

Lead Safe Housing Rule Webinar Series, Subparts J & K

Spring Session 3: Office Hour

Thursday, June 3, 2021

Les Warner: Hello everybody. So today I'm joined again by Kris Richmond, my colleague. And we also have Karen Griego, Jerry Freese, and Bruce Haber, from HUD's Office of Healthy Homes, helping us with questions.

So what we're going to do in today's session is start by going over the exercises from yesterday, from yesterday's session, which helped to kind of illustrate some of the key points that we were talking about in yesterday's session. And then we will go into answering any questions you submit and also be doing a review, kind of revisiting some of the questions from yesterday, just try to help add some clarity on those.

So let's look at exercise three. And I'll just mention that on the screen view of this, when I scroll down the page on my screen view to be able to look at the questions on the bottom of that page, it doesn't move your screen. So you need to scroll on your own screen using the gray bar that's at the side, on the right side of the content there.

So we're given a scenario where we have a family that has applied for a rehabilitation program and they've been approved for that. The contractor has been selected. And in this case, their job is going to be interim control. So our expected cost is 16,000. And so, it's between 5,001 and 25,000. And it's been determined that the level of assistance on this -- and we'll kind of revisit that calculation -- places us at interim controls for this project.

So we've gone through the procurement process, selected a contractor, and so now we are ready to start construction. The contract has been awarded to the lowest bidder, hopefully responsive and responsible bidder to do that. And so, as the job that's going to be completed, we've got some specific spots within that home that are going to need interim controls to be completed.

And then we're going to be doing a clearance on that before those areas can be opened up. So in this case, as we're trying to plan this project and think about, are we going to need to temporarily relocate the Williams' or can they stay in place? It's been determined that as part of this, they can have access to kitchen and bathrooms and so remain functional.

But there is going to be a period of time when the kitchen and bathroom themselves are the construction project. And so, we're going to have a period of time that they're going to need to be away from that home. And we've determined that that's going to be four weeks. And so, thinking about how do we plan for, how do we put this in place?

So our first question is, what are the key steps involved in temporarily relocating the Williams family? Well, I think the first key step here is, and we talked about this yesterday, that some projects will fall under the Federal Uniform Relocation Act requirements, and those are when we have a tenant, someone who is involuntarily part of this project and being impacted by it.

In this case, the Williams family are voluntarily part of this project. And so that is not triggering the Uniform Relocation Act. So Parktown as the grantee have to then decide what kind of program am I going to operate? Am I going to say to program participants that have to be temporarily relocated that they are responsible for that and that they would need to find

somewhere else to stay, they would need to deal with storage of any possessions that needed to be moved offsite.

So the first key thing really before you launch your program, is to have those guidelines in place, policies and procedures, and that would be part of your application process, and explaining to the Williams family, these -- this is how our program operates. These are the rules that will apply. If you're required to be temporarily relocated, you know, either you're going to be responsible for all of that or these are the things that the program will provide as part of that. And these are the limits on that, you know, whether there's a -- we'll provide, you know, up to a certain dollar amount per night for alternative housing.

And then thinking about what that process is going to be. Is the -- if you're providing those benefits for, let's say, putting them up in a motel, is that something that the program will identify the motel they're going to stay in, notifications, all that. So it's really a lot of planning as part of that. We know that we need to give the family adequate notice about when they need to go. And frankly, with construction, a lot of times we can't exactly pinpoint, you know, we're going to be ready to start on the kitchen and bath on June 1st and so we need you out at that point.

We don't want to have them moved out and then not be ready to start those areas and be paying more in temporary relocation than it's necessary. So some planning about the notification, the Williams family would understand that they would get a certain amount of time and they would get notification. They would also get notification when it was time to return to their unit. So you know, laying out some expectations and a procedure on how that's going to work.

And then making sure, again, that there's a policy in place and specifics in place so that you're treating all households the same way. And so, we talked about that yesterday, as part of our planning and being prepared for dealing with temporary relocation and dealing with lead hazard reduction work in units, thinking about how we're going to protect both the occupants and then also their possessions as part of that.

So question number 2 was how do we establish the relocation unit is lead safe? So we discussed yesterday that we have a couple of ways this could be done. If we are selecting a 1978 or more recent unit, then we know by definition that it's going to be lead safe. So you know, if we're going to put them in the Fairfield Inn for three nights and we can determine that the Fairfield Inn was built in 1989, then we know that we have lead safe housing.

If the household is selecting a place on their own, then we are going to need to do a visual and clearance testing on that unit to determine that it actually meets those standards if it is a unit that is built prior to 1978. I think probably for most programs that are temporarily housing people in commercial establishments, if they have access to something that's going to be 1978 or more recent in construction, then that's probably the easiest way to be able to do that. I'll just note that in the interpretive guidance, which we provided a link for that as part of the resources in the slide yesterday, question S4 goes into a little bit further detail on that.

So question number 3, what are the requirements and what are some of the options for the Williams' belongings to be handled? So yesterday when we looked at the visuals and we were

trying to, if we visited that site, what would the red flags be? So we -- we know that we don't want it to look anything like those visuals where we had unprotected belongings of the Williams in that work area that are then perhaps getting contaminated with lead dust and debris while that construction work is going on.

So as part of planning that project, we're then thinking about, you know, looking at our scope of work and determining where our work areas are going to be. And so based on that, we may be able to then determine that there are a couple of rooms where we are not going to have work done on. So we could move those possessions out of work areas, put them within those areas that are not going to be disturbed, and then cordon them off, usually sealing them off with plastic to make sure that any dust that is generated is going to be contained in the work area and we're going to protect those belongings.

In other cases, we need to move those possessions out of the unit itself. And so that could be that we are moving things to offsite storage. It also could be that we are bringing storage pods. I have seen projects where they actually brought in like a semi trailer and parked it on the property where that was something that was workable.

And part of your then policies and procedures are thinking about what part of that is the program going to pay for? What part of that would the homeowner be responsible for? So you might have a policy that said, you know, we'll provide the storage pod, we'll provide boxes, and the homeowner would be responsible for packing and clearing those areas, moving it into the storage container. So that's part of the planning on this.

It would be part of if I was doing a reconstruction conference meeting with everybody, including the household, and making sure they understood what was on their to-do list and what those expectations were. In some cases, a grantee will have a contract in place with a moving and storage company and handle it in that way. So those are programmatic decisions that the grantee and subrecipient will need to make on that to determine how they're going to handle that.

There was -- I just want to mention that I thought was a good thing here. Sometimes there's an issue about access to the unit. In some cases, the program will choose to temporarily change the locks on the house during that construction period to make sure that the family is not reentering and perhaps contaminating either their possessions or themselves by entering that work area before a clearance has been attained on that.

All right. So question number 4, what needs to be done before the Williams move back into their home? Well, some of this is going to depend on the specific scope of work that's been laid out for this particular unit and really how that work is being staged. So we mentioned that in some cases we may have lead work that's being done and interim clearance is being completed. And then other work is being done.

So maybe we have the lead, let's say, abatement contractor complete their work. They are going to have an interim clearance. They're going to exit the unit, and then the general contractor is going to come in and complete the rest of the scope of the work. And then we would have a final clearance for that overall unit once all work has been done in that unit.

So depending on the plan of the work and when it's going to be safe for the Williams to occupy might be that we are going to work on some specific areas, get a interim clearance done, and then allow the Williams family to reoccupy the house while the rest of the rehab is going on. And then at the completion, we're always going to do clearance testing at the end of the project to make sure that we're leaving that unit without any lead hazards that have been perhaps created by additional work that was done after that initial interim clearance was completed.

We would -- we would give the notice to the Williams family, notifying them that they could move back into their unit. We've talked about notification to owners and occupants once we had clearance testing completed and what those results would be. So that would be part of our protocol to make sure that they -- we had gotten at least interim clearance before that family was able to occupy that unit again.

Then question 5, what if the Williams are an elderly couple? Would they be required to relocate from their home for the week? So we mentioned in yesterday's session and I pointed you to one of the references for -- in the interpretive guidance about elderly households and relocation. So in the case of an elderly couple, so we don't have children in this unit, we only have an elderly couple, we could allow them to waive relocation after they are informed about the hazard.

So we would explain to them about the work that was being done, the evaluation that had been done, and they would then, could choose to sign and waive their relocation and to remain on site. Now, frankly, sometimes relocating the occupants is not just about lead safety, but it's also about the efficiency of being able to, you know, get the work done in the most efficient manner.

So there may be programmatic decisions beyond lead safe housing rule on whether as part of our program, we want to allow that couple to remain on site or not. But if we are going to do that, allow the elderly couple, then we need that documentation signed off as part of that.

All right, so the next section of this exercise is then, and if you're following with me on the page, you'll be scrolling down to the, closer to the bottom. So at the conclusion of the preconstruction meeting, the notice to proceed has been issued. The work begins on that unit. The contractor is planning to issue the grantee a monthly invoice.

So we're then asked a series of questions that relate to, you know, during that construction phase and sort of the oversight process for this.

So question number 6 is what are some of the issues or items regarding lead-based paint that Richard, who is the inspector on behalf of the grantee, should review in the preconstruction meeting with the contractor? Well, I mean, there's a whole list of things that we would want to go through. As part of the procurement process, we would have verified that we had a contractor that was certified and also workers that had been trained. But that can be a little bit of a moving target.

And so, as we have turnover, so a discussion about the worker training and supervision requirements that would apply for that job. We'd also want to talk about the prohibited work

practices. So we mentioned yesterday, again, that we have six work practices that are prohibited by HUD and that EPA only has three. And so sometimes we see some confusion where we have a contractor that's generally worked under the RRP rules, the EPA rules and may not be aware of that. So that includes open flame burning or torching, machine sanding or grinding, abrasive, blasting or sandblasting, heat guns operated above 1,100 degrees, dry sanding, dry scraping, and then also paint stripping in poorly ventilated areas.

So we would want to reiterate as part of that preconstruction conference that those prohibited work practices could not be part of how they were going to do this job. Also, things about, you know, the staging of the project. We've talked about, you know, how we protect the owners and their possessions, so that staging and set up of the property is going to be an important part of that discussion, where those containment areas will be.

As I mentioned before, making sure that the occupants understand what things they need to complete before that job can begin. So for instance, you know, if the Williams family needs to empty a couple of rooms, maybe we're bringing in that storage pod, we're providing the boxes. We would be very clear in that preconstruction meeting when that has to be completed, what part of that is their responsibility versus something that the contractor or the program is going to provide as a service on that.

And then, you know, thinking about also communication process on that. So you know, are the Williams responsible for notifying the city and the contractor at the point that those things have been -- those tasks on their list have been completed and that the work areas are now available for, you know, the set up for the work, for the containment to be done, whatever needs to be done as part of that.

One thing to include in that list, which I've dealt with a little bit recently, it's also thinking about, you know, these -- these families also may have pets. So pets will not be able to be in that work area. So that might mean that we need to relocate the pets. Maybe they're going to spend a couple of nights with the vet. Maybe they're with a friend or family.

In some cases -- I recently had a case where folks being temporarily relocated had rabbits. And there was a question with the motel that they were going to be housed in whether that would be allowable for the rabbits to actually stay in the motel room with them. It was not in that case. And so, needing to make sure that those arrangements have been completed.

And then also thinking about, you know, clean up, waste control, those sorts of things. So really talking through all the details in staging and beginning this project and making sure that everybody understood not only their responsibilities, but also sort of that communication process can be really helpful in avoiding some of the future issues as you go through that project.

So question number 7 was how should Richard -- how often should Richard visit the job site and monitor the contractors' work? Well, I think the simple answer to that would be probably as often as possible. But I think the more strategic answer on that is kind of thinking about those critical periods in the progress and where there's the most risk.

So that project set up where we are, you know, clearing work areas, we're following our relocation plan, our setup to protect our possessions and cordoning off sections of the unit. So that would be a really good time for our inspector to make a visit and make sure that those things had been completed.

Also, really typical when we think about construction inspection is when we have those things that are open and have yet to be sealed off and covered up, that we try to be on site. So you know, before they put up drywall or other things, being there to take a look at that.

Also after we have installation of things like containment. So you know, we talked about for abatement and sometimes for interim control using mechanical installation of, you know, some kind of layer that covers over. So we might be drywalling, we might be Tyveking and siding units. So looking at some of those key steps along the way.

And then one thing I think would be really encouraged would be to have some unannounced, unscheduled visits. You know, you kind of see how they are normally working when you're kind of popping in unannounced. In some cases, unfortunately, you also may discover no one's working. And that has a big factor on keeping projects moving forward. And I think particularly when contractors understand that you may pop in from time to time, that they need to make sure that that work site is properly being handled and maintained throughout the project as part of that.

Any time they're going to be requesting a draw, we're going to be inspecting, making sure that -- things have been done according to the scope of work and your specifications on that. And then, of course, we're going to be doing an inspection at the end to make -- verify that all of the work has been done. It's all been done in a workmanlike manner. And then that's going to be paired with our clearance testing before we consider that job to be final.

Let's go on to the next page here. So what type of work practices should Richard be looking for to ensure that the contractor is following safe work practices? So we talked about the six prohibited work practices, so we'd want to make sure that none of those were being utilized on that site. But we'd also be then looking to make sure that things like the containment that had been planned as part of that, you know, where workers' possessions are.

And I think back on those visuals that we looked at yesterday, which were some of the worst examples of, you know, work area, right, with all the owner's possessions in the middle, windows wide open, those sorts of things. So we're looking to see that all those standard protocols are being followed. Workers are wearing appropriate protective gear, that we're not doing any of the prohibited practices.

And then particularly that cleanliness on the site is being maintained. So cleaning up at the end of the day. You know, part of our issue is we want to make sure that we are not, you know, tracking out of those containment areas into other areas. So you know, a clean workspace is going to be appropriate, making sure that we have HEPA vacuum being used, wet cleaning being done as part of that.

So a lot of that can be observed from making those site visits during the process. And then question number 9, what should Richard do if he sees unsafe work practices at the site? So he should immediately be asking for whatever that is to stop. He should be working with the contractor on that.

And you're going to want to document that as much as possible. So having an inspector have a camera with them becomes really important as part of documenting what's going on. And then working immediately with the supervisor, with the contractor to make sure that we immediately correct whatever is going on before, you know, further contamination is caused in that.

As part of that, then, you know, being able to document that whatever the issue is, has been corrected, we may want to take some photographic documentation of that. I had a case in my past, a very ugly case, where that documentation was also then part of legal action later with the contractor. Hopefully that will not be the case.

But we're trying to make sure that what we've put in place for safety and appropriateness is being followed. And then when we see that it is not, we take appropriate action as part of that. And that may be something that we also then have to think about, you know, a higher level of oversight for that contractor until we're comfortable that that issue is not going to be seen again.

So question number 10, halfway through the project, they have determined that there's a need for a change order and that change order is now raising the rehabilitation hard costs and it's going over \$25,000. So our question is, does Richard now have to change from interim control to abatement?

So we mentioned this yesterday. It was a good question someone asked. And so, the answer was sort of two parts. So generally, no, we would not have to go back and change the level of controls that were being done. We would simply process that change order and take appropriate actions for that additional scope of work.

But the cautionary note that Bruce mentioned was, you know, we're kind of looking for patterns here. So if we see that this kind of becomes a common technique of let's leave out some of the needed scope of work to try to avoid having projects that are going to be part of abatement. And then with a series, you know, of one or two change orders, adding it back in, that's not going to be acceptable.

So now, as any construction project, we are always kind of watchful on change orders. There are -- when you're working on existing buildings and you're opening up spaces, it's not unusual to have some surprises along the way. But we want to make sure that this isn't sort of a pattern where we're using this as a methodology to perhaps avoid the appropriate level of treatment on that.

All right. So that gets us through the homework. Kris, are there questions related to the homework that we need to address or should we move on into question and answer portion of this?

Kris Richmond: Well, there was nothing directly related to the homework, but somebody had asked a question that I think would be helpful for everybody to hear. Asking, can a subrecipient retain all of the lead-safe documentation in their files or do we need to have it in our files, too? And the HUD staff suggested that grantees should retain a complete record in case of a monitoring or an audit I thought that would be helpful for folks to know.

Les Warner: I think that kind of depends a little bit on the size of that grantee. You know, I come from a state background where we had 121 grantees. So you know, we have the same decision with any of our funding sources on -- because we not only have compliance with lead, but also with all the program requirements. So I think you could probably adopt a consistent issue, but in any case, that grantee needs to make sure that those records are retained, that they are available, and that becomes essential for them to be able to document long-term compliance.

Jerry Freese: Unless -- this is Jerry -- I would agree with you. I wrote the original statement because that's what I'm used to telling grantees, but technically speaking, as long as the records are available with the sub, then they should be okay. It's just, I have experienced, well, sometimes the subs disappear or, you know, those nonprofits go out of business or something.

And so that's kind of why I said -- I put the first answer in.

Les Warner: No. And that's a really good point. And there have been some instances and we encourage folks in written agreement with subrecipients to have some language about that, because there certainly have been cases where the subrecipient went away at some point and there needed to be legal ownership of those records because those are going to be really essential. That's a good point.

Kris Richmond: Great. And then, Les, just where -- somebody has asked where the answers are going to be posted to the homework and we just reminded folks that this is being recorded and so the recording will be posted. We're not actually posting the actual answers, but eventually the session, the recording will be -- we'll have transcripts. And so those would be available to be accessed later on. Those are the only questions. It's been fairly quiet this afternoon.

Les Warner: Okay. So we've got some questions from yesterday that I think makes sense to take a look at. But I would encourage folks, as we are talking about things and you realize, oh, I do have a question, go ahead and use the Q&A box and we're going to keep an eye on that and kind of revisit that.

Kris, the first one I had on this list from yesterday, and it was something we've had a couple questions on. So I'm thinking it would be helpful to revisit that calculation of hard construction costs and thinking about, well, how do we determine the level of evaluation and treatment? And there was a suggestion by Bruce about the online adviser. And we kind of talked about maybe showing folks that.

Kris Richmond: Yeah, do you want to give me the control and then I can flip around a little bit and show some folks things. Just drag that ball over to my name.

Les Warner: There we go. At first, you weren't showing up on my screen. There we go.

Kris Richmond. Okay. All right. So I just -- I'm going to show a couple different things for folks to remember. So what Les is referring to is the level of assistance and how do we determine the level of assistance.

So first, I just want to remind people we did go over this in session 2. So if you have the slides, it's on slide 72, where we start off talking about how do we determine the rehab level of assistance? So for single family you're looking at the hard cost of rehab from all sources, excluding soft costs and lead hazard control costs. And you're comparing that to the federal assistance amount for all uses per unit.

So again, we're trying to figure out a per-unit amount and whatever the lesser of of these two amounts is what your level of rehab assistance will be. And then for the multifamily, we had a little bit of a complex calculation here where you were trying to determine the hard cost for all assisted units, excluding the common areas and exterior services, divided by the number of federally assisted units in the project.

And then you would add that to the rehab hard costs for common areas and exterior work and divide that by the total number of units in the project.

So Bruce reminded us that we have these really nice worksheets that I actually worked on probably about 18 years ago and we are going to relaunch these again when we have the tool kit ready. But for now, you can access this from the compliance advisor. I'm going to see if I have the right slide number here, like slide 46 or 45 -- I think it's after this one. There we go.

Okay, so slide 48 is one of the first pages that has the links and the different resources and the compliance advisor is right here. As you can see, this one, it's one, two, three, four, the fifth bullet down is called the compliance advisor. Sometimes I call it the TurboTax for the lead-safe housing rule.

So I'm going to walk you through, asking you some questions, and it spits out the different requirements as well as different forms that you could use. So the form that you can access from the compliance advisor, so here's the link, how to get to compliance advisor, or you can go to HUD.gov and do a search for compliance advisor.

And we have a couple of different kinds of worksheets. Again, you need to know, are you doing single family? Are you doing multifamily? So for single family, you can use this worksheet number one. If you're doing multifamily, you can do worksheet number two. And then, I think we had worksheet number three too.

Okay, so we have a worksheet number three also for multifamily, if you're doing projects that are federally assisted and non-assisted. And that's where you get that formula that we have to go through.

So let's go back to the first page and just kind of see this, because somebody had written in, I'm a little confused, I don't know what I have to subtract or what not to subtract. So these -- these worksheets will be a really good resource for you to access then, because it really walks you through what you need to do.

And so, we're looking -- we're looking first at single family. I'm going to center marker here. And so, we were asking here, this is for your project. What's the total amount of federal assistance contributed to the project? You put that dollar amount in there. What's the total rehab hard costs? And if you're not sure what that is, we send you to page 2 to try to figure out what that rehab hard cost is.

So let's look at page 2. Now, remember what Les had said when we went over the exercises, when I move down the page, your page view is not going to change. You need to click on this gray bar that's in between the worksheet and there's like a column that has the panelists and the chat box and the Q&A. So there's a gray bar there and you need to scroll that down to make your page move down.

So this is a single family trying to figure out what hard cost is. So first you put in the total job costs. You want to put that in. And then we're going to help you figure out what costs need to be subtracted. Because remember, we're subtracting the soft costs and we're subtracting any lead hazard reduction costs.

So in this worksheet, we've put in some examples of some different soft costs. Your financing fees, your credit reports, binders and insurance. Your [inaudible] fees and transaction taxes, any legal and accounting fees, appraisals. Again, if you don't have any, you know you could just put zero. If you have more soft costs that aren't listed here, you can add them to this form. Architectural fees, project costs incurred by the PJ, any administrative costs, relocation costs, environmental reviews, acquisition of a property.

And then here we have our lead hazard evaluation reduction costs so those can be subtracted and then any soft costs. And then we add those all up and we come up with our total number of soft costs and lead hazard reduction costs and we subtract that from our total cost number we had at the top here. So let's -- let's just pretend I'm just going to -- I hate doing trainer math, but let's pretend this is \$75,000 and we're going to go down here to down below and my total soft costs, maybe those are \$25,000.

And so, I'm going to subtract \$75,000 or I'm going to subtract \$25,000 from \$75,000. And we have \$50,000. So \$50,000 is my hard cost. Right? So when I go back to my page over here, back to page 1, saying what are your total costs? Go to page 2 if you need help to figure that out, and we had that was \$50,000.

And maybe my total amount of federal assistance for this project, maybe that -- let's pretend that that is \$20,000, right? So maybe I have some tax credit that's coming in and so I have -- I have additional funds besides my federal funding. I only have \$20,000 of federal funding in here. But my rehab hard costs, our \$50,000, because it's a single family. And what is the lesser of? And the lesser of these two is \$20,000.

And so, then we scroll down and we try to determine which category are we in. Right? So we're not in the up to and including \$5,000 because we're over that. We are in the middle category here, the over \$5,000 to \$25,000. That's what we would need to follow.

And we would need to do a risk assessment and paint inspection. And then our hazard control would be interim controls. We would need to do clearance and then we would need to do -- we also need to make sure we're doing safe work practices. We'd have to be doing our evaluation, notices. After we did the risk assessment, we do a notice of evaluation.

After all the hazard control work was done and we receive clearance, we would do the notice of lead hazard reduction activities. So we have to go through all those steps. But this is trying to help you figure out, what do I need to do? Which level of assistance do I need to fall into?

So that worksheet is used for single family. And then there's some other worksheets here for multifamily. And so, you'll see there's actually two worksheets for multifamily and it depends on whether all of the units are federally assisted or whether you have some that are federally assisted and some that are not federally assisted.

So it's a lot simpler for the ones that are all federally assisted. It's asking you, are they federally assisted? We're going to say yes, so we're going to stay on this page. What is the total amount of federal assistance dollars per unit? I don't know. Let's pretend we have \$4,500. And what is the total amount per hard costs per unit? Let's pretend that it's \$15,000. And what is the lesser of these two? So we see the lesser of these two is \$4,500.

And so again we're checking the category that applies. This \$4,500 is the one that's lesser of. And so, we're going to be checking this box. And if you recall -- let's see if we can find our summary -- so, if we're in the less than \$5,000, we are going to be doing paint testing of the surfaces to be disturbed. We are going to be repairing the surfaces that are disturbed. We're following safe work practices.

We do need to be getting clearance. When -- after we do our paint testing, we're going to do a notice of evaluation. And then after we've done all of our work and we've done -- we've passed clearance, we are going to provide a notice of lead hazard reduction activities within 15 days.

So just -- you just need to make sure you're going through all those requirements. But again, you can see how simple it was to use this worksheet. And then, if you're going to go to page 6 of this worksheet, and this is if you have multifamily that are federally assisted and non-federally assisted. And this is where we had that calculation where it was with the A over the C, plus the B over the D.

So this tries to break it down a little more for folks to be able to -- to figure that out. What we can try to do -- we can try to do an exercise here -- clear that. Okay.

All right, so what is the amount of federal assistance per unit? So if you use line 3 from page 2. Okay, so this means we'd have to go page 2 of this worksheet. So we're a worksheet 3, so we

want to go to page 2 of this worksheet. And again, you would go through this whole area here where you find out what's the federal dollars in the project, how many are receiving assistance. So let's pretend -- let's see, federal dollars. Maybe we can have -- we have \$100,000 of federal dollars.

Les Warner: [Inaudible] maybe not go through all the details.

Kris Richmond: Okay. I'm happy -- happy to not do trainer math on this one, if you think that's enough to drive home.

Les Warner: Yes.

Kris Richmond: I appreciate you saving me. Thank you.

Les Warner: Yeah. I mean, you're doing a great job, but trainer math is not fun, and I think people should be able to understand this, so --

Kris Richmond: Thank you. Great.

Les Warner: I think, let's tell them this really helps and gives more level of detail on some of this. And we've had multiple questions on this. And actually, these forms also give you some good documentation for the file because you're also, you know, wanting to be able to demonstrate the basis for your decision of what the level of, you know, treatment or evaluation was on -- on your project. So that might be a good -- good thing to utilize.

We also had a question yesterday that came through, which was, I thought, very interesting. And Karen routed us to a really good resource on this. So there was a question about if we had a general contractor who was not certified wanting to know, could they simply have an RRP supervisor that was going to be on site, and would that suffice?

And the answer is no. And I put in the chat and I'm just sending now a link. There's some EPA guidance on this. And essentially it goes back to the fact that, you know, the general contractor is required under the RRP requirements that if they are contracting to do work, that they have to be certified. And so, there's some good guidance here.

I think -- the reason I really point this out is a lot of times when you tell someone, no, you have to be certified and you can't do what you're proposing, they will want to say, well, show me where it says that. And so having those things to say, I'm not making this up. This is what the rule is, here's some further explanation, might be a helpful -- helpful resource to have in place as part of this.

There were also questions about -- with bathtubs. And so, I'm going to sort of introduce this topic and then suggest that if Bruce or Karen or Jerry want to add to that, I would encourage that.

So we're oftentimes going to have when -- when a risk assessor is doing their evaluation, depending on what they're doing, they might be, if you put the XRR machine on a bathtub, let's

say, or a sink, it may be showing that there is lead as part of the substrate. It does not necessarily mean that it is creating a hazard for the household. So generally -- and so we know -- we talked about we also have the risk of where it might be the water system that is actually part of the environmental hazards for that. So generally, our testing is going to be focusing on painted surfaces that are going to be disturbed.

We also talked about things like bare soil where we have friction surfaces or impact surfaces where they are generating lead dust, chipping paint. Those sorts of things are the focus for our hazard reduction and our -- and our abatement work. So the suggestion is if we are sort of looking at some of these other fittings that may contain lead but may not be creating an environmental hazard for the occupants of that unit, that you work with your program representatives in determining whether it's appropriate for you to expend funding on replacing those surfaces within that unit. Bruce or Karen, Jerry, want to add anything to that only thing?

Bruce Haber: Yeah, this is -- Yeah, Les, thanks. You gave a good explanation there. This is Bruce. Just to begin with, the lead safe housing rule applies to lead-based paint. And the coatings that are baked onto cast iron bathtubs or part of the porcelain that's in a sink or a toilet or even the ceramic tiles on a wall, they are not painted. They're not considered painted objects. And so, they're not subject to the rules and requirements of the lead safe housing rule. But if disturbed during a renovation can contribute to dust loadings that exceed -- that can cause lead exposure.

So your program can work with them. In our office of lead hazard control, lead hazard control grant programs which are specifically for lead hazards. Bathtubs and products like that would be excluded from the work. But under regular subpart J, it could be included because that's part of the work that you do to improve the lives of the people that you're serving.

Les Warner: Right. Okay. We also had a question yesterday where -- and we've kind of used the chart. Let's see, we can pull that one. I think it's this one. This question about worker training. And there was a question about if workers -- understanding where it says in the regulations that workers have to have classroom training for a HUD job.

And so, Bruce helped us out on that one. And it's at 35-13-30, which describes the training for interim controls. And so, we have to have an abatement -- or we have to have -- the workers have to be trained as part of that requirement.

Let's see, there also is a question, which was a great question. In one of our diagrams or drawings of work sites, one of the people noticed that there was a vegetable garden as part of that.

Kris Richmond: Hey Les, we can't hear you. You went out for a second there.

Les Warner: That's interesting. Am I sounding normal now?

Kris Richmond: I can hear you now. Yes.

Les Warner: Okay.

Kris Richmond: Okay, keep going. I just wanted to know. We didn't hear what you were saying. You might want to repeat it.

Les Warner: So when -- one of the questions that was raised yesterday, which I thought was very interesting, was in the visuals that we had in looking at work sites and, you know, what things might be a red flag, someone noticed that there was a garden in place. And we've talked about bare soil and that being a potential hazard.

So the question was, if we have a vegetable garden, is that something that we would need to treat? And so, the response back on that was, you know, as part of our testing, we would determine whether that soil was contaminated. And if it was, then, yes, it would need to be treated, because the issue is that part of our exposure then is also that we're growing vegetables, which can leach or take part of that lead and become part of the -- of the vegetable.

So yes, but again, if we have bare soil, we either would be testing or we could presume. So if we test and determine that there is lead contamination or we make a presumption, then yes, we are going to have to treat the bare soil, including the vegetable garden as part of that.

Let's see. There was a question about -- and we talked a little bit about this yesterday, but I thought it was -- when I read a little bit more of the response, I thought it might be good to just bring it back up again.

There was a question of can we simply restrict our program to only addressing units that were built after 1978? So you know, an effort to just avoid dealing with the lead safe housing rule, having every project that they worked with be exempt. And the discussion that we had yesterday on that is this issue about, you really can't probably address the housing needs of your community if you exclude a whole portion of the -- the units within your area.

And the person who had put that in had responded back and said, yeah, about 70 percent of their houses are from well before 1978. I will say when I worked at the state level and we were funding non-urban areas, that it was probably more common to have an 1850s house than it was to have a 1950s house.

But if you were to choose to not address those and try to -- try to make your program exclusively for units that didn't contain lead, I don't believe that you would be able to actually meet the requirements of your consolidated plan, your strategic plan. And I think there would be questions about whether you were targeting your funds to actually meet the needs that we've identified as part of that.

And frankly, these rules are in place so then, based on the amount of money we're investing, we're trying to make a long-term, take a long-term corrective action to reduce the amount of lead exposure that we have from our portfolio of existing units.

So you know, it could be that in some cases and I certainly -- we have lots of programs around the country that in looking at some of the older units may determine that by the time you address

lead as part of that, energy efficiency, accessibility issues, that in some cases you may determine that it might be a better long-term approach to replace those units.

And for both CDBG and HOME, you can do that as a reconstruction activity. And so, there are some programs that have said, you know, we're going to do a calculation. We have a protocol in place. When it makes sense, we're going to do the rehabilitation work, including the lead work on units. In other units, we're going to make a determination that it's a better investment and a better long-term correction for that community, and we're going to replace some of those units.

So there are some alternatives other than just walking away from that portion of the population to be able to deal with that. But I think in most cases, folks that originally had said, you know, I can't do this, I don't have the capacity, I don't have the contractors, have found that they were able to solve those issues over time.

I know that a lot of the folks that I worked initially, they said I don't want any part of this, found that they were able to create that capacity and have been working well with these requirements for many years at this point. Kris, that's my list of questions. We did not have a great many questions that came in yesterday. Are there other questions that have come in in the Q&A box?

Kris Richmond: Well, there have, but the HUD staff has been able to answer those and we're almost at the end of our time. So I'm wondering, it might be helpful if you pull up that slide about what we're doing next week and just remind folks so they know whether they should attend or not.

Les Warner: All right, so this isn't the exact right slide, but it provides us, I think, what we need. So next week's session is going to be on subpart K. So if you are running programs that include acquisition or leasing supportive services operation, where you're providing operating assistance and you are doing \$5,000 or less on rehabilitation, subpart K is going to apply.

We've got folks who are doing things such as rental assistance using CDBG or they might be using CDBG-CV funding as part of the COVID effort. Those fall under subpart K, if we're simply providing rent and mortgage payments.

So a lot of the programs that are being run do include some of the -- some of the elements that are going to fall under subpart K. So I would encourage you to participate in that. And keep in mind, you know, you will want to have also participated in session 1. So if you missed session 1, we encourage you. That is posted, the recording and the materials are posted and we would encourage you to revisit that as part of your completion of this.

So we look forward to seeing folks sort of virtually next Wednesday for that final session for covering subpart K. Thanks, everybody, for joining us today. And we'll look forward to you joining us next week.

(END)