determine that those units were constructed in 1978 or after, we would know then that, okay. We have units that are lead safe, and so we would not have to do the testing.

It also might be, and particularly when we're dealing with a multi-family project and a lot of times when we're doing temporary relocation in larger scale projects, we're doing some shifting of those. So we might -- let's say we approach that project and we have a number of vacant units. We might go ahead and do the rehab and the lead hazard reduction work on the vacant units as our first step and then be able to temporarily shift households into those units that have already had the lead work done on them.

So that's also another option. But, again, it's that planning for when we do temporary relocation, that we have to be able to shift folks to lead safe units. And so, what's our plan on that and that we have appropriate procedures in place, if we have units that are built prior to 1978 and we're going to have to do the testing on those units to make sure that they're going to be appropriate.

Also, under R13, we have some additional clarification about interim clearance, and I think we mentioned this in one of our earlier sessions. But, for instance, we might have a project -- and Kris mentioned about staging things. So we might have a project where maybe some -- initial removal of components was done by a lead contractor. Maybe we have an abatement contractor who's coming in and removing the windows in a unit and doing appropriate cleaning and interim clearance tasks before we then allow the general contractor to come in and do the window replacement.

But we are still going to do a final clearance on that project to make sure, at the point we are turning that property over to the occupants, that we can assure that we have a lead safe environment for them.

And then we'll mention, when we get a little further into when we need to relocate folks, that we do have the option with an elderly household that we could, with their signed consent, not relocate them, leave them in place while we are doing the work. Now, obviously, we're going to make efforts to make sure that we maintain and we appropriately clean after the work or while we're doing the work. But we do have the option for the elderly to sign a consent form and choose not to be relocated.

So a number of forms that might be helpful, and Kris has mentioned that there are a number of new tools that we expect to be finalized and posted in the near future. So the list of available resources probably will grow. But there is a post-work checklist, which, if you were to look at that, we've got portions that can be executed by the owner of that property and other portions that would be executed by contractors.

So for instance, contractor verifying that they didn't do any of the prohibited work practices, reiterating signing off on that they met the compliance about the appropriate training as part of that. Also, there's some verification about the protections that were put in place for the occupants, for their possessions. So a number of forms that you could borrow from that might be very useful for your program. So I'll just point those out.

There is some additional guidance on relocation, and then I would really -- I think the one that I found a really good read, which I suppose that might be a little frightening when we are enjoying reading HUD guidelines, but Chapter 8 walks you through resident protections, walks you through the process of evaluating that work site and planning for how you're going to cordon off or protect things like, if we have a lot of chipping, peeling paint, we might be doing some cleaning before we actually begin on that work site and before we put plastic down and protections.

So a lot of really good information in Chapter 8 and the other chapters. I would really encourage you to take a look at that. Spend a little time with that.

All right. So here we've got some visuals on this, and I hope folks can kind of clearly see these. But take just a moment and take a look at this illustration of a work site, and tell me if you can observe anything that looks troubling to you. Take a moment, and then we'll kind of talk through this.

So as you're looking at this -- and this is not -- hopefully, this is not the case when you're making your periodic inspection, but if I were to take a look at this, there's a lot of really alarming things.

First off, we've got the owner's possessions still in that work area. So it looks like maybe we have a little bit of plastic put down on the floor where we've got our sawhorse put in there, but we've got -- if we're generating any kind of dust, we've got an upholstered chair. We've got a rug.

So these are generally going to be difficult to clean surfaces. There's a children's toy -- a child's toy in that doorway, which makes you think that children are still in this area.

It looks like our method of cleanup is using a broom, which that is not what a HEPA vac looks like. We've got the window open. So -- and I believe the illustration is trying to show us that we've got enough breeze that the curtains are blowing in the breeze.

So when we're thinking about trying to contain any dust that's being generated while we're doing, we've got airflow that's blowing that around. And you can see the doorway into the rest of the house has not been sealed off in any way. And so, there's no containment of any dust and debris that's being generated as part of that.

It also -- I'm not quite sure the tools that we have in place there. So -- and we've got some damaged possessions as part of this. So lots of red flags that we would immediately probably want to stop what was going on and get this project back working in a safe manner.

We've got another visual for an outside. So let's look at this together a little bit. Looks like the guy on the ladder, which you'll see is propped up on one side with some pieces of lumber -- I believe I've done that before. Of course, I've spent some time in a wheelchair also. So might not be a good practice. But it looks like he's up there with maybe a grinder or a belt sander.

We also have at least three of the four windows it looks like are open. So we have no -- we do not have the exterior sealed off so that any debris, any dust that's being created is not being then pulled into -- with air flow into the interior of that house and causing more contamination. We have a -- rather than sticking your head out the window.

And we've got children playing outside. So we've really not contained that site at all. We have no protections for the occupants and their possessions in place. So just the fact that, oh, well, maybe all of our work is on the exterior of the structure, but we have not contained it in a way so that any contamination that we create is not going to not only impact the occupants but also perhaps be drawn into the interior of that structure. So a lot of red flags here again.

And then in our final example, not a lot of preparation went into this. So we need to do some work on a door, just stick it on some sawhorses right in the occupied room. Enjoy that nice breeze while you're using your belt sander.

So all of these are big problems. That worker them self is not appropriately protected. It appears that they're doing one of the prohibited work practices because they're not safe. We've got contamination of possessions. We've got no containment with the window open.

So these are the sorts of things and these are really the reasons that we're making those periodic inspections to make sure that what was put in place actually is being followed, and we're protecting workers. We're protecting the occupants, and we're protecting their possessions as part of that.

All right. So let's talk a little bit more about those occupant protections. So we know that during the work we need to protect both the occupants and their belongings, and so we have to make decisions about, given the scope of work, given the project, is this a project where we can leave the occupant in the unit or whether we need to temporarily relocate them? And they would have to be -- remain off site until not only the work had been completed and the cleanup had been done but also that we have clearance. So we've gotten acceptable results verifying that it is now a safe environment for that occupant to return to.

So any time that we're going to require that that tenet be out of the unit and we know that they can't return until clearance has been achieved, then we're going to have to provide them temporary relocation.

Now, in some cases, we might have a work area that could be contained. So for instance, maybe we did our paint testing and visual or risk assessment and we determined that the only place that we have lead paint is in maybe a back bedroom in the house. And so, we could clear that unit.

And so, if that household, if it was going to be appropriate for them to be occupied, so they'd have working bathroom, kitchen, we could require them to be offsite during our workday and allow them to reoccupy that unit in the evening. And they would be kept out of that work area because we are sealing that off from the rest of the unit. That may be a workable and acceptable practice.

In many cases, we're going to determine that it's going to be more prudent to move those occupants out of there to be able to let work go forward quickly and most efficiently. And we don't have to worry then about are we going to have occupants that in those non-workday hours are going to be going into those containment areas.

So we have kind of an an important planning decision on this. Now, I'm going to mention this, and I think I will reiterate it as we go on.

So many of you are going to be familiar with the Uniform Relocation Act, which is a federal requirement that mandates protections for owners and tenants who are not voluntarily part of a project. So any time we have a tenant that's going to be required to leave that unit, the tenant is going to be covered under the Uniform Relocation Act, and so there are mandated specifics about the protections for them.

And so, essentially, all out-of-pocket costs are going to be paid for by the program. So if we require them to stay off site for three days, we're going to be paying for that hotel room. We might be compensating them for meals since they're not going to have a kitchen to be able to prepare meals in. And if we have to store or relocate any of their possessions, all of those costs for tenants must be provided under the Uniform Relocation Act.

For those of you that are running homeowner rehabilitation, so we've got owner-occupied units and we have owners that have signed up voluntarily for a program and said, yes, I would like to receive rehabilitation of my unit, including lead hazard reduction work, in those cases, because

they are voluntarily participating in this program, they are -- you are not required under the Uniform Relocation Act to provide them with those benefits.

So we could say to that owner who is voluntarily part of this project, if you are going to participate in this program and if you have to be temporarily relocated, you will have to find somewhere else to stay. And that might be, we also need you to move possessions out of a portion of that property.

You have the option -- and we call it optional relocation. So it's not something that's mandated under the Federal Uniform Relocation Act, but a program -- and this is pretty typical -- would have some optional relocation, so providing some amount of assistance for those owners. And it might be as simple as, you'll have to find somewhere else to stay, but we will bring in a storage pod for you on site that will be secured for you to move your possessions into.

In many cases, programs just say, to make this work and not be a hardship for our low- and moderate-income homeowners, we're going to go ahead and provide some optional relocation benefits. We're going to pay for that hotel room. We're going to give you meal vouchers as part of that.

So as part of your planning and program design, you have to determine what am I going to provide? Have some policies and procedures in place as part of that, dealing with the households as they apply, making sure that you've laid out what your program will provide, what it won't provide, what they would be responsible for as part of that.

So all of this planning and dealing with occupant protection can be based on understanding that scope of work and being able to have a plan of action that's going to be appropriate on a project-by-project basis. Just keep in mind that, if it's a tenant, you have to follow URA, Uniform Relocation Act. If not, you could be following an optional relocation plan.

So when might we not have to do relocation? So we could have jobs where we are not disturbing any paint. So maybe we're doing the roof replacement or the HVAC system, and we've determined that we are not disturbing paint. We could have projects where we're doing interior work that can be completed in an eight-hour daytime time period.

Keep in mind we cannot allow that household to return to that work area until not only the work has been done and the cleanup has been done, but also they need to have completed clearance. And so, that becomes part of the planning and specifics on how that's going to work.

In some cases, you're going to be doing exterior work only, and with that exterior treatment, you're going to keep people out of that work area. You're going to seal off any penetration into the interior of the house so you can keep those areas safe for that household. And so, again, looking at that scope of work and making a plan that's going to be appropriate for that project.

As we mentioned, if we're going to leave people in the unit and cordon off work areas, we need to make sure that this is a functional unit. So they have to have safe access to their essential

areas, so sleeping areas, bathroom, kitchen. And in that scenario, that treatment needs to be completed within five calendar days.

And then, lastly, we mentioned -- and I mentioned that there was a -- some additional guidance on this, that elderly occupants, after being informed and signing a consent form, can be allowed to remain in that unit. And so not being -- doing any relocation for that.

So I'd mentioned about temporary units. So again, we know that they have to be lead safe, and so we know that for the short term, probably I think most folks are going to be putting them in a hotel or motel, simply because usually that's our simple way of identifying pre- -- or I'm sorry -- 1978 or later units. So they're exempt because they would not contain lead. And, generally, we're going to be, for those short-term stays, we're putting them in a unit that is not going to have kitchen -- full kitchen facilities. We're going to provide them with a meal voucher because they aren't going to be able to prepare meals.

If we're doing something longer where they have to be out -- maybe they have to be out of that unit for a couple of months, then we're going to put them in a temporary unit that is more functionally equivalent. So a full kitchen, that sort of thing would be appropriate.

And, of course, what's going to be functionally equivalent is going to be depending on that household, their size, their -- we might have a disabled household that needs an assessable unit. So all of that would be in consideration in finding an appropriate temporary unit.

As I mentioned, with multi-family projects, we oftentimes do what we sometimes call a checkerboard pattern where we are going to treat vacant units, and then we're going to shift folks around. So that can, when it works, keep everybody on site, usually conserve money, and so, again, you need a plan of action as part of that.

And then the key here is that that temporary unit has to be lead safe. So either we're finding the pre-1978 units, or we're going to have to do the clearance examination to document that unit free of hazards.

All right. So for temporary relocation and whether it triggers URA, I mentioned this before, and I think hearing it a second time is probably a good idea here.

So with tenants, the tenet isn't voluntarily part of this process. So if I went -- let's say there was a rehab program and I, as an owner occupant, sign up for that, I'm voluntarily making a decision that, yeah. I know that there's going to be some hassle here and there may be some -- a period of time where I have to be temporarily out of that unit, but I'm voluntarily participating in this.

But that tenant that lives in the unit, it's really that's all being driven by the owner of the property. So because of that, tenants are always covered by Uniform Relocation Act. So that means that all out-of-pocket expenses need to be covered by the program, and there is further guidance on the HUD handbook 1378.

There is a series on the HUD Exchange of URA trainings. I don't know -- and they're being sort of built out over time. I'm not sure if the one on temporary relocation yet has been launched on that, but that may be available for you.

And as we mentioned, owner occupants are not covered by the Uniform Relocation Act. So you as a guarantee then need to decide, am I going to provide any benefit? And if so, what would the terms and conditions of that be? And that would be something that you would have laid out in advance and you're going to be treating in a consistent manner for that.

And you may need to put in maximums of how much money per night. Some folks look at what their their per diems are that they're providing for staff, but that would be something that would be planned and budgeted for in advance on that.

One thing I'll just mention, that if we're triggering Uniform Relocation Act for tenants, there are required notices and that's part of what's outlined in 1378. And so, you would also need to incorporate into your staffing plan and your procedures thinking about when those notices are going to be provided to folks and who's going to handle taking care of that.

So once our work has been completed, as I mentioned, the grantee themselves need to make sure that all of the work has been completed and it's been done in a satisfactory manner. So that's not something that the clearance testing is doing. The clearance testing is making sure that we've eliminated lead hazards. And so, we're going to do an inspection, make sure that all the scope of work has been completed, and then, as part of this, we're going to be doing clearance.

So we're making sure that the measures and the appropriate cleaning have been completed, but then we're going to conduct a clearance exam.

Now, one thing to note here, we have a timing issue on this, no less than one hour after the work has been completed. And if you think about that, it's very logical. We want to make sure that -- and it's not just sort of a catch phrase, but we want to make sure that the dust has settled. So we want to make sure that any lead hazards or contaminants that are sort of floating around in the air, we want to give a little bit of time to make sure that has settled out and so our clearance testing is going to be accurate and reflect whether there are remaining hazards in that unit or not.

So we've got a timing issue. So if you were thinking about, well, I'm going to try to complete this work in one day, have the clearance done, we're needing to wait one hour, and then be able to get test results back to allow that household into the work area, that's going to be a little bit of a challenge depending on the systems you have in place and access to testing facilities on that.

So we need to make sure that clearance exam has been completed, and we're combining that with not only that visual inspection but also the testing on that to make sure that we don't have hazards that are still in place.

So as we mentioned before, Chapter 15 is our go-to chapter on evaluation and talking about the clearance process, testing, sampling standards on that. So if we have an outside party that's

actually doing the work on the unit, then we could have our own staff that was doing the clearance testing, if they were appropriately certified.

But we can't, essentially, have -- we couldn't have a licensed contractor who also was licensed as a risk assessor to be doing the testing of the work that they themselves have completed. That's a conflict of interest. So we need to make sure that it's a third party that is doing the testing before as part of our clearance process.

So who's going to conduct that clearance examination? Kris has shown you on the chart about qualifications that are needed. So we talked before about it could be a risk assessor, a paint inspector, or a lead sampling technician that would actually be doing that testing.

But we need to make sure that those certifications are in place. And, also, we mentioned about the clearance of any non-abatement work, making sure that that all is in place. So we need to make sure, as part of our planning and staffing, that we have planned for that capacity for the clearance to be done.

So we talked consistently as we go through this about that we're going to keep the household, the occupants, and the owner of that property well informed about what's being done, what test results were. We're also going to provide them then the clearance report and a notice.

So the occupants are going to receive a notice of hazard reduction, and we'll give the basic information about the work that's been completed, the clearance results as part of that. And, again, we have a timing requirement on this. Within 15 days of getting our clearance reports or not only having the hazard reduction work, but once the clearance report has been -- has arrived, we have 15 days then to get those notification. And we are going to want to have evidence that that was received.

So we're taking the -- that report and notice to the owner, asking them to sign a receipt document that they received that. In the case of the multi-family structure, we can post it, as we talked about, for both the notice of evaluation and hazard reduction that's been done. It needs to be in a public area or areas where the occupants, it would be reasonable for them to see.

So we think about we have a couple of buildings and all tenants come through those sort of main lobbies getting their mail, getting on the elevator. We could post our notices there, and usually the recommended period is a 10-to 14-day period. You're going to want a document, be able to show that, yes. The way I provided this notice was through a posting. Here's a photo of where it is. Here's the information about when it was posted. And all of this, we want to be able to document our compliance and the steps that were taken as part of that.

So a little bit about the content, and I don't know how well you can see this -- based on size, but both the clearance report and the abatement report contain basic information about when the work was completed, who the firm was that completed the work, things about the occupant protection planning that was done in place, but also then details about what was done, where was the lead found, and what was done to that lead?

But as part of this, then we have information, which is really important going forward, to know where we have components that may have something like an encapsulant or enclosure, so that over time, as we are -- we're required to do ongoing maintenance to make sure that these continue -- our encapsulants, our enclosures continue to function appropriately to protect folks from lead hazard, we need to include in our inspections looking at these specific spots. We would want the owner of that property to know about that, so they also were informed and could keep an eye for potential issues later on with that.

And, again, same sort of thing with abatement. We sometimes think, oh, all the lead's been removed. That's not really true. We may be removing components, but we also might be doing a mechanical encapsulation or enclosure. And so, in those cases, we may still have lead in that, and we'll need to go have some ongoing monitoring, whether it is a program requirement or whether it's the owner of that property being informed about those areas that they need to continue to monitor.

All right. So let's mention some resources that are related to this. Our post-construction, this is simply a certification form that is signed about the use of safe work practices. So we mentioned that HUD -- under the HUD rule, we have six prohibited work practices. And so, this is a form that the contractor is signing, verifying at the end of the project that they have followed those requirements and not completed -- not utilized any of those methodology as part of the work that was being done.

There is a sample of a clearance report that may be helpful for you, and then I think these are -- may be really helpful for folks. There are worksheets that you can use for when you're reviewing that. So it walks you through both a clearance and an abatement report for things that, as you're reviewing it, you should be noting, making sure that they are in place. So if you're not familiar with those, I would recommend that you take a look at those. Those are some of the tools that are available.

And then there is also a sample notice for lead hazard reduction that we mentioned has to be provided within 15 days of receiving that clearance report. So these may be very useful resources for you.

Let's talk a little bit about the ongoing maintenance during the affordability period. So Kris showed you a chart earlier and, specifically, it's when we have this ongoing relationship, and so our best example of this would be the HOME program where we have long-term affordability requirements for our rental units.

So in those cases, the ongoing maintenance and making sure that those HOME units continue to meet the required ongoing property standards includes lead-based paint. And so, as part of that, that annual inspection and maintenance, we would have to then incorporate in our lead-based paint as part of that.

So I mentioned in this sample here where we have information specifically about where we still have encapsulation or enclosures. Same thing under the abatement. And so, we have information about, as part of that ongoing maintenance, what needs to be incorporated into that protocol as

we are doing -- completing our ongoing lead-based paint maintenance. Those are going to be areas that we are going to need to include and make sure we continue to visit.

So for instance, I might have a rental property that had -- maybe in the common area had some pillars that had lead-based paint on them, and the way we dealt with that was to enclose those pillars in some kind of maybe dry wall or something. We need to make sure that over time that what we have enclosed that in doesn't become damaged and no longer adequately function on that. So those would be places that we would always, as part of our maintenance review, be checking on.

So our timing on this. We're required for our rental properties, each time we have a unit turnover or every 12 months, whichever comes sooner. And so, we're going to be looking at every unit within that structure, but we might have -- in the midst of that year, we might have a unit that a tenant moves out and a new tenant moves in. Before they're going to occupy that unit, we're going to do a visual assessment, and we're looking for deteriorated services.

So paint, but also keep in mind we've got areas where we may have kids playing outside. So we're looking for bare soil and then failure of any of our hazard reduction measures. So that pillar in the lobby that was enclosed in drywall, we're going to keep an eye on that.

Owners also, as part of their keeping tenants informed, are asked to inform rental occupants that they should monitor and report any lead-based paint surfaces as part of that. So we're going to do a disclosure for tenants when they move into units or prior to making that decision and signing that lease. And so, we've seen leases that include the language about informing the owner of any lead-based paint surfaces that they become aware of that might present a potential lead hazards.

We do have some exceptions to this. So we might have a property that has been inspected and we've determined that there's no lead-based paint present. And I think Kris mentioned that we have units built in the '60s and '70s that there's a lower probability of them including -- having lead-based paint as part of that structure. And so, we may have properties that we have the documentation in place or we have a clearance report that shows that all the lead was removed from that property.

So we would either need to see that this ongoing maintenance was happening, or we would have proof within our files that we -- that this exam exemption, and so we're not required to do the ongoing maintenance requirements.

So when we have any remaining lead-based paint within that property, then we're going to be doing our ongoing monitoring to make sure that we continue to have hazard-free spaces and that we don't have interim controls that have failed.

We're going to issue a disclosure to each new tenant, and this says -- and kind of a key here -- prior to the execution of the lease. So we want to make sure that tenants are informed about what is known about that unit and they make an informed decision when they decide, yes, I want to live here. I'm going to move my family in here.

So really important that we maintain records as part of this. So we need to have our files that stay with the property. A lot of you, particularly for HOME and to some extent for CDBG, are used to thinking about, well, I have a record retention period and then I can dispose of those files.

The files about the hazard reduction or abatement work that's been completed or maybe inspections that determined that this property was lead free, those you want to set aside. They are not going to be something that you're going to want to follow that disposal record. You want to hold on to those. So we need a record keeping system as part of that.

So any time that we end up with deteriorated paint -- so, we're going to be doing a visual inspection, interior and exterior. We talked about bare soil -- then we're going to have to take action to treat that. And we might be doing testing to determine if it is actually lead or not, but if it is lead or we have not tested, then we're going to have to treat that.

So bare soil we're going to be treating. We do things like mulching, planting grass. So we are essentially protecting folks from coming into contact with that. Any maintenance that's being done, any renovation work that's being done, we need to make sure that we are not disturbing lead-based paint. We don't want -- we may want to make sure that we are not compromising any of our encapsulation or enclosures.

And then, again, if we -- if our inspections show that any of our encapsulations or enclosures have failed, then those will have to be addressed, and we'll have to then have a clearance process and make sure that we have that met.

So all of these things really tie into thinking about planning for your program, staffing for your program, policies and procedures, who's going to do what? What sort of forms will you use? All of that needs to be kind of handled before you get things rolling so that you are taking appropriate steps and collecting documentation as you go along.

So Kris mentioned the tool kit, and we've highlighted a number of tools that may be helpful. And, again, for reference, 24 CFR, that's Code of Federal Regulation, Part 35 has some additional details on the requirements.

Also, we've talked about being able to have an adequate supply of qualified contractors. We've talked a little bit about ways to identify, and we gave you links in last week for websites that would show you all the certified contractors in your area but also training programs. So you might have contractors currently working with your program but not currently certified and ways that your contractors then could seek that certification for themselves and for their workers.

A lot of this needs to be captured within your program procedures, as I mentioned, forms that you're going to use, thinking about staffing. And some of this might inform your program design. So Kris mentioned it's very common for programs to have caps. So I ran rehab programs that had a cap of, I think, \$32,000, and that did not include lead. So kind of thinking about, are my program caps -- do they include lead? Do they not include lead?

There was a question, I think last week, about, if we're doing these in terms of loans, do we have to include the lead work as part of the loan? Kind of, typically, we see that a homeowner that was going to have a lien placed on their house, oftentimes it's only for the value of the rehabilitation itself and doesn't include the cost of the lead remediation work that was done. So again, that's a program design decision that you need to make.

Then thinking about training needs, thinking about who is going to be taking on each of these steps, what's the required certification? Is that going to be someone in-house? And, if it is, then do they have appropriate certification? Do I need to get them access to training to make sure that they will have appropriate skills and certification? Or might I want to contract that out? Usually, when we are contracting, that means we're going to have to follow federal procurement requirements. So all of this takes some planning as part of that process.

So ways to be able to achieve the staff or contractor capacity. So again, we might -- we need to analyze what are the levels of skills and knowledge. We think all of your grantee or subrecipient staff is going to have some basic -- need to have some basic knowledge of the Lead Safe Housing Rule just so they're kind of watching out for red flags as part of that, as they're thinking about, how do we select who is going to receive assistance, going through the oversight, maybe the procurement of the staff that's specifically going to be required for things like risk assessments for clearance. But also then thinking about, is this going to be -- do we need to get staff internally trained, or are we going to contract out.

Having done that federal procurement process with an RFP, request for proposal or request for qualification, that takes time. So needing to have that in place so that we have access, if we're going to hire a risk assessor to do our testing, if we're going to contract with a clearance firm, then we need to have that done in advance of launching our program.

And then think about -- thinking about Kris showed our chart about things like visual assessments or risk assessment and the certification that's needed. Is that internal? Is that hired out? Do we have that in place? And I think, as part of that, thinking about how will we collect that documentation? How do we demonstrate that we have appropriate oversight on that?

And we mentioned a bit about temporary relocation, having policies in place if we're doing optional relocation. If we're actually going to have tenants that are displaced and we're having to follow the Uniform Relocation Act, then we need to have staff that has some knowledge of that or hire someone who's going to be knowledge and implement that portion of the project.

And then we've talked about the need for ongoing market -- or monitoring.

So when you think about staff and contractors, identifying the certifications that are needed to be able to operate this and determine is that going to be internal, is that going to be contractors as part of that?

Thinking about training sources and then establishing some timetable, whether it's getting contractors, an adequate supply of contractors through that training. In the early days of the Lead Safe Housing Rule, a lot of grantees subsidized that training as a way to get their contractors to

participate, take the time away from doing other work, and so cover those costs. So thinking about, where do I stand? What needs to be done to make sure that I have adequate staff and contractors in place.

And then thinking about who is going to do the training? Who's qualified to be able to do that? How do we pay for that? And what's going to be allowable under that?

Let's talk a little bit about the procedures and monitoring. So we, of course, are going to need to have office procedures but also field procedures for either your own staff or folks working on your behalf for all of these required elements. Now, I think it's always helpful to have file checklists and some kind of standard documentation in place. We've mentioned a number of examples that exist now in the toolkit, which is continuing to be expanded, that I think will help folks, if they don't already have those in place.

And then thinking about procedures for things like, as you get invoices in from contractors, also things like when we're going through procurement, the certification for the contractor and their workers as part of determining whether they're going to be eligible for that work. Then thinking about some standards for documentation, photographs, video inspection so that we are able to show and demonstrate that we have completed that required oversight and level of inspection for that.

We mentioned that we may have more stringent standards for some states or local grantees, and we provided a link, I believe, last week for the EPA programs and states. And so, we really recommend that folks check to see what's going to be allowable for that.

Particularly during COVID, we have more folks that are using electronic transmission of documents, and so you may need to go back to your procedures and update the language that you've included in that.

And then the key thing with the invoices is we're not going to make a payment to the contractor until we not only have all the accepted -- all the required documentation in place but also until we've achieved clearance. And so, needing to make sure that we have a careful process on as we go through contractor invoices, working probably with a checklist to make sure that all of that is in place.

There is a monitoring handbook for -- overall for CPD, but Chapter 24 is specifically for the Lead Safe Housing Rule. And so, I would highly recommend that you take a look at that and look at all of the requirements that they're going to be looking for as part of their monitoring and think about, how am I collecting the documentation? Do I have adequate documentation consistently in place?

So as part of our program review, we're going to do monitoring and make sure that our projects are meeting the requirements, meeting -- making sure that when we have projects that say, well, I'm exempt, that we have appropriate documentation in place that they clearly do meet that requirement.

We've talked about the need for knowledgeable staff, and so thinking about either training or going through procurement to make sure that we bring in that additional requirement.

And then making sure that lead safe work practices are actually being -- so, we don't want to go on site and find that some of the examples that we saw in our little drawings we were looking at are happening. So we want to make sure that any time we have a painted surface that is larger than the de minimis amount -- and remember, our HUD de minimis amounts are more restrictive than the EPA RRP de minimis standards. We need to make sure that in all cases, when we are above the de minimis standards, that the lead safe work practices are actually being followed on that.

And then we spent quite a bit of time today talking about occupant protection. So we need a plan up front, and then we need to make sure that that's being followed. And that includes making sure that their belongings are protected. Really important aspect of that.

Let's kind of quickly look at the available resources, and then we can look to see if there are questions that we should discuss in the time that we have left.

So we've shown you each time the HUD Exchange lead-based paint page, which is sort of the go-to spot we think you're going to want to have saved as your favorite that you can pull up and quickly access things like the rule and guidance that's been provided as part of this.

We've also recommended that, if you haven't already, that you get on the Lead Safe Housing and Healthy Homes mailing list. And so, for instance, we've been mentioning that we expect additional tools to be released that will be helpful for you. So for those of you that are on the mailing list, you're going to get notified as additional guidance, tools, other resources are made available. This can be really helpful just to stay current with everything that's available for you.

So we've mentioned before, and I'll just reiterate, on the homepage for lead, we also have the lead regulations themselves. The training is being posted. It takes a couple of days lead time on that. We mentioned the EPA page, which provides some really good information.

We mentioned the lead compliance advisor, and this is an automated system that walks you through a series of questions and helps you with determining what's going to apply for your specific project because we mentioned a lot of things are in a project-by-project evaluation process, and this lead compliance adviser may be really helpful for you on that.

We pointed out a couple of examples of interpretive guidance, which simply takes any of these sort of topics or question areas and gives you more information. And the interpretive guidance is really helpful. I know Kris and I spent some time reading through these, referring back to interpretive guidance. And I know that the folks from HUD who have been answering questions have oftentimes directed to you because this is a really good source for more detailed information.

Information about lead-based paint on the HUD Exchange and then the HUD guidelines from the Healthy Homes Office are put here.

We mentioned, as we go through this, that we're happy to answer questions today, and we have our office hour session tomorrow. But once this session is over and you will have additional lead questions, here's an email to be able to ask a question, and the Healthy Homes team will be monitoring this and routing those questions to get you answered. So this is an important resource for you over time to keep as part of that.

So a quick review of where we are. So today and last week we were talking about Subpart J and walking through the requirements that applied when we're doing construction. So that completes Subpart J. If you've missed any part of that and you're doing rehabilitation, I would suggest that you want to make sure that you've participated in session one, two, and three, and those recordings are available. This recording will be posted soon.

And then next week, we have our final session, which is Subpart K. So this covers acquisition activities, and we're providing down payment assistance rehabilitation under our up to \$5,000. But we might be doing leasing or supportive services for providing funding for operations. So we have a lot of activities that are falling under Subpart K. And I would -- if in doubt, I would recommend you participate in Subpart K just to make sure that you are going to be up to speed on that.

Kris, that brings us to the end of the presentation itself. Are there questions that we should try to address in the time we have remaining?

Kris Richmond: So just there's a couple questions I think are interesting for everybody to hear.

Somebody asked, "Are grantees permitted to restrict their program to only homes built after 1978 to avoid the Lead Safe Housing Rule?"

And so, our HUD team had written that formula grantees -- so, like CDBG, HOME, when we showed that page at the very beginning that listed all of the HUD programs that trigger Subpart J, those are formula grantees -- they structure their rehab programs to suit what the community needs are, and often restricting the age of housing which is eligible for rehab does not meet the community needs. And it often leaves vulnerable residents without assistance, which further marginalizes folks in need.

So I think that's kind of a nice way of saying, no. Not really. Les, do you want to expand upon that a little better?

Les Warner: Well, I think that's right. I mean, you might have -- you might find in the community that the pre-1978 units were in such bad shape that you were alternatively working on replacing units. And so, maybe you weren't going to do rehab, but you were going to do reconstruction. But the bottom line is, do you need, as part of your strategic plan, to be looking at what your needs are and then your program design needs to follow what it's going to take to meet those needs?

And I will say, just having been around since kind of the beginning of this, initially, a lot of folks reacted like, oh, my God. I don't want -- they were overwhelmed with the Lead Safe Housing Rule and tried to simply just do things that wouldn't trigger that. But pretty shortly, they realized they really couldn't meet the needs in their community, and also, once folks took the time, established capacity -- and that might be hired in -- that it was not as overwhelming as it seems. And it's a really critical way to be able to -- otherwise, you leave people just essentially trapped in these older units without a way to make it safe for their families.

Kris Richmond: Great. Thanks. Somebody else had also asked about the dust clearance standards and whether those had changed.

And we did talk about those last week. So we highly recommend you go back to last week's slides and recording to look at that, but EPA is the one that updates those lead dust standards and HUD follow suit. So you want to look at that, but if you're in a state with an EPA authorized program, they do have a two-year implementation period.

So Bruce had suggested that they check with their state regulations, or they can just send an email at leadregulations@HUD.gov. That's one of the emails on the bottom of I think the slide before this, Les, or a couple slides before this. Slide 177 is where the contact Office of Lead Hazard Control and Healthy Homes. That's the email on there.

And then somebody else was asking if we can go a little more into trying to calculate the level of assistance.

Again, we talked about that last week, but if we have time tomorrow, we can go back and pull up those slides again that go over determining the level of assistance.

So I think that's about everything, Les; brings us to about 3:00. Do you want to just show folks the homework, and I think you have to click to page 14 on the office hour handout?

Les Warner: Let's see.

Kris Richmond: It's the second to last on the right. Yeah. And then go to page 14. Yeah.

Les Warner: All right. So there's a shot of the exercises for tomorrow, and we just ask that folks take a look at that in advance of tomorrow's session. It helps you kind of test your knowledge on some of the important concepts that we were covering in today's session.

So I'd just encourage everybody to participate in tomorrow's office hour session, and we will look forward to seeing you then and also next week for Subpart K. Thanks, everybody. Thanks to our HUD folks for helping out today.

(END)