

**Lead Safe Housing Rule Webinar Series**

**Session 3 Office Hours**

**Thursday, February 18, 2021**

Kris Richmond: Thanks, John. Thanks, everybody, for joining us today. We are going to be reviewing our homework for session three and then I'm going to hand it over to Les and he's going to answer any questions that might have come in in the Q&A box today, as well as start to summarize and review a lot of the questions that came in yesterday during the session.

There were some really great questions that came in. And I know it's really hard to listen to us and look at the Q&A box at the same time. So he's taken those questions and put them into a different topic areas and he's going to review those with us this afternoon as well. So in addition to Les Warner, I'm also accompanied by two wonderful HUD staff, Bruce Haber and Karen Griego. They are working the Q&A box and maybe times when we need something expanded upon, then you may hear their voices as well.

And then Nicole Hassman is assisting as well today. She will be posting answers into the chat box for the exercise. So as I go over this, she'll have a lot of things to say about the answers, she'll be putting some brief paraphrasing into the chat box if you need to see that answer. And then, of course, you can always go back and listen to the recording again if you miss an answer. So let's get started.

This session three exercise is really focusing on occupant protection and construction monitoring. So the first part is all about occupant protection, and then the second part is about some of the construction monitoring. What do we need to do? So we know we're working with the Williams family. We know that they're doing homeowner rehab and their project cost came in about 16,000. So we knew that that was in the over 5,000-25,000 range for interim controls and there were approved contractors that were provided to the Williams.

We had the bids come in, looks like we took the lowest bidder. So the contractors who are going to do the work for \$16,300. Individual rooms are contained while work is done and the worksite clearance is performed before they're opened up. The Williamses have access to their kitchen and bathroom through most of the work, but they do need to relocate from their home during week four of the construction project while work is being done on the kitchen and bathroom.

They're not going to be able to access the kitchen and bathroom during week four and so they need to be temporarily relocated, and they're going to be away from their unit for a week. So let's go into some of the questions. I'm going to be -- sorry I now have the exercise up on the screen, so you should see the same thing that I'm looking at.

And as I scroll down, remember, you need to click on the toolbar. It's on the right-hand side, and move the screen down yourself. So I can get us to the screen, but you need to move it down yourself. So now that we all see the same questions, let's go into question number one. What are the steps involved in temporarily relocating the Williams family? So remember, this is a homeowner rehab program, so it's considered voluntary, but the town does not need to provide financial assistance for the family to relocate because they came to the town asking for their home to relocate it. So we consider that voluntary, so we do not need to provide financial assistance for the family for relocation.

But the town does need to have clear guidelines about what the homeowner is going to pay for, what the town is going to pay for and have the Williams agree in advance to what's decided for the relocation. And we want to make sure that the Williamses know that they're going to have to move out of their unit for a week and they're not going to be able to go back into their unit during that week. So we want to make sure that we have guidelines in place, that those are shared with the Williamses so they know what the plan is.

We also want to make sure that the Williams family is given adequate notice. We don't want to show up on Sunday and say you've got to get out tomorrow. We want to make sure that they know on the schedule when we expect the move to happen, we need to let them know if anything's changed. If something is going to be pushed back a little bit, they need to know well in advance what the schedule is going to be so they can prepare and know when they can get back into their unit.

We also want to make sure that the Parktown has a relocation policy in place and that they're following it consistently. We want to make sure our written consistent policy is always required if any assistance is provided to the program beneficiaries. I worked one time going through some files at a grantee and we were looking through their different relocation files. And I saw that one family had gotten \$200 and I saw another family had gotten \$1,000.

And I said I don't understand the difference. And somebody, they had heard \$200, but the policy wasn't written clearly. And so one staff person thought \$200 was the max, another staff person thought \$200 a day was what somebody was supposed to get. So we want to make sure we have a written policy in place so that it's being applied consistently.

So let's look at question number two. How do you establish the relocation unit is lead safe? So the relocation, meaning the temporary relocation unit that the family needs to go to for this week, how do we make sure that unit meeting is going to be safe? Well, you could say that they need to go to a unit that's post-'78. That's one way. The unit is post-'78. We know that lead-based paint is not an issue.

If that's not an option and they do need to temporarily relocate to a unit that's pre-'78, we need to make sure that a clearance test is being achieved. So we do a visual inspection and a clearance test. And if you need additional guidance about that, that's found in interpretive guidance F4. F4 is the interpretive guidance number if you want to go back and look at that.

Question number three, what are the requirements and what are some options for how the Williams' belongings can be handled? Because remember, yesterday Les talked quite a bit about occupant protection and the belongings being protected.

So belongings either need to be removed from the worksite or they need to be protected and cleaned. So Parktown's relocation policy should be very clear about who's responsible for packing and moving belongings and paying for storage. Parktown might want to establish a relationship with a moving or storage contractor if they end up having to do this quite a bit.

We could also decide to have the family's belongings in a locked container on the property or in the street in front of the property and provide the family with a key. If you think that there might be a situation where a family will try to get back into the home during that relocation period and we really don't want them in the home during the relocation period because there's going to be a lot of hazards there, it is recommended that the locks be changed on the house. But just a couple of different things to keep in mind there.

Let's look at number four. What needs to be done before the Williamses move back into their home? So they were able to stay safely in their home for a couple of weeks. They couldn't get into the kitchen and the bathroom, so we relocated them for a week. But now those parts are done. What do we need to do so they can come back in safely? There's still work being done in the home and we're not completely done with our project yet. But how can we get them safely back into the home?

Well, the contractor has to obtain interim clearance. So remember we talked about that? We could do interim clearance, continue work and then have a final clearance. So the contractor can get interim clearance of the areas that the Williams are going to occupy. And then we need to have final clearance at the end of the project. And we also want to issue the Williams a notice to reoccupy the home so that we have proper documentation. We did an interim clearance. We know those areas they're going to reoccupy are safe at this time. We'll give them a notice so that they know they can go back into the home.

And then when the project is complete, we will get a final clearance and then we'll provide them with a final notice of lead-healthy activities. Right. So number five, what if the Williams were an elderly couple? Would they still be required to relocate from their home for that week?

Well, we had a lot of discussion in the Q&A box about this yesterday. But the short answer is no. An elderly couple is not required to relocate. There is an interpretive guidance question that addresses this. We talked about it yesterday, but it's J24. So if you're scrolling down, you can see that I'm [inaudible] J24 on here. It's that last paragraph under J24.

We do need to make sure that the elderly residents are informed of the hazards and we should have Parktown have the couple sign informed consent that they know about the hazards and they agree that it could be dangerous for them, but they are still deciding to stay in the unit while that work is continuing. So let's continue on. Yeah, go ahead.

Les Warner: I would add to that, that keep in mind that the same guidance also applies, though, to the Williams for them to remain if they're an elderly couple and they signed this agreement, they still have to have access to bathroom, to kitchens, so it still has to be functional unit. So it's not just, oh, are they elderly, but it's sort of that list of other factors, whether it's appropriate leave them in the unit.

Kris Richmond: All right, thanks a lot for adding that. All right, so at the conclusion of the preconstruction meeting, Richard is our rehab specialist, issues the notice to proceed to civil contractors to begin work on the Williams house. And so, Richard plans to conduct inspections

of the work before approving each invoice. And the contractor plans to invoice Parktown on a monthly basis.

That was a question someone had asked yesterday. Can I provide payment on a regular basis or do I have to wait till all the work is done? And so, you are allowed to pay on a schedule that's been agreed upon in the contract with the contractor.

So let's look at number six. What other issues or items regarding lead-based paint should Richard review in the preconstruction meeting with Silva Contractors? So there's a long laundry list of things that the rehab specialists should review with the approved awarded contractor. But a couple of things to keep in mind.

We want to make sure that he's reviewing lead-safe work practices that are required for the job. You need to make sure that he knows that he's showing us the certifications, that he's been RRP trained, that his workers have been RRP trained, that they're familiar with the prohibited work practices.

Remember -- here's the chart. So I'm showing you the chart that shows the difference between the HUD and EPA RRP rule, like what needs to be done for the work. And there are, if you recall, three more prohibited practices -- prohibited work practices. Here they are. Remember, EPA only has three prohibited work practices, but HUD has six prohibited work practices. So we want to make sure that Richard is reviewing with Silva Contractors, yea, I'm glad you're RRP trained, but this is your first HUD job and you need to know that HUD has three more additional work practices or prohibited work practices that cannot be used during this rehab.

So in addition to the prohibited work practices, we want Richard to talk to Silva Contractors about worksite set up, about scheduling, maybe there's staging going on, about containment areas and how we're going to keep the Williams safe while they're still there. We want to go over what the occupant responsibilities are.

Also about occupant protection, how we're going to protect those belongings. What if there's any pets? Is there a dog or a cat that's going to keep coming in and out? How are we going to control the pets and if there's any waste disposal requirements. We want to make sure we cover all of those.

Let's look at number seven. How often should Richard visit the job site and monitor the contractors' work? Well, there's some critical times during the work that we want Richard to definitely go and do an inspection or to show up to see what's going on, definitely at the job start up before any new work is covered.

So before drywall, before concrete, we want to make sure Richard is there after installation of, let's say, protection or containment before major dust creating work is done. We want to make sure that he's showing up then. We also want to have some unannounced visits while the work is in progress, because the contractors told us that, you know, here's the list of people that'll be working on the project, here's their certification. They're all RRP certified.

Well, if we show up and none of those people are there, that's a problem. So we want to make sure that we might be doing some unannounced visits. We also want to have inspections for lead jobs prior to or during the third-party clearance. And we also want to be inspecting prior to approval of the invoices, especially the final walkthrough.

So I'm going to go to the next page of our exercises. Let's get up to number eight here. What type of work practices should Richard be looking for to ensure that Silva Contractors is following proper safe work practices? Well, we want to see containment of the rooms in the worksite. We want to make sure the occupants' belongings are protected and they're secured.

They're going to be covered with polymer plastic. They may need to be moved to a non-construction room. We'd like to see signs posted that are keeping occupants out of certain rooms. We want to make sure the workers are using proper protective gear if it's applicable. We'd like to be seeing wet sanding and scraping. We want to make sure that area is being cleaned at the end of each day or access is denied to an area if work is not complete and that they're using HEPA vacuuming and wet cleaning. So those are all different types of work practices that the contractors should be using.

So number nine. What should Richard do if he sees unsafe work practices at the site? We want to make sure that our rehab specialist is documenting what he's seeing, that he not only writes it down, but takes a picture of the observed problem.

We want to make sure that he has another meeting with the local contractors, the owner and the supervisor. We should be using both verbal and written notices. We want to take a picture and document when the problem has been corrected. We want to keep these photos in our files. And especially important, we need to remind Silva Contractors that lead-safe work practices need to be followed and clearance of the unit has to be achieved before the project can be completed. And ultimately, if lead-safe work practices are not followed, the unit is not going to pass clearance.

So number 10. Halfway through the project Silva Contractors need the change order for the project. So suppose the change order caused the rehab cost to go over 25,000. Does Richard need to change the work method from interim control to abatement?

So remember our chart? So remember our chart? Our project was in this little area here. We were doing 5,000-25,000 and we were doing interim control and safe work practices. Well now with this change order, this cost is coming in at over 25,000 and I know over 25,000 is abatement. And I'm thinking, if I'm Richard, oh my goodness, what am I going to do now?

Well, good news. We do not have to change categories. Good news is we are still able to stay in the 5,000 to 25,000 range. We do not need to do abatement. We can still continue on with our interim controls. So we do not need to change that. This is found on J24, so interpretive guidance. I'm sorry, J4 of the interpretive guidance will talk you through this and will state that if a change order bumps the cost over 25,000, it does not constitute changing the work method.

But you do need to be aware that HUD will investigate an agency if a pattern of generating change orders is moving the costs to a higher threshold. So if this happens and it once in a while, that's not going to be a problem. But if HUD comes to monitor and they're saying every single project is set up as interim controls in the 5,000-25,000 range and they're all ending up over 25,000, every single one, that's going to be a pattern that shows you're trying to avoid abatement. And HUD will come down and monitor you on that.

So if they see a pattern, you're going to get in serious trouble. So we want to make sure that your policies are set up right, that you are trying to determine the proper threshold that you're working in. But for this situation, we do not need to change work methods. We are able to finish this project following interim controls.

So Les, anything you want to expand upon for this exercise? Or any questions that came up that you'd like to review for the exercise before we go into general questions?

Les Warner: I think we can go into general questions, because a lot of the things I might think about adding, they're going to come up as part of our questions that are going to be reviewing anyway. So I think we can -- we had a couple of questions that came in in the Q&A box, and I wanted to revisit a couple of those. And some of these will relate to what we're also going to be, what we have on our To-Do list from questions from yesterday.

So there was a couple of questions relating to relocation. And, you know, there was a question about, can't we just put them in a hotel? That's probably the most common solution that we're probably going to see for temporary relocation. And sort of the rule of thumb on this is that we want it to be an appropriate -- it doesn't have to necessarily be equivalent for that household. So you know, if we have a temporary displacement, that's going to be, let's say, for a week. That's relatively short term and we can put them in a hotel. Because they're not going to be able to prepare meals, we're going to be need to provide them. If this is an involuntary where we're required, under URA, we're going to have to cover meals.

So oftentimes there's a -- much like if you were traveling and you had a per diem that was set by your city or county that you work for, your policies and procedures for temporary relocation would include some kind of voucher for that. In some cases, and typically that's not because of just the lead work, but in other cases we might have a project -- maybe you're working on a high rise building and the elevators themselves are going to be shut down, and so it's not appropriate to leave a family in place.

So those relocations might be longer, not necessarily from the lead work, but the overall scope of things. In those cases, it's probably not appropriate to leave somebody in a hotel room. And so, that's where you would be then looking for something that was more functionally equivalent. But for temporary relocation of these sort of shorter terms, hotel is probably a quick and easy solution. And if hopefully those units are also constructed in 1978 or later, then they also could be determined as lead free. That also handles this issue about we talked about a replacement unit has to be inspected and found to be safe on that.

Let's see what else was in here. There was sort of a follow-up question when we talked about elderly and saying so, even during a time without use of the bathroom, the elderly don't have to leave. So that was my point in reminding on the exercise that we do have this exception with the elderly if they sign to, because of the safety issue of lead work happening there, that we can exempt from relocation, but that unit still has to be functional.

So if they're not going to have kitchen, bath, sleeping areas, then you are going to need to relocate. Just the fact that they are elderly and raising that relocation requirement is not going to allow you to have that remain in place. And I would just note here from having worked with programs that were doing a lot of homeowner rehab projects that mostly included lead, is that sometimes it's also going to be most efficient to be able to temporarily relocate that household offsite so that you are not working around that household and their possessions, kind of thinking about the site that you're working in.

You may have some particular areas that could be cordoned off, but what's the pathway for the contractor and his workers getting in and out of that particular worksite? And so sometimes it's just easier to be able to temporarily relocate and that may then free up some space in that house to be able to move things from the work areas and store them, secure other areas of that house.

I will also note that in programs that I work with, we oftentimes observed issues that in the hours that the contractor was not working, that those household members, despite the fact that it had been very clearly told to them that we are cordoning off the worksite and that you cannot enter that, that they would find evidence in the morning that folks had gone in to retrieve something or just to look around and see what was happening. So you may want to consider going ahead and doing the relocation.

There was a question about can a designated room that won't have any work done, be taped off and used to store household items? Absolutely. And that's probably the easiest solution. I also have seen programs that might not have been providing temporary relocation, but they provided a storage pod that was delivered to that property and the owners were required to clear those work areas, and that gave them a way to store those items. And sometimes that's going to be in some pretty specific language for the owner of what their role is in this. And, you know, when that needs to be done so that you don't have delays in work on that.

I wanted to just revisit -- we had a number of questions about voluntary and, you know, who's going to pay for the costs. We had a slide where we talked about Uniform Relocation Act mandates when it is an involuntary involvement, that there are very specific benefits that have to be provided.

So I think the most common case is where we have tenants. So it's going to be the owner who is signing up to have rehabilitation done on their property. But that tenant is not considered to be voluntarily participating in that. The tenants are always going to be covered under Uniform Relocation Act. And so, any temporary displacement, you will need to cover those costs and you will need to follow the Guidance for Uniform Relocation Act, which sets timelines and the kind of notices that need to be followed.



And the go to guide on that is the HUD 1378 Handbook. You can just Google that. It's posted on HUD.gov. I believe it's available under the HUD exchange also. But that gives you the details on that. But in a lot of our programs, we are doing owner occupant rehab. And so, in that case, because the owner is voluntarily participating in that program, the URA requirements themselves are not triggered.

So you as the grantee have to, as part of your planning, decide, what's my approach going to be? Am I going to provide some, what we would call, optional relocation benefits? So these are benefits that are not required under URA, but you've decided, we are going to provide some relocation benefits. That's an eligible expense, under both CDBG and HOME. I would think most programs are going to find that has an eligible cost.

As Kris mentioned, you need a really clear policy that everybody's going to understand on what those benefits would be. You might have a maximum timeline on that. And so that's how you're going to determine what you're going to provide for those households that are participating in your program. So that's something upfront that needs to be decided upon. And as folks are applying for assistance, you would be making sure they understood.

If you're running a program that is not providing any option or relocation assistance, then up front they need to understand, okay, if we do this, here's what you're going to be responsible for. In some cases, we'll have households say, I can't do that. So I think there was a question yesterday in our list about, you know, what if households say that this is a hardship that we're creating, and that they don't have the resources to be able to temporarily stay somewhere else for a week.

So that's one of your consideration as you're determining, am I going to provide optional relocation assistance? And so that's kind of how we went down the slope of, what if we'd stay with family? And as Kris walked you through yesterday, and in responses to questions, that's great, they can stay with the families, but our requirement is that we're putting them in a safe unit. And so, we're going to have to do a visual inspection with dust wipes to make sure that this is a lead-safe unit that they're going to be temporarily occupying.

And so, I will say that I had a number of instances where family members were very insulted that you said, well, you know, for these people to come stay at your house, we have to come inspect it to determine whether it's decent, safe and sanitary, whether it is lead safe. And so, there is certainly some benefit here to at least offer being able to stay in hotels and then making sure everybody understands, if you're staying with family, that's fine. But there will have to be an inspection with that.

If there's a conflict between the lead requirements and the state preservation office, the historic preservation office, so whose requirements prevail?

Well, you are required to, in structures that trigger the 106 review with the SHPO to coordinate with staff. And so, in cases, where, are your planned scope of work is going to have a, I guess a negative impact on a historic property, there will have to then be a mitigation plan that will be agreed upon by both parties. And so, we oftentimes, and one of the big things with SHPO is the

issue about windows. And they don't want any windows to be replaced. And of course, windows are oftentimes found to be, being a friction surface that's been painted with lead paint can be an issue.

So there are some interim controls that can be done with an existing window. In some cases, it's not uncommon that we find that not only does the window have lead paint and perhaps creating a hazard, but it's also in really poor condition. And so there oftentimes is a real difficulty to reach an agreement in a mitigation plan with a SHPO on that. And frankly, I have dealt with grantees that essentially walked away from assisting the property for that reason. Which is really unfortunate because it leaves that household needing rehab with lead hazards in place.

And so, you will not find, if you say to the state historic preservation office, well, the reason we are replacing these windows is because we're trying to eliminate a lead hazard, they typically are not going to say, oh, okay, that's fine. That doesn't really trump their requirements that they are then signing off on.

And there was some good guidance that was provided by Karen about interim controls on that, and there is within Chapter 18 there's further guidance, but it has been a bone of contention for many years.

Kris Richmond: Hey Les, there's a really great question in there about HOME Match. I don't know if you see that one, it's a little further down where they're saying Subpart J19, you know, the [inaudible] think Part 35 does not apply to HOME Match eligible projects, but they asked the RRP rule, the EPA rules still apply to HOME Match. And the answer to that is yes. We know that the lead-safe housing rule does not apply to HOME Match, but the RRP requirements still do, because RRP applies to both federally and privately funded rehab on pre-'78 housing and child occupant facilities. Thought that was really helpful for folks to know.

Les Warner: And I don't think we want to dive any deeper other than I think we may need to explain to folks what a HOME Match unit is. So under HOME with a match requirement, we have units that don't have HOME funds in them, but they are being counted as match for the HOME funds. So we might have Habitat doing a project or some other funds. And if we're claiming that as HOME Match, that they're being reported in the HOME program, but they don't actually have HOME funding.

So that's why they are exempt from the Part 35 rules. But of course, they still are falling under the RRP rule, as with other non-federally funded projects.

So there's a question in here about, you know, if the program is voluntary, do we still have to do the visual clearance of a family member's home?

Yes. And as I mentioned, that sometimes leads to some emotions when you are questioning that family member's house as being decent on that. But that is a requirement.

I'm going to switch gears a little bit while we see if other questions come in. I'm going to put up our --

Kris Richmond: John, can you give the control to Les so he can pull up the slides he wants? Thanks. So Les, you might have to erase. You know how to use the eraser up there to erase whatever is on it.

Les Warner: Yeah, that wouldn't let me before, but that's probably because I didn't have control. I'm not sure I can erase, actually on this, because those are not my -- let's see, here we go. All right.

So the reason I'm projecting this, as I went through and organized questions that we received yesterday, there are a lot of them that relate to either what's required for evaluation or what's required for lead-hazard reduction. So I thought having this chart might be kind of helpful. We had a question yesterday about paint testing versus the risk assessment.

So when we talk about the evaluation work that's being done, we list here about paint testing and risk assessment. And folks were saying, you know, I thought the risk assessment included that. It does. And what we are, as part of this, we're looking at the paint and determining whether it constitutes a hazard. But we also will have painted surfaces that are going to be part of the scope of work that are going to be disturbed.

And we don't actually know at that point whether they contain lead or not. So we're using the XRF machine to determine, is there lead in either these unstable surfaces or these surfaces that are going to be disturbed by the work that we're doing? And then the risk assessment is essentially based on what was determined from the testing going to determine, you know, the hazard that is presented by that surface and layout, potentially a plan for how to appropriately deal with that.

In sort of a related question, we have a lot of questions yesterday about the visual assessment. And we posted a couple of times the link to the online training for that. It's on the HUD.gov. You could go on HUD.gov and just search visual assessor training. It'll pop right up for you.

But there was also a question of, can a risk assessor actually simply do an online training? Is that something that's available? And the answer is no on that. The EPA or the state lead program is going to require a higher level of training. And we provided in the second session some linkages for finding out where that training was available in your area.

Typically, you can go to the state EPA site. In some cases, you could also go to the State Health Department site and there would be information about the training that was available.

There was a question that we didn't get to yesterday, and a person asked about, how do I get soil samples if I have winter weather? I've got a bunch of snow in place. I would presume that in some cases you're going to be able to clear a spot and be able to take that sample.

But where you're sampling is based on bare soil. So if you've not been able to observe in advance of that where that sampling needs to take place, you're not going to be able to do that at that

point. I wondered if Karen or Bruce, if there was some further guidance about the timing on that and documentation about why you were doing it after the fact?

Bruce Haber: Yes, Les, this is Bruce. Yes, snow cover is a valid reason for not being able to do soil testing at the time. And it's typically delayed until the, or can be delayed until such time as the soil can be observed. Because the idea of soil testing is you're looking at bare soil areas. If it's under three feet of snow, which much of the Midwest is right now, you're not going to be able to tell where the soil is actually bare soil. So delaying it until spring thaws, and it would depend, like in upper Michigan, it would be later than it would be in northern Alabama.

Les Warner: And is your thought that they could go ahead with the project itself, with at least the interior work, and then when they could do the testing, then take on whatever hazard mitigation needed to be done on the exterior?

Bruce Haber: Yeah, that actually is a kind of a common occurrence where there is a separation in the colder climates between the interior work done in, say, December through March and that's separated from the exterior work. And actually, the exterior wrap doesn't work really well when it's cold outside either.

Les Warner: And one thing I would just mention, so yesterday when we were looking at the visuals, one of the things that when the lead work is being done, generally we're going to have the HVAC system turned off or at least cut off from the work area because we're trying not to stir up dust. So in some cases, that also might have an impact on keeping people on site and the timing of when you're actually going to choose to do some of this work.

We also had a question that we didn't get to yesterday, which was asking about working on a roof of a 1940s house, and once they get partway into the project, they then determine that they've got some fascia boards that are going to have to be replaced. And so, you know, asking about if it's above the de minimus level, will they have to stop the project and test for lead?

So I'll make a couple of comments, and then I think this might be a good one for Bruce or Karen to also comment on. Now, first off, are on the front end on doing specifications for projects. We're trying as much as possible to be able to anticipate where we are going to have to include some other areas. So they're trying to make sure that as part of the inspection of the roof, we would also be inspecting those adjacent areas to try to determine up front, okay, now a good inspection might show us that these are badly rotted; they're going to have to be replaced.

And so, we would up-front be able to fully know the scope of that work. And then I know we had guidance a minute ago about talking about if we then had to add something with a change order and changing the level and scope of this. I guess I'm wondering, my thought would be that you wouldn't have to stop and test, that you could do presumption on this to keep things moving.

But then, of course, you're going to have to treat this, assuming that it has lead. Karen or Bruce, anything else that you think we ought to add here?

Bruce Haber: Yes, Les, this is Bruce. I think you described it well there. The only thing I'd be worried about would be like if this is a common occurrence, so you have a roof program and you're always changing -- the program is always kind of like, oh, at the last minute, finding that there's a paint issue involved, then there's a pattern of omission. And that could be a finding if you were reviewed by CPD or by the Office of Lead Hazard Control or any other of the auditing type groups that are out there.

So it should be your policy. There should be a written policy as to what the program would do under conditions such as that, because, of course, when you're doing a roof, you're hoping that you're not going to have to do the gutters or the fascia or any of the boards which might have paint. But sometimes you do run into a change. And as with the scope of work and the dollar value changing as long as it's occasional, and because change orders do happen and not consistently found that way. Not the perfect answer, but an answer.

Les Warner: No, and it actually reminded me of what I was thinking about during the exercise when we talked about a change order, and if this is the pattern. That would be also be true if we weren't talking about lead and we were talking about a rehab program under CDBG or HOME, that it's going to be questioned on, what's going on with your inspections up front, that you are then, you know, having a pattern of change orders?

And so, I do think it is one of the things that should be sort of triggering, is to ask, is there something that I could have done that would have anticipated this? I mean, certainly with rehab, as we are uncovering surfaces or, you know, opening a wall up or something, there are some surprises that occur. But when we see a pattern of that, it also can be a question about, are my inspections adequate for just the scope of work that needs to be done for the rehab itself, not even including the lead work as part of that.

All right. So there was also a question that came into the chat yesterday that we didn't get to, and it was asking about for repair programs through HUD. Does not require a full risk assessment for projects such as a porch repair? Or just inspection and assessment of the area where the work is going to be done? And so, depending on what our level is, we're going to be following this approach of testing.

But we're going to be looking at areas that are going to be part of our work area. Now, keep in mind that depending on the funding source that you were using, for instance, the HOME program would not allow you to do a porch repair, let's say, as your scope, and not review and inspect the entire house to make sure that it fits, that their property standards, which include lead-safe housing rules, whereas CDBG, under emergency home repair, would allow you to do just one portion of that. So doing a porch replacement or if we're doing a roof replacement.

So you not only have to follow the lead regulations, but you also have to follow what your program requirements are to make sure that you're inspecting the areas that are required.

And then under treatment, we had a couple of questions that I wanted to make sure that we visit. One of those we've answered in the homework. There was a question about when you say abatement must be done by an abatement firm, does that not include a lead certified contractor?

And so, I think it's really important people be clear. A lead-based paint abatement company, and that includes abatement workers, are going to be the proper contractors to be able to perform that work, and they have to be EPA or state certified.

So again, we mentioned last week about, as we're doing the requirement for the project, we're going to have to know, based on the scope of work, based on our hazard evaluation on that project, the level of treatment that's going to be required, and then making sure that we had appropriately qualified workers to be able to handle that.

Let's switch gears to a question about clearance, so we had a question about clearance. This was for abatement and there was some discussion, I think, yesterday about two separate clearances being required, one when the abatement process itself has been completed, and then a second after the regular rehabilitation of the remaining portion of that project. And so, I just wanted to clarify that clearance must be performed at the completion of that project and/or when the hazard reduction work is has been completed.

A reminder about having to wait one hour after all the cleaning has been completed. Depending on how you have essentially contracted out the work, you might have a separate lead contractor who is doing the portion of the work doing cleaning and initial testing. But then you may have a second contractor, non-lead contractors, coming in and doing the balance of the work on that property, because we, again, have the possibility of creating lead hazards with the work that's being done.

There would be a re-cleaning and then a final clearance test before we are going to turn that property back over to the occupants and let them know that that's going to be safe for them.

We had a couple of relocation questions I thought we might want to add here. So we had a question yesterday, if the contractor decides the work can be done safely, but the tenant requests temporary relocation, does it trigger URA? So if you have a -- the trigger for URA is whether this is voluntary or involuntary. So as we mentioned before, a tenant was in that unit is going to fall under the Uniform Relocation Act requirements. And so that that's going to require you to issue a notice to that tenant.

And you may be telling them that they are not going to be displaced. And that could fall within the criteria we talked about before about, you know, if the work can be completed within an eight-hour day and clearance obtained on that, you don't have to displace them. It's optional for you if it is not required either under involuntary, under URA, or if we have an owner occupant.

If you as a program want to accommodate the request of that individual, where you've determined that it's not necessary to relocate them, that they're requesting that, every one of the things that you would have to follow your policy and determine whether that was something that was going to be appropriate for you.

There was a question also, I think we've covered most all the questions about staying with family and those who are related. But there was a question yesterday I wanted to make clear about. There was a question about does the family member have to apply and meet the HUD

requirements? No, we're not concerned that they have to be income eligible, but the issue here is, is this unit that we're going to temporarily relocate them to, is it considered safe?

And so, we're just going to be doing the temporary -- we're going to do the clearance on that. We're going to do the visual and the dust wipe test as part of that. I will note that there are some optional relocation plans that would allow you to stay in a hotel and they would pay a particular amount. Some optional relocation plans also have a set amount that they would compensate that family for housing their family members. But again, this is optional. You are laying out those requirements.

There was a question I had mentioned about the issue about HVAC systems, that with automatic systems they'll have a -- they oftentimes will turn themselves back on automatically. And yes, so it may be that you need to be turning that on and off switch for the unit itself or cutting off at the breaker so that it's not going to be surprising you and coming on during that time period.

Okay, I think we've covered those questions. We have just a few minutes left. We had some questions about notification, and I wanted to make sure that, you know, when we have a owner-occupied housing rehab, the disclosures are going to be going to that owner and they are going to be retained by that owner. So if they sell their property at a later date, that's going to be part of the disclosure that they're required to provide.

That probably would be something that you would maintain within your client files, and then you'd be following the record retention requirements as part of that. But long term, it's not something that you need to retain. And really, the reason you're retaining in your client's file is to be able to demonstrate that you've completed the disclosure that you were required to provide.

There was a question about record retention period. Those are going to be set by the types of funding that you're working with. So they're a little bit different depending on the funding source on that.

Let's switch gears to -- we have some questions about maintenance. We talked about for home rental units, that we have an ongoing maintenance requirement during that affordability period. And so, in those cases, we talked about at turnover or on an annual basis, whichever is more frequent, that we are going to be doing a visual assessment as part of that, and then also addressing any hazards that we had located.

We also would be looking at things like, for instance, we talked about if we had under interim controls, we had encapsulant that have been used, or maybe under abatement where we had a closure that had been used to make sure that all of those points were intact, and we talked about working that into your ongoing oversight requirements as sort of the checklist that inspectors would use.

But our question was, for projects that are HOME funded, which is our thing, are we talking about all the units or are we talking about the HOME-assisted unit? So this requirement would be for the HOME-assisted units and for common areas. So we might have done abatement and done

some enclosure of some surfaces in some of those common areas. We're going to have to make sure that we follow those.

So there was a question about, you know, if they're fixed or floating. We're going to make sure that we are looking at our HOME units at that point. And then also any common areas that were part of that.

There also was a question about, you know, if we're doing some kind of ongoing maintenance, do we need to make sure that we follow our do no harm category here, which we highlighted earlier on the list, less than \$5,000. And I guess I would note here that, depending on the ongoing maintenance that's being done, if you have something of a larger scale, then I would think that you would have to also follow what is being triggered based on this chart.

A couple of other things I just wanted to mention before we end. So next week, we are going to be talking about acquisition, leasing, supportive services, and operations. So we had a number of questions that came in this week about if we're providing rental assistance? Next week is when we're going to be going into quite a bit of depth about that.

So it'd be really important that you participate in next week's session. That would also include folks that are doing home buyer assistance with less than \$5,000 in rehab. That's part of that program so make sure that you join us next week for that session. Kris, any other things that we ought to add before we close today's session?

Kris Richmond: No, I think you covered everything, Les, but thanks to everybody for coming today and we hope you can join us next week.

Les Warner: Take care, everyone.

(END)