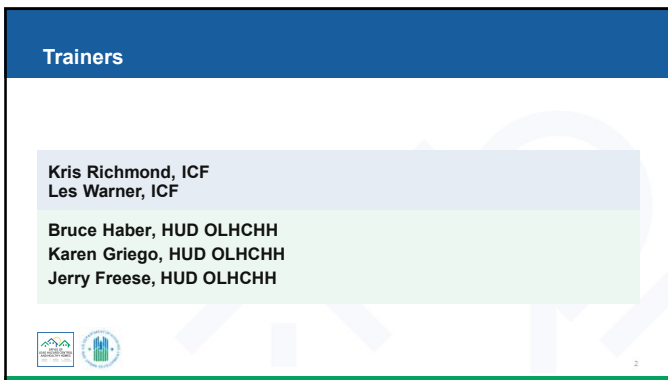
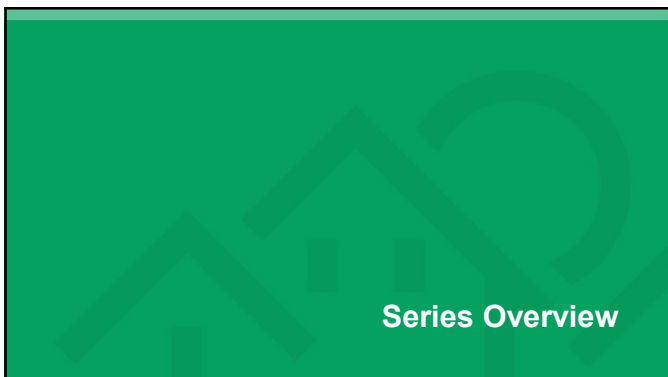




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Webinar Series Format

- Four weekly sessions
 - Up to 2 hours
 - 1-hour Office Hours will occur on the day after the webinar to review homework and answer questions
- Session 1 was mandatory, then choice of remaining sessions
 - Participants administering operating programs/projects including rehabilitation should attend Sessions 1-3
 - Those administering programs without rehab but including leasing, operations, or homebuyer should attend Session 1 and Session 4
 - See the Agenda and Subpart J and K to determine what sessions you need
- Some participants may want to attend all four sessions
- Links of recordings will be available



4

4

Webinar Series Agenda



- **Session 1**
 - LSHR Basics
 - Regulatory Subparts per Assistance Type
- **Session 2**
 - Subpart J: Rehab Requirements for Planning
- **Session 3**
 - Subpart J: Rehab Requirements for Construction and Clearance
- **Session 4**
 - Subpart K: Acquisition, Leasing, Support Services and Operation Programs



5

5

Goals for this Training Session

- Gain a deeper understanding of the Federal Lead-Based Paint Regulations
- Determine the types of HUD assistance and/or HUD programs that trigger the requirements of Subpart K
- Review the key minimal documentation requirements (i.e., visual assessment, paint stabilization, notification) plus more stringent options
- Introduce key terms and program procedure recommendations
- Provide a tour of the available resources



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Activities that Trigger LSHR by Subpart

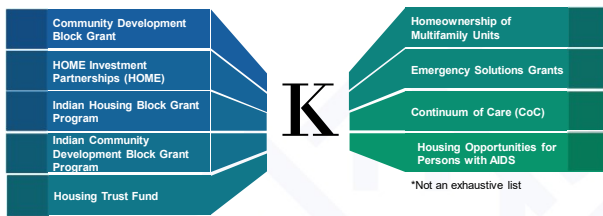
Subpart	Type of Activity
K	HUD assisted residential properties when the assistance is limited to : acquisition, leasing, support services, or operation
H	HUD assistance for project-based
M	HUD assistance for tenant-based rental assistance
J	HUD assistance for acquisition and rehabilitation over \$5,000
C	Federal support solely in the form of mortgage insurance or sale of federally-owned housing



7

7

Subpart K Examples of Acquisition, Leasing, Support Services, and Operations Programs



8

8

Lead Safe Housing Rule Applies **Except** When:

Date	Property constructed on or after January 1, 1978
Zero and Single Bedroom Units	Exemption does not apply if a child less than age 6 resides or is expected to reside in the dwelling unit
Elderly and Persons with disabilities housing	Housing for the elderly, or a residential property designated exclusively for persons with disabilities • Exemption does not apply if a child less than age 6 resides or is expected to reside in the dwelling unit
LBP Free	Properties found to be LBP free by an inspection, or where all LBP has been identified, removed, and clearance achieved



Information from 24 CFR 35.115

9

9

Lead Safe Housing Rule Applies **Except** When (Cont.):

Unoccupied to be demolished	An unoccupied property that is to be demolished and remains unoccupied until demolition
Emergency repairs	Emergency repairs to protect life, health, safety or structure
No paint disturbed	Rehabilitation that does not disturb a painted surface
Adverse weather	Compliance with requirements for testing and remediation may be reasonably delayed due to adverse weather conditions <ul style="list-style-type: none"> Exterior work can be postponed until weather allows it
< 100 days	Subpart K requirements do not apply for emergency payments of less than 100 days duration <ul style="list-style-type: none"> Extension of assistance (Including CARES program) triggers full compliance



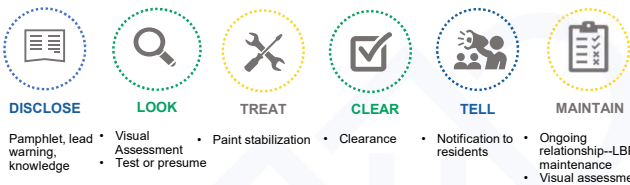
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Basics

11

Key Steps in LSHR Compliance Process





12

12

Lead Disclosure Rules

Subpart A

- Applies to almost all pre-1978 for sale and rental units
- Occupants and Buyers must receive:
 - Pamphlet
 - Proper disclosure form
 - **All known** information (LBP, evaluations, hazards, and remediation)
- Must be completed and signed copy retained **before** any contract is signed


13

13

Visual Assessment

Visual Assessment – required for all units

- An inspection by a trained inspector to identify deteriorated paint, paint chips, dust and other debris
- Online HUD Visual Assessment training is recommended for all housing counselors and inspectors – Easy and Important!
<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>
- Keep records (copy to buyers/occupants recommended)




14

14

Limited Exemption from Lead Safe Work Practices and Clearance

- Rehab that **does not disturb** painted surfaces:
- Lead safe work practices are not required when minor maintenance or activities disturb painted surfaces that are less than de minimis* levels:
 - 2 sq. ft. per interior space
 - 10% of small component type
 - 20 sq. ft. for exterior work

** Note: HUD de minimis levels are more protective than the EPA RRP guidelines*



15

15

Subpart K Considerations

- If the Visual Assessment identifies deteriorated paint, it must be repaired (stabilized).
- If the area of paint to be disturbed exceeds the HUD de minimis, then certain requirements apply.
- The buyer/owner may test the paint and if no LBP is found proceed without further requirements OR
- May presume the presence of LBP and use qualified contractors following HUD protocols
 - More information on presumption in session 2



16

16

Paint Stabilization Using Lead Safe Work Practices

- Paint stabilization means:
 - Removing loose paint and other material from the surface to be treated
 - Repairing any defects in the substrate of a painted surface causing paint to deteriorate
 - Applying a new protective coating or paint
- Safe Work Practices are detailed methods for:
 - Controlling dust, protecting occupants, segregating the work area and HVAC, and cleaning effectively
- Work wet, clean wet, clean with HEPA
- Must be followed by formal third-party Clearance inspection and Notice to residents



17

17

EPA Renovation, Repair and Painting Rule (RRP)

Contractors performing projects that disturb lead-based paint in homes, childcare facilities and pre-schools built before 1978 must:

- Have their firm certified by EPA or an EPA authorized state
- Use certified renovators trained by EPA-approved training providers
- Follow lead-safe work practices
- Provide "Renovate Right" pamphlet
- VIOLATIONS: Civil Money Penalties \$41,056 /unit



18

18

HUD LSHR More Stringent than RRP in Some Ways

- For applicable work, RRP contractors must be used, but HUD requirements must be met
- Contracts should specify both
- Key differences include:
 - The de minimis area exception for HUD is smaller than in RRP
 - HUD requires testing for paint using lab testing, an approved XRF, or paint chip testing, not the swabs allowed in RRP
 - HUD requires formal post-work Clearance inspection by approved third party
- HUD requires formal Notice to buyer/occupant

For details, view the [HUD's LSHR and EPA's RRP Comparison Chart](#)



19

19

Clearance and Notice

- Clearance of non-abatement work performed by a certified risk assessor or LBP inspector
 - Can be a certified sampling technician in limited situations. In practice, there are very few such technicians.
 - Some variations among states
- No conflict of interest
 - Clearance examiners are independent from hazard control, rehabilitation, or maintenance work
 - May work for same firm that provides pre-work paint testing or risk assessment
- Occupants receive a [Notice of Lead Hazard Reduction](#) within 15 days of work completion
 - Contact information and date
 - Activities performed
 - LBP remaining, and
 - Clearance results



20

20

Risk Assessors and LBP Inspectors

- **Lead-Based Paint Inspectors** may perform inspection and post-abatement and non-abatement clearance activities
- **Risk assessors** may perform inspection, post-abatement and non-abatement clearance, lead hazard screen, and risk assessment activities



21

21

Finding Appropriate Firms and Individuals

- Some grantees and property owners/managers report they cannot find trainers, contractors, paint inspectors, risk assessors or clearance technicians they need
- Locate [Certified Renovation Firms](#) and [RRP Training Providers](#) from EPA's [Lead homepage](#)
 - Some states have their own RRP Programs
- Contact the [local entitlement \(CDBG/HOME\) grantee](#) for referrals
- Contact [Lead-Based Paint Hazard Control Grantees](#)



22

22

Ongoing Maintenance If Ongoing Relationship

Maintain the unit and common areas lead safe for continued occupancy.* Lead safe means no deteriorated lead paint or failed hazard control methods.

Who	Owner/Operator/Program
What	<ol style="list-style-type: none"> Ensures a trained visual assessor conducts regular visual <u>assessments</u> Responds to and clears new or deteriorated LBP hazards identified in the assessment Repairs any failure of abatement methods such as encapsulation or enclosure controls Written notice asking residents to report deteriorated paint and any failure of encapsulation or enclosure
When	Visual assessments at unit turnover and every twelve months, whichever is sooner

*Ongoing maintenance not required if LBP was completely removed
 *Not required for homebuyer or DPA



23

23

Knowledge Check

1. True or False?

A Risk Assessment is the required evaluation method for Subpart K.

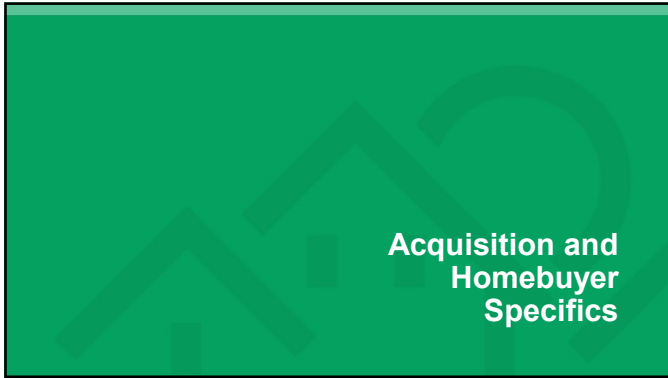
2. Who can perform paint stabilization?

- PHA employee
- RRP Certified Contractor or Workers
- Any contractor working on the home



24

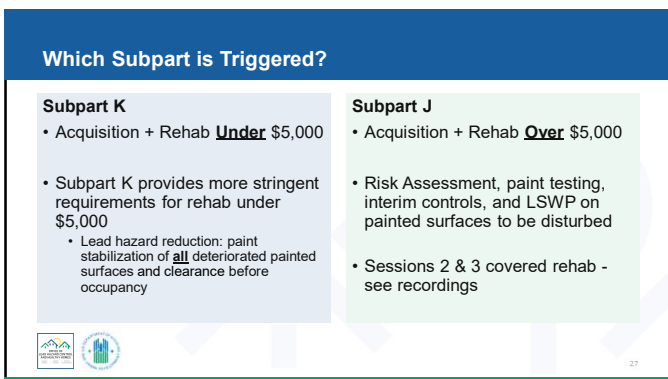
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25



26



27

Determining Level of Rehabilitation Assistance


Level of Rehabilitation Assistance determines the required approach to lead-based paint testing and lead hazard control measures

The amount of rehabilitation assistance is the **lesser** of two amounts:

Hard costs of rehab from **all sources** per unit (excludes soft costs and lead hazard control)

OR

Federal assistance for **all uses** per unit



28

28


Level of Assistance Example

Example: A family is purchasing a home. They are receiving \$10,000 in assistance for down payment, closing costs, and rehabilitation costs. The hard costs of rehabilitation are \$4,500.

Hard costs of rehab from **all sources** per unit:
\$4,500

Federal assistance for **all uses** per unit:
\$10,000

The level of assistance is \$4,500. Subpart K is triggered.




29

29

Acquisition/Homebuyer: Requirements

	Acquisition/Homebuyer
Approach to Lead Hazard Evaluation and Reduction	Identify and stabilize deteriorated paint (2)
Pamphlet	Yes
Notification	Yes
Lead Hazard Evaluation	Visual Assessment
Lead Hazard Reduction	Paint Stabilization Lead safe work practices Clearance
Ongoing Maintenance	Not provided in homebuyer programs
EBLL Requirements	No
Options	Test deteriorated paint; Use safe work practices only on lead-based paint surfaced



30

30

Homebuyer: Key Actors

- Administering agencies
 - State, city and county governments
- Program grantees
 - City and county governments
 - Nonprofit organizations
- Staff and contractors
 - Counselors and intake staff
 - Inspectors and contractors
- Program participants
 - Homebuyers



31

31

Homebuyer: Implementation

Key Homebuyer Program Activities

1. Application
2. Home selection
3. Purchase contract
4. Home inspection
5. Purchase negotiation and address lead hazards
6. Closing
7. Post-purchase counseling



32

32

Homebuyer: Implementation

1. Application

- Application process used to:
 - Determine basic eligibility
 - Provide information and education
 - Select applicants
- Provides an opportunity to:
 - Distribute the Protect Your Family from Lead in Your Home pamphlet and educate the potential homebuyer about requirements
- Consider adding a module on lead-based paint to the local counseling program



33

33

Homebuyer: Implementation

2. Home Selection

- Lead hazard education as part of any counseling or orientation helps homebuyer identify and evaluate potential homes
- Final home approval by program depends on physical inspection for Decent Safe and Sanitary (DSS) and Visual Assessment!
 - Often not possible, but inspection by program ideally occurs before purchase contract is executed.
 - Contracts MUST include options for buyer to inspect and request repairs



34

34

Homebuyer: Implementation

3. Purchase Contract

- Seller must provide disclosure statement, AND
- Homebuyer option to evaluate (risk assessment or paint testing) per Subpart A
- Buyer may also opt for just Visual Assessment
- If lead-based paint hazards are found the homebuyer can:
 - Withdraw from contract/select another home or
 - Renegotiate the contract
 - But, not necessarily without penalties
 - Options depend on the specific language in the contract
- Contract and/or Repair request should specify RRP, SWP and Clearance



35

35

Homebuyer: Implementation

4. Home Inspection



- Inspection after offer is accepted
- Visual assessment for deteriorated paint in pre-1978 homes – **Trained Visual Assessor**
- Inspection report to homebuyer and agency
- Online HUD Visual Assessment training is recommended for all housing counselors and inspectors

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>




36

36

Homebuyer: Implementation

5. Purchase Negotiation and Addressing Lead Hazards

- Before purchase, lead hazards must be addressed:
 - Any painted surfaces that fail inspection must be stabilized.
 - Work must be performed by RRP trained or supervised workers
- [Sample Form: Checklist for Lead Hazard Reduction Activities](#)
- After work, HUD-approved Clearance** – Must be Certified Third Party
 - Required before occupancy
- Homebuyer must receive Clearance and Notice of Lead Hazard Reduction activities.





37

37

Homebuyer: Implementation


6. Closing

- Document receipt of the lead-based paint pamphlet
- See the toolkit form for residents at closing

38

38



39

39



40

Leasing, Support Services, and Operations
Programs Affected

- Typically, these activities are found in special needs programs funded by:
 - CDBG, HOPWA, ESG, CoC
- Programs may include:
 - Acquisition or leasing of residential property
 - Support services and operations related to residential structures
- Special cases
 - For rehabilitation > \$5,000 (See Subpart J)
 - For tenant-based rental assistance (TBRA) (See Subpart M)

41

LSSO Housing: Requirements

	Leasing, Support Services, or Operation
Approach to Lead Hazard Evaluation and Reduction	Identify and stabilize deteriorated paint
Pamphlet	Yes
Notification	Yes
Lead Hazard Evaluation	Visual Assessment
Lead Hazard Reduction	Paint Stabilization Safe work practices Clearance
Ongoing Maintenance	Yes, if ongoing assistance is provided
EBLL Requirements	No
Options	Test deteriorated paint; If LBP is NOT identified through XRF or paint chip sampling, no LSHW or clearance

42

42

LSSO Housing: Key Actors

- Grantees are responsible, but may assign duties to others
 - State, city and county governments
- Administering agencies
 - City and county governments
 - Subrecipients
 - Nonprofit organizations
- Program participants
 - Occupants
 - Property owners



43

43

LSSO Housing: Implementation

Initial Actions

- Visual assessment – Trained Inspector
 - Plus, program required property standards, ex: HQS or equivalent program requirement
- Owner notification of visual assessment results
- Paint stabilization and cleanup – RRP Certified Contractor or workers
- Clearance prior to occupancy – Third Party
- [Checklist for Lead Hazard Reduction Activities](#)



44

44

LSSO Housing: Implementation

Ongoing Actions

- Notices (Lead hazard pamphlet, disclosure forms, *Test/Presume*, Lead Hazard Control, Clearance)
- Ongoing maintenance of painted surfaces
 - Incorporate into building operations
 - Visual assessment every 12 months/at turnover
 - Paint stabilization within 30 days of notification
- Recordkeeping



45

45

Subpart K Leasing vs. Subpart M TBRA

- Subpart K Leasing**
- Activity may include short term emergency payments or payment of deposit for eligible tenant
 - Typically does not constitute an ongoing rental subsidy for tenant, but might include ongoing support to the operator – maintenance required
 - Eligible units must meet property standards

- Subpart M Tenant Based Rental Assistance**
- Ongoing rental assistance which is tied to the tenant rather than a specific location
 - TBRA generally is provided on an ongoing basis, **not** emergency payments of 100 days or less
 - Allows eligible tenant families to locate and rent privately owned housing
 - Eligible units must meet property standards



46

46

Emergency Payments

- Emergency payments are subject to Subpart K (Not M) but is exempt for first 100 days
 - Exempt from conducting a visual inspection and possible clearance actions prior to providing the emergency payments to keep the tenant in their current unit
- 100-day exemption is tied to the unit, not the occupant
 - Program administrators should keep cumulative number of days of assistance in mind
 - Ex: If a resident has assistance in January and moves out in April and a new resident applies in April, the exemption no longer applies since more than 100 days have passed.
- CDBG funds provided as emergency payments can be utilized to assist a household at risk of eviction
 - Maximum of 90 days



47

47

CDBG CV Emergency Payments Example

- CARES Act CDBG-CV funds are being used by grantees to address the impact of COVID-19
- Short Term Housing Assistance is being provided; CDBG-CV notice includes a waiver of the 3-month limit to allow for up to emergency payments up to 6-months
- Subpart K only exempts this activity up to 100 days
- If CDBG-CV funds are used for emergency payments for rental or mortgage payments that exceed 100 days a visual assessment, paint stabilization, and clearance testing will be required
- Other exemptions may apply such as a unit constructed on or after January 1978



48

48

Emergency Shelters

If HUD funds are being used to operate an emergency shelter, is the shelter subject to the lead-based paint regulation?

- Depends on the configuration
- Most emergency shelters are exempt, because they fall under the definition of zero-bedroom dwellings
- If the shelter does not qualify for the zero-bedroom exemption, it is covered by the regulation

NOTE: If children under 6 occupy a shelter, or zero bedroom unit, lead-safe policies must be in place regardless of the length of the occupancy.



49

49

Program Design Considerations



Standards

Specify the standards eligible units must meet to receive assistance



Applicant Warning

Do not execute purchase agreements prior to evaluation or utilize an inspection clause



Staffing

Include certified visual assessor(s) to complete the required evaluations



Policies and Procedures

Incorporate the Subpart K requirements and the collection of the required documentation



Homebuyer Education

Information about the risks of lead-paint hazards



50

50

Program Review

- Does program design promote lead-safe housing?
- Do procedures assure timely and efficient compliance?
- Are all parties fully aware of procedures and provided with forms and tools?
- Do beneficiaries understand how they can promote lead safety?
- Are inspectors trained in visual assessment or risk assessment?
- Are contractors trained and certified in RRP?



51

51

Knowledge Check

1. What order should the following activities occur in a special needs housing program?

A. Distribute pamphlet, visual assessment, paint stabilization, clearance

B. Visual assessment, paint stabilization, distribute pamphlet, clearance

2. Who may conduct paint stabilization and clearance?

A. The same worker must conduct paint stabilization and clearance

B. Paint Stabilization: Trained or supervised worker
Clearance: Certified RA, LBP inspector, or clearance technician


C. Paint Stabilization: Certified RA, LBP inspector, or stabilization technician
Clearance: Trained or supervised worker

3. Who is responsible for compliance with lead-based paint requirements?

A. Housing providers

B. Property owners

C. Both

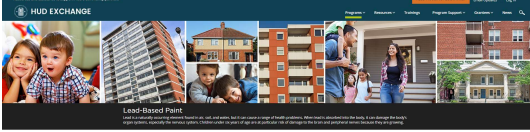
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52

Available Resources

53

HUD Exchange Lead Based Paint Page



Lead-Based Paint

Lead-based paint is a common hazard in older homes and buildings. Lead-based paint is a major source of lead exposure, which can cause serious health problems, especially in children. Lead-based paint is also a source of lead contamination in the environment. Lead-based paint is a major source of lead exposure, which can cause serious health problems, especially in children. Lead-based paint is also a source of lead contamination in the environment.

Regulations


The Department of Housing and Urban Development (HUD) has established regulations to reduce lead-based paint hazards in public housing and other HUD-assisted housing. These regulations require HUD-assisted housing providers to identify, assess, and address lead-based paint hazards in their properties. HUD-assisted housing providers must also provide lead-based paint hazard information to tenants and residents.

Lead-Based Paint Rule

The Lead-Based Paint Rule requires HUD-assisted housing providers to identify, assess, and address lead-based paint hazards in their properties. HUD-assisted housing providers must also provide lead-based paint hazard information to tenants and residents.

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54



<https://www.hudexchange.info/programs/lead-based-paint/>

54

Resources

- Lead Regulations: http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/regulations
- Lead Safe Housing Rule (LSHR) Training: <https://www.hudexchange.info/trainings/lead-safe-housing-rule/>
- EPA page: <https://www.epa.gov/lead>
- Lead Compliance Advisor: <https://portalapps.hud.gov/CORVID/HUDBPAdvisor/welcome.html>
- Lead-Based Paint: <https://www.hudexchange.info/programs/lead-based-paint/>

Contact OLHCHH: leadregulations@hud.gov

55



Q&A

56
