

Lead Safe Housing Rule Webinar Series, Subparts J & K

June/July '22 Office Hours 3

Kris Richmond: Thanks, Rita. Welcome back, everybody. Today we are going over our exercises and answering any questions that you have about the overview of lead, about subpart J. This is following our second session of subpart J.

Next week, we are going to be going into subpart K, acquisition leaseings for service and operation. So I'm not really going to answer questions about K today, you will have an opportunity next week to do that. But feel free to submit your questions in that Q&A box about subpart J, or about the first session that we got together for the lead overview.

So what we're going to do is I'm going to go over the answers to these questions. And then Les is -- he has a summary of some questions that came in yesterday that we can talk about, but we always try to answer the questions that come in the Q&A box today first. So we'll look at those and if you're a quiet group, then Less will go to his list and start to review some of those.

Glad you're here today, let's dive in to the exercise. This was about occupant protection and construction monitoring. So we have a fictional family, the Williams family, and the scope of work for their rehab has now been approved, and they need to select their contractor.

So their job involves interim controls, it's expected to cost about \$16,000. Park Town, that's the name of the town. They provided the Williamses with a list of approved contractors, the Williamses chose three different contractors from the list, they submitted their bids.

Richard Miller, who is our rehab specialist, he worked for Park Town. He sent out the bid package, he reviewed the bids for cost reasonableness, and it was awarded to the lowest bidder, who was Silva Contractors. They're going to do the work for \$16,300.

So we have the Williams family, we have Richard Miller, who is our town rehab specialist, and we have our contractor, Silva Contractors. So during the work, individual rooms are going to be contained, and the worksite clearance is performed before they're opened up.

The Williamses have access to their kitchen and their bathroom through most of the work. However, the Williamses need to be relocated from their home during week four of the construction project while the work is done on the kitchen and the bathroom. And so we need to have the family be away for the unit for one week.

So that's kind of our scenario of what's set up, and we have these different questions. So let's work through these questions. Also, everybody has a different setting on their screen. So if you can't see any of the questions, perhaps maybe you only see question one through three, you're going to have to hover over that gray bar that's in between the slides.

And where you see the list of panelists, and the chat, and the Q&A, and you can scroll yourself down on that page. So when I scroll down, you're not going to be able to see me scrolling down, you might need to scroll down yourself to see those questions.

But let's start with number one. What are the steps involved in temporarily relocating the Williams family? What do we need to think about? What should we be doing? Well, they are having their house rehabilitated through a homeowner rehab program. And this rehab program is considered a voluntary program.

So Park Town does not need to provide financial assistance to the family for relocation. But we do need to make sure that Park Town has very clear guidelines about what the homeowner and what the town are responsible for. And the Williamses need to agree in advance to comply with the relocation requirements and stay out of the protected worksites.

We also need to make sure that the Williamses are receiving adequate notice about the relocation schedule, so that they're able to prepare and told when they can get back in the unit. We also need to ensure that Park Town has a relocation policy in place.

So this would be considered a temporary relocation policy for their program. So they need to have one in place and it has to be followed consistently. So a written consistent policy is required if any assistance is provided to the program beneficiary.

Let's look at number two. How do you establish the relocation unit is lead safe? We had a lot of questions about this last time. Well, if the Williamses find their own relocation unit, Park Town has to ensure that it's lead safe. And the way we do this is if it's a pre-1978 unit, we're going to be doing a visual inspection and we're going to be doing clearance to ensure that it's lead safe.

If they choose a unit, that's post-1978, then remember, the Lead Safe Housing Rule does not apply to units that are post-1978. But if it's pre-'78, someone from Park Town needs to be going to where they're going to be staying, doing a visual inspection, and a clearance test.

All right. Number three. What are the requirements and what are some options for how the Williamses belongings can be handled? So remember, this is a four week project that's going on, some of the areas are going to be contained, they can't get in and out. So how are we going to protect these belongings?

Well, they can either be removed from the worksite, or they can be protected and cleaned. And so Park Town's relocation policy really needs to be clear about who's responsible for packing and moving the belongings, and paying for storage. Park Town might also want to establish a relationship with the moving and storage contractor.

And we can also -- Les talked about this, having PODS or a container put on the property, or on the driveway if there's one available. You can have that available for them to put their belongings in and giving the family a key.

If there's concerns about the family trying to get back into the house during the relocation period, it is recommended that the locks to the house be changed. Because if we think it's unsafe, and we've provided opportunities for them to go somewhere else, we don't want them coming back in and trekking through the worksite if they're not supposed to be there at that time.

All right. Number four. And remember, if you don't see number four, you need to scroll down on your page to see number four. What needs to be done before the Williamses moves back into their home?

Well, if we have done the lead work first, and now we're letting the family come back into the home, there's still work going on but it's not -- they still have access to their bathrooms and their kitchens now. If we have a lead work done first, then that contractor has to obtain what we call an interim clearance before the Williamses can reoccupy.

And then after all of the work is done, we would do a final clearance of the entire job. Richard, he's our rehab specialist, their town also has a notice to reoccupy. Now that's not a lead notice, but it's a notice that they use in their own town program design. So he's going to provide a notice to reoccupy the home to the Williamses so that they know it's safe to return at this time.

Let's look at number five. What if the Williamses were an elderly couple? Would they be required to relocate from their home for that one week? Well, the answer to that is no. There is an elderly exemption from relocation for lead-based paint for relocation.

So if there's an elderly couple, and we are still applying Lead Safe Housing Rule, we're making sure that we are doing our interim controls, or following lead-safe practices, we have proper trained, certified people doing the work. But they don't have to relocate if they don't want to. And that's identified in the interpretive guidance, and it's question J as in rehab subpart J-24.

So it is exempt that they do not have to be relocated. We do want to make sure that elderly residents are informed of the hazards. And Park Town should also have the Williams couple sign an informed consent that they're going to stay in the unit before the work begins, but that they've become aware of the hazards that could happen while they're still there.

All right. So moving on. At the conclusion of the pre-construction meeting, Richard, he's our rehab specialist, he issues the notice to proceed, and the Silva Contractors begin work on the house. So Richard Miller plans to conduct inspections of the work before each invoice is submitted, and the contractor plans to invoice the Park Town on a monthly basis.

So we're talking here, we're just showing you where we are in the next stage. We have this notice to proceed, we want Silva to start work, so we're going to have a pre-construction meeting. So what issues should we be talking about with Silva Contractors in our pre-construction meeting?

Well, I want to show you. If you've had an opportunity, then this will look familiar. If not, let me see, it's my toolkit. Okay. So we are very proud of this toolkit that has come out. And so you can see here on this screen here that we have at the bottom the hazard reduction.

You can go to any of these little bubbles on the left side here. But where we want you to click on is the hazard reduction bubble, and then that will open up the implementation section of hazard reduction. And you'll see one of the tool names on here is the pre-construction conference checklist.

So if you click on that pre-construction conference checklist, you will see -- I have it as another screenshot here, just give me a second to find it. Here we go. You will find a checklist like this that you can adopt for your town, if you don't have one already, that lists a lot of the things that you need to be covering, or you should be covering during your pre-construction conference checklists.

So we want to make sure we're talking about our worker training, and supervision requirements. Talking about prohibited work practices, what kind of work site setup do we need to have? What about scheduling, and staging, occupant responsibilities? We want to be -- let's see, also talking about protection of occupant belongings, controlling a pet, waste disposal, that type of thing. So here's just some samples that you can use. So we wanted to make sure that you saw those.

Okay. Number seven. How often should Richard visit the job site and monitor the Silva Contractor work? So this is pretty standard how often you would go as you're doing a regular rehab. At job startup -- these are different critical times. Job startup, before any new work is covered, such as before drywall or concrete, after installation of lead-safe protections, or containment.

Before major dust-creating work you want to go and visit. Unannounced visits while the work is in progress is also suggested so that you can make sure that -- they say they're following lead-safe practices, but are they actually doing that?

You want to do inspections for lead prior to or during the third party clearance. And we also want to be doing -- prior to the approval of the invoices, we want to be doing inspections as well as a final walkthrough.

All right. So let's look at number eight. What types of work practices should Richard be looking for to ensure that Silva Contractors is following proper safe work practices? Well, first of all, because the Williams family is going to be there for three of the four weeks, we want to make sure some of these rooms are being contained.

So we want containment of the room and the worksite, the occupant belongings are being protected and secured, maybe they're being covered with [polymer ?] plastic, perhaps they're being moved to a non-construction room.

We want to make sure there's signs that are being posted keeping occupants out of certain rooms, we want to make sure our workers are using proper protective gear, that they're using safe work practices, such as wet sanding and scraping.

We also want to be ensuring that the area's cleaned up at the end of each day, or that access is denied if the work is not complete. And they should be doing HEPA vacuuming and wet cleaning as well. So those are some of the work practices that Richard should making sure the Silva Contractors are following.

Number nine. What should Richard do if he sees unsafe work practices at the site? Well, he needs to document what's being observed, he should be taking a photograph of that observed

problem. He needs to discuss the situation with Silva Contractors, the owner and the supervisor. This should be done both verbally and within written notices.

He should be taking pictures when the problem has been corrected and keep those photos in the file. And he should be reminding Silva Contractors that lead-safe work practices need to be followed, and that clearance of the unit has to be achieved. So ultimately, if lead-safe work practices are not being followed, then the unit is not going to pass clearance.

All right. Our last question here. Halfway through the project, the Silva Contractors, they need a change order for the project. So suppose the change order has now gone over \$25,000. So remember -- let's see if I can bring our summary chart up. This project was actually taking place in this -- I just want to a color here. This should be taking place in the middle -- this middle category here.

So we were in interim controls because it was about \$16,000, so we were in the \$5,000 to \$25,000 range. But now during the work, there's a change order and it's bumping me up to this over \$25,000. And so the question is asking us, do we now need to change our work methods? Do we need to change from interim controls to abatement? And the answer to this is no.

So if a project was originally under the \$25,000 threshold, we were in that interim controls, it started following interim controls, a change order that bumps it over \$25,000 does not constitute changing the work methods. So we do not need to move from interim controls, that middle category area, over to the higher area of abatement. We do not need to do that.

You -- that can be documented, and you can see that in the interpretive guidance. And that's question J it's the subpart -- rehab subpart J, the number 4. So you can look at question J-4 in the interpretive guidance. And that will tell you that if you have a change order that bumps you up into the next category, you do not need to change the work method.

However, if HUD starts to see that this is a pattern of an agency where they constantly have change orders that are moving them to a higher threshold, they are going to cause you to have a monitoring finding.

So we don't want to see a pattern of that, but we do realize this does happen once in a while. And if it changes you to a higher -- if it bumps you into a higher category, you do not need to change from interim controls to abatement in the middle of a job. Les, any questions that we can address, or anything you want to expand upon in this exercise?

Les Warner: We have a bunch of them. And so I think what I'm going to do is since we have a bunch of questions that are related to relocation, not a big surprise, I'm going to kind of handle those. A number of, I've responded back and said, I'm going to handle verbally. So I want to pull up the slides from yesterday, and then I'm going to go through --

Kris Richmond: Let me give you -- I'll give you control so you can --

Les Warner: Oh, good.

Kris Richmond: -- view that. Let's see. I'm pulling down --

Les Warner: Because I want to be in control.

Kris Richmond: There you are. Okay. Giving you control. So you -- when you change -- there we go. Now we can see the slide.

Les Warner: Yep. All right. So where do I want to go first? Let's go here. All right. So I think one of the key points that we talked about yesterday, which relates to a number of questions where folks are asking, what do I need to do here? One of the key issues here is, is this triggering Uniform Relocation Act?

Where are they -- where there are very specific requirements, about what you're going to need to pay for, and notices, and timing. Versus I think a lot of what we're doing are probably going to be -- if we're doing single family owner occupied, then generally those are all going to be voluntary participants. So it's not going to be needing to follow all the Uniform Relocation Act very specific requirements.

And so in those cases, it's that relocation policy that Kris talked about in the exercise that you're going to make a whole number of policy decisions. We had a lot of questions about, can I pay for storage, what would those limits be on what we would pay for, what about meal vouchers, staying with friends, all those sorts of things?

Those are going to be things that you can, in advance, lay out and say, okay, we've got an optional relocation. And we -- the reason we're calling it optional is because it's not being covered by the URA regulations that would make it mandatory to provide and have very specific requirements.

So in those cases that are optional or voluntary participants, then your policy would lay out, what are you going to pay for what are you not going to pay for? So you certainly could pay for on-site or off-site storage, moving items for them into that packing.

In a lot of cases, a program will say, look, I'm going to provide the POD for you, and it's going to be secured, but you're going to be responsible for moving, clearing these specific worksite areas, packing that away in that.

So all of that gets captured within that policy, including what am I going to pay for? Some programs -- we talked about this issue about, yes, we have to actually inspect the temporary unit to make sure it's lead-safe. You're also -- under URA, and I think under most programs, are going to make sure that it is decent, safe, and sanitary.

And so a lot of programs will simply identify in the area a particular motel or hotel that they're going to use for this. And they might even have an agreement with a nightly rate, and they're going to be shifting folks to that. So instead of kind of sending folks out saying, you find where you want to go.

So they're saying, well, I think I'd like to temporarily relocate to Key West while you're working on this project. That might not be what you want to pay for. So all of that could be pretty detailed within that program language, your description. And thinking about who's going to make those inspections, and whether you have some specific units you're always going to use that you've already established that was built in 1981, so it doesn't have lead.

All of that would be something that you would capture in that policy. We had a number of questions about, what if they're -- can they stay with friends or family? Absolutely. But again, which can be awkward, you will have to inspect that unit.

And I have certainly worked with some projects where family and friends were very offended when the program said, well, we're going to have to come inspect your house to see that it's decent, safe, and sanitary, and lead-safe. And so just keep in mind explaining what those conditions will be, and what your -- how your program will function with that.

Some programs have chosen to provide some compensation. So if I'm going to go stay with my parents for a week, your program could under your optional relocation plan say, if you choose to stay with family, we're going to provide you \$100 a day. That might be a lot cheaper than paying for a motel and meal vouchers as part of that. So that's something you can consider as part of your program design.

So we had a question about, well, can we require the landlord to pay? So it kind of goes to this issue of, is this voluntary or involuntary? So when we have a landlord involved, we know it's a tenant occupied unit, and so the Uniform Relocation Act is going to apply. So there are very specific requirements about notices and benefits.

And essentially, when we have triggered Uniform Relocation Act, we're going to cover all out-of-pocket expenses. So if we have a landlord that is participating in your -- let's say, a rental rehab program, and we're going to need to do some temporary relocation, you could make that a term and condition for that landlord that that's going to be an expense that is there.

But keep in mind, you as the grantee in this are responsible for compliance with Uniform Relocation Act. So you're going to need to make sure that these required notices, that the inspections have all been handled. And being able to document that all for your files to be able to show compliance.

So it certainly can be that you would say, landlord's going to have to pay for that. But you're going to have to think about, how do I build that system to make sure that that's going to be completed in a way that I can document the -- that this has all been handled in compliance?

There was a question about pets, and can we deny making a payment for pets? So I think again, this goes back to, is this a tenant where we're following URA? Or is this an optional relocation plan where you have quite a bit of flexibility in determining what you as the program are going to be responsible for, versus you say to the owner, that's not something we're going to cover, you'll have to figure out how that's going to be handled.

Under Uniform Relocation Act, we need to be able to find them a unit and cover their expenses. So if they are going to be -- let's say we're temporarily relocating them to the Fairfield Inn in your community, and they will not accept pets, which would be probably pretty common. Then there is going to be an expense for that household if they don't have family or friends that are going to take the dog Rover for the week.

And so if they're going to be boarding that animal, and that's an expense that that household is incurring, then that's going to be an expense that you would need to pay, because we're covering all of those out-of-pocket expenses.

So I think one of the first questions on many of these things that you're asking about is, is this an optional relocation where you're setting the policy requirements, versus is this Uniform Relocation Act? And then we need to look to those requirements and be pretty specific about that.

There was a great question that came in. I'm going to switch slides here, hopefully. Let's see. A very wise question that was asked. I referenced yesterday that we have some exceptions of when we need to relocate folks. So we -- the most obvious is when we're not disturbing any paint.

But we also have this exception where we're doing interior work, and it can be completed within an eight hour day for that. So we -- it's reasonable to be able to say to the household, you're going to have to be gone for the day, but at the end of that workday, you will be able to return to that unit.

So we talked yesterday that a completed project includes clearance testing, so we can't allow folks to return to that space until not only the work has been completed and an appropriate cleanup. But we then have a clearance test that comes back and says, yes, it's safe for this household to reoccupy.

So there was a really smart question on saying, well, how's that going to work, can we actually get a clearance process completed, and get the results back within that eight hour work period? So I think that's an upfront thing that you need to be able to evaluate on what's the availability of clearance testing and the turnaround time on results.

And be able to evaluate, is this something where we're doing something minor? Maybe we can accomplish that in a couple of hours in the morning and be able to have the cleanup done, have the clearance tester come in, and legitimately be able to get those clearance testing back in by the completion of that day.

Or should we go ahead and plan that they're going to have to be gone for maybe overnight, so that we can actually get those test results back? So it's the perfect question to be asking in evaluating what's going to be workable on this.

We also had questions yesterday about, well, what if I'm only doing exterior, do I still need to relocate folks? So that's one of our exceptions on relocation. But keep in mind, to ensure that we

have -- that that household can safely occupy that unit while the exterior work is being done, we need to make sure that we have an appropriate seal between the interior and exterior.

So we saw the worst case scenario drawings yesterday where we had open windows, we had household members in that work area. So thinking about, can we seal this off? Maybe we are putting plastic over interior windows where we don't feel that we have a tight seal to make sure that we're not going to have any infiltration of some of the debris and dust that we're creating on the outside on that.

And that there's good access going in and out of that unit without disturbing that work area. So it's all part of that evaluation on that. Also, we had a couple of questions about elderly. And saying, okay, so we have this exemption that elderly occupants can sign off and say, I'm going to waive being relocated, temporarily relocated, and be able to exclude that.

But then there was a question of, well, so if that unit is temporarily not going to have a kitchen and bathroom, can we still do that? No. I mean, that unit needs to have this waiver in place for elderly, that unit has to be functional for them.

So if we have essential spaces, such as the kitchen and bath that are not functional, then no. That would not be allowable to then say, well, we're simply going to waive relocation, but they're going to have to go to the neighbor's to use the bathroom. That's not going to appear to be a reasonable treatment for that household.

There was a question saying, okay, so if we have the elderly occupants, and we are dealing with the kitchen, could we provide them meal vouchers and allow them to stay in their unit? They've got a bathroom they can use, they've got sleeping areas they can use, but they simply won't have access to the kitchen. That could be part of your relocation plan, sounds like it would be a reasonable accommodation.

But again, thinking about, how is this unit set up, can we cordon off that space and they still can have reasonable access, getting in and out of the unit, getting to the essential parts of that project? Let's see if there's anything else on this list. Oh, I wanted to also mention, part of our reasonable accommodation on either URA or your optional relocation is to take into account the needs of that household.

So if we have a disabled person that needs -- when we put them in a temporary shelter for overnight or maybe for a week, if they have additional needs, such as they need an accessible unit that's going to be on the ground floor, that needs to be part of our determination of where that appropriate temporary housing is going to be.

And so part of that upfront evaluation process would be seeing if the household need any special accommodations. And that might be part of a survey that you're taking with them, asking them to identify are there any mobility or other special needs that need to be accommodated as part of that. Part of that is also learning that they have three gigantic dogs that probably can't go to the motel that you're sending into. So it's part of that planning process.

One last thing on this I wanted to just mention. We had some questions about being able to deny an application where they were going to do -- as part of this project, they were going to do permanent displacement. So permanent displacement happens when we can't, at the end of our project, be able to return that household to a decent, safe, affordable unit that's at least comparable.

Generally, we're going to take them right back to the same unit. But let's say we have a multifamily project, we could be moving people around. And we're going to -- we've got some vacant two bedroom units, we will complete the work, we will move this household from their existing two bedroom unit to a completed one. And because it's functionally equivalent, it is affordable, it meets all of our standards.

Some projects will say, we're simply going to leave -- we're not going to move that household twice, we're going to move them once into this unit. So that's all part of your planning. But any time that we're not going to be able to return that household to that unit, that's a Uniform Relocation Act requirement that's probably not related to lead. But if you're triggering Uniform Relocation Act, you're going to follow that.

Temporary relocation is defined as within 12 months they will be back in that unit. I suppose it's possible with some significant lead work, and then depending on the configuration of a property that it was determined that maybe you need to clear the entire building. And as part of that, maybe we are not only doing lead, but we're also replacing elevators, and plumbing, and HVAC.

And you determine that we can't actually have this building reoccupied within that 12 months, that becomes then a permanent relocation. Our budgets change, our -- a lot changes on that. But you are required as a grantee, generally, to have an anti-displacement policy where you're trying to always minimize that.

So part of our planning efforts on this is to try to make sure that we can do this project and not cause any permanent displacement. Kris, do we have some other questions that have come in? Or should I keep going on this end of things?

Kris Richmond: Well, all the questions that have come in have still been about relocation and the exercise. But I do want to emphasize, because somebody was asking, just to clarify, under the owner-occupant program, which if you can put your chart back up where you had tenant versus owner-occupant.

Les Warner: Let's see that --

Kris Richmond: It was right around here. Anyways, they're asking, it's owner occupied, do we still have to inspect the friends or family unit that they're moving to? And the answer to that is, yes.

Les Warner: Yep.

Kris Richmond: So even if they are voluntarily -- the one on the right here. Even if they're voluntarily coming to your program, if they need to be temporarily relocated. you the grantee need to ensure that they are staying in a lead-safe unit. And the only way we can do that, if it's pre-'78, is to do an inspection and clearance. So that's on the temporary unit.

We had somebody ask, well, what if they're going to be out of town, how are we going to do that? Well, you might have to call up a grantee in another town, or you might need to hire an inspector, a qualified -- someone who can do clearance.

That would be a qualified lead inspector or a risk assessor to go and do clearance and do an inspection out of town. Or you require in your program policies that they relocate to a unit that's post-1978. And then you don't have to do the inspection.

Les Warner: I mean, frankly, if you're doing temporary relocation, you can be saying, here's where we're going to house you, and this is what we're going to pay for, this as an optional program. So they've been informed of the benefits on that.

They may say, I'm going to go visit my relatives in Arizona while this is happening, and I'm not going to use that temporary relocation. I think you would just document that. I don't think you are obligated to accommodate, oh, we'd rather spend our temporary displacement somewhere else. I don't see that you are obligated to be able to accommodate that.

One thing I'll just mention on this, and I -- because I've done a lot of relocation work on multifamily units. Because you can kind of see that whether it's single family, whether it's multifamily, that kind of making sure that those participants understand how is this going to work, what are -- what's our process going to be?

We'll notify you in advance, here's what we're going to pay for, here's what we need you to move out of work areas and store. And here's how we're going to accommodate that, we're going to bring the POD, we'll pay for it, whatever that would be. Having some way to provide that information and make sure that they agreed to that.

So when it's multifamily, a lot of times, we will go in and have a meeting with all the occupants of that building, and walk them through that in advance. And that kind of helps with some of the logistics on that. But for example, if we say, well, you're going to have to be out in the fourth week of rehab.

On the front end of that project, we don't necessarily know -- if any of you have done rehab, you know that it doesn't always go exactly as you've planned. So kind of some protocol of, we're going to give you -- we think it'll be approximately this time, but we're going to keep you posted on any shifts in that schedule, and you will be getting a notification three days in advance, and then 24 hours before.

So that everybody kind of understands how's that protocol going to work for this? And that will help with some of the confusion and maybe complaints along the way if everybody understands how that's going to function. Kris, anything else in the --?

Kris Richmond: No. There's no other new questions.

Les Warner: Okay. So I'll mention -- so we had a question yesterday about the Emergency Rental Assistance program. And I'm going to use this partly as a segue to advertising next week's session. But I also wanted to use this partly to explain another concept.

So the Emergency Rental Assistance program, because as I understand this, this is going to be a program that's providing affordability assistance, it's related to leasing and not to rehabilitation, that's going to fall under subpart K, which we're going to be covering next week.

And so separate subparts, a separate list of regulations. And so as you're kind of thinking about, do I need to participate next week? That's kind of the line here of, if we're doing rehab, we're going to be triggering subpart J.

But a lot of you will have some activities that include acquisition of existing structures, we might be providing leasing, or supportive services, or other operating assistance. And so subpart K would be a session you're going to want to participate in.

But the second part of the question that was asked under this yesterday was, if there's lead found on the property, who's going to be responsible for financing the work? And so that's kind of an important question on all of these.

So we might have, let's stay in subpart J, and say, we're going to be doing -- we're offering homeowner rehabilitation, and as part of our inspections, we're upfront going to determine what work needs to be done to bring this property up to our applicable property standards. But also based on our charts that we talked about on level of evaluation and level of assistance, that's also then going to determine what lead hazard reduction work has to be done.

So then the question about who's responsible for the cost of this? And how will we impose that becomes important. So we've had a number of questions about, I've got a program that has a specific limit on how much per unit we will allow.

And so you certainly can have a program that's designed to say, this is our maximum amount. So either you're able to bring other funds to cover the rest of the required scope of work, where we would say, we're not able to assist that unit. In those cases where we have done a lead evaluation on that property, of course, we're going to be -- have to provide a disclosure on that.

So when folks think about -- and this was mentioned yesterday. When folks think about your program design, a lot of programs will say, okay, so if my program was set up as a loan program, and I am going to -- the amount of rehab assistance is going to be set up as a loan, and maybe it's deferred forgivable, so as long as they stay in the unit, they're not making payments.

You have the option within that program design to think about, okay, so am I including the costs of the lead evaluation and hazard mitigation work? Am I including costs of temporary relocation

in that loan, where they potentially would have to pay it back, depending on what your structure was.

Or in a lot of cases, folks will say, okay, some portion of this, the rehab is going to be a loan, and we're going to file a lien and have a loan document in place. But maybe the lead portion of this is going to be a grant versus a loan.

Sometimes we also see program limits where they say, okay, our maximum rehab is \$25,000, but that does not include lead. And so rehab plus lead, our maximum that we're going to provide is some higher dollar threshold. So thinking about what your program policy is going to be on kind of limits on your program, and how that will be applied becomes really important.

Let's see. There was a question yesterday about, what happens if our program focuses on exteriors of homes only? And so they are not going inside of houses, is that acceptable to only inspect the exterior and not look at the interior?

So we have to go and -- let's see if I can. Yes. So if we look at the summary chart, and I'm going to leave the highlighting in place, because I've got two things on my screen. But we're going to need to follow the required evaluation on this.

And so if we are at \$5,000 -- let's see if I can clear that. Yes. All right. So if we are at five -- at the \$5,000, under -- \$5,000 or under level, then our evaluation -- and I've got a tiny screen version at this point, is going to be looking at paint testing and stabilization. And so it's really based on the work area that we are doing.

But if we are at a higher level here, so we're in the \$5,000 to \$25,000 -- \$5,001 to \$25,000 level, then we're going to be doing a risk assessment. And that's going to be looking at both interior and exterior on this. So a lot of our questions have been about, what are my requirements on this?

And this summary chart is really important to going back to, that's how we determine what are we required to do, what's our level of evaluation, what's our level of treatment that's going to need to be done? And Kris just that -- any time that you've got something that comes through, just interrupt me. Otherwise, I'm going to just kind of keep scrolling through here.

Kris Richmond: Yeah. Somebody asked a question which we see quite often when we train home too. I mean, somebody was asking, well, what kind of documentation should you be getting if you suspect that the applicant is not going to live in the house and this is a homeowner rehab program? What should you do about that?

And I had suggested, and I see a lot of grantees and PJs that actually have a certification form that the applicant is signing, and saying that they are indeed the owner-occupant, and they have to show documentation that they're residing there. Maybe it's a water bill, or some type of utility bill showing that their name and address are connected there.

And then I've also seen a lot of homeowner rehab programs, their usually grants. But I've seen them where they've been tied to repayment, they've been forgivable grants. But if you move

within so many years, you have to repay that funding back to the grantee. So those are some things that I've seen grantees and PJs put in place for documentation. I don't know if there's anything else, Les, you want to add to that.

Les Warner: Well, I would just add that I think most people in their application, where they're collecting information about household composition, income, for homeowner rehab, we're documenting that they own that unit so that they're eligible.

A lot of times that -- by the signature, will be a clause that will say, I understand that -- I'm attesting that this information is true and accurate, and if it is not, then I'm in violation of this. And so you could certainly -- when you discover that they have misrepresented, you could then enforce your written agreement with them, which might make them responsible for repayment of those funds.

And we oftentimes in rehab have that question of, who actually lives here, is the boyfriend just visiting and live somewhere else sort of thing? So a lot of times, we are trying to make sure we do our best on the front end. But we have some language in that -- in their agreement and in their application that if they've misrepresented this, that they could be required to repay.

Kris Richmond: Yeah. And then someone else was just asking for clarification. Let's get back to the questions here. I'm sorry, the chat's taking up too much room. About what kind of inspection is it if we have to go look at where they're going to be staying if they're temporary relocated? And when you look at -- it's F-24 is where it talks about lead safety during temporary relocation, in the interpretive guidance.

It says that you have to do a visual inspection to determine there's no hazards. And then the clearance we're talking about is a dust sampling clearance. So the dust sampling clearance that's done to determine the unit does not have lead dust hazards.

And as you know from the last two sessions, clearance has to be done by someone who is certified, either a lead inspector, a risk assessor, or a clearance technician. Now, there's not too many clearance technicians out there in the U.S. But is one of these three categories, lead inspector, risk assessor, or clearance technician are the people who can do a clearance exam.

And so what we're trying to do is dust sampling clearance in this temporary unit to make sure there's no dust and hazards. Because we don't want to move a family from one dangerous unit to another, we don't want to be doing that. Those are the other questions that came in, Les.

Les Warner: Okay. So we had a question yesterday, and we actually -- that did not work. We'll try this again, let me move to another slide here. Yes. So we had some questions about ongoing maintenance. And they really related to where folks said, well, the slides are talking about home rental, but what about CDBG?

And so we did some back and forth, and a little bit of research on this. If you go back to the regulations, and Karen found this for us a little bit ago, at 35.935 where -- that's where our regulatory reference is on the ongoing lead-based paint maintenance activities.

The regulations themselves specifically call out that in the case of rental properties receiving federal rehabilitation assistance on the HOME program, that the grantee and participating jurisdiction has to then incorporate that ongoing maintenance in that.

So CDBG is not triggering the ongoing maintenance requirements. And as we kind of mentioned yesterday, I think the reason the way that line was drawn that HOME has long-term affordability requirements that are statutory regulatory for the program that CDBG does not.

Now you, as a grantee, could say, I want to make sure that these units continue to be maintained as lead safe. And so I'm going to in -- since I'm providing an investment in these units, I could make that a condition of my program, and add those ongoing maintenance requirements to the property. But the regulations themselves are not triggering those requirements.

And we mentioned yesterday, which is on the slide here, that we do have some exemptions to that. So if we have a home assisted rental property that we have -- we can document when we did our testing on this unit, we just -- we determined that it may have been built prior to 1978, but it actually doesn't contain any lead-based paint, then that -- we'd have that documentation in our file, and that would be the basis for our exemption from this ongoing maintenance requirement.

Also if our scope of work on this, that -- was that we actually removed all lead-based paint, then we could be exempt. And I just want to clarify here, a lot of times when people hear the word abatement, they think, well, that means that all lead-based paint has been removed from the property. That's not necessarily the case.

So abatement might mean that we have mechanically tapped something that is covering, encapsulating that lead. And so during our ongoing maintenance, that we're going to be checking to make sure that those permanent corrective actions that we did haven't been compromised or damaged in some way, that they still are creating this lead safe environment that was part of our scope of work.

All right. Let's see what else we have. There was a question yesterday about, do our housing rehabilitation coordinators, do they have to be certified as renovators? So when we look at our requirements -- let's see. I think this might be the most relevant. But we have specific requirements for the people that are doing the work, but we don't have a certification requirement for the housing rehab program staff who is overseeing this.

Now, we've been talking about the fact that the more that they know and understand about those requirements, the better equipped they're going to be to then, in their oversight of these certified folks. Be able to make sure that they're actually following the protocols on this, and that the work is being done correctly.

So it may be a good practice for either certification, or at least some additional training. For instance, I think I mentioned years ago, I took the risk assessor training along with some of our staff, but we did not actually take the exam and get the certification. But we got the training,

which was really helpful for us. So that's -- I think it's something to consider as a way to have your staff well-prepared to be able to oversee the work that it's doing.

Kris Richmond: And Les, Bruce [ph] did add last -- yesterday that if the -- in some states, so it's not a federal requirement, but in some states, if you are doing abatement and you're writing the work specifications for abatement, you may need to be an abatement designer, which I don't even think we have on this chart here. But that's a state -- some states have that requirement.

Les Warner: Yeah. And we -- I think we mentioned yesterday that there was a question about, so who can do the work specifications for this? And so it may be that you have someone in-house who is a -- certified as a risk assessor to be able to do the actual specification. So you may have specifications for the property standards, but now, based on the risk assessment, will need specifications for that work to be completed.

That might be something that would be done by an in-house certified person, or someone that is paid by your program. But in other cases we could, if we -- if the contractor themselves has the appropriate certification, we could have them writing out the actual specifications for that work that's been laid out within our risk assessment of the treatments that need to be completed.

Let's see. So there was a question that took -- we talked a little earlier about, what if we're doing exterior only, and what was the treatment on this? But there also was a question about relocation. And saying, well, if we're doing exterior only, can we avoid relocation on this? But in this particular scenario, they were doing window and door replacement, and does that count as exterior only?

So I think the key here is that we need to be able to show that we can contain what's going -- any lead, or debris, or impact from the work that we're doing. So our window and door replacement is going to penetrate into that interior space. It might be that based on being able to contain those work areas, that you would be able to do that without relocation.

But thinking about, we're going to, I would assume in a lot of cases, need to be working from the interior, and have some potential of some contamination that's caused in that area, or some difficulty in capturing that and containing that.

I think that's part of the planning to really assess, is it reasonable that we cannot require any relocation on this? Also, maybe it's a -- this can be contained and cleaned up within that eight hour workday, and so we can also avoid relocation based on how we're going to be able to handle that.

There also was a question yesterday about in the scenario where they were going to -- the grantee was going to provide a property, they were -- to YouthBuild, and then they were going to provide some funding to YouthBuild to be able to then rehab the property, and then it was going to be sold to an income-qualified household.

So as you kind of think through the implications of this proposed project, so we're going to have a sale or transfer of that property on the front end. And so disclosure is going to be part of our requirement on that.

And so in this case, I think they were talking about donating the property, but it's still a transfer of that property. So they're going to need to follow the disclosure on that. If they've done any testing, evaluation on that, that would be part of that disclosure. And so that's sort of our first step here.

But since they are going to be providing \$20,000 in CDBG for rehabilitation to YouthBuild, so we have just triggered for that project, for the rehab, it's going to need to follow subpart J. And so all of the requirements that we've talked about on subpart J will need to be followed by YouthBuild. And so, of course, the evaluation, the treatment, the disclosures that would need to be done.

In this case, I'm going to assume it's a vacant unit. But at the completion of this project, then we're going to be selling that unit. So again, when we sell a unit, we're going to be providing a disclosure. And that's going to include all the information about, we've done evaluation and treatment on this property, we've got clearance testing that's been done.

So part of our disclosure now is going to be disclosing all that we know about the lead hazards that were found, the treatment that was done, where we have lead-based paint that still exists in this unit, that's all going to be documented as part of our disclosure. So we've got to -- in that particular sample scenario, we have a whole number of ways that the Lead Safe Housing Rule is going to have implications on what you need to do on this.

Kris Richmond: Folks, we're at the top of our hour, so maybe you could just turn to slide 179. There were a couple of questions that came in that need a little more research that we're not able to answer right now. But if you go to slide 179, at the very bottom there where it says --

Les Warner: Oh. I need to go back.

Kris Richmond: -- contact. I don't know if you can see, can you see my drawing on there? I just drew around the bottom.

Les Warner: Hold on. I need to get back to the slide, because I was on a handout.

Kris Richmond: Okay. Slide 179.

Les Warner: Yep. Here we go.

Kris Richmond: Yeah. So at the very bottom is the contact Office of Lead Hazard Control and Healthy Homes. If you're not able to come back when we get into subpart K next week, and you still have other questions, you're -- feel free to send an e-mail to that, leadregulations@hud.gov. HUD is very good about responding to questions that come in that way.

Thanks, everybody. Thanks for your questions, thanks for your engagement today in going over the exercise. Thanks to Les and Karen and our support for logistics. And we will hopefully see you next week for subpart K. Have a good afternoon. Bye.

(END)