

Lead Safe Housing Rule Webinar Series, Subparts J & K

**Spring Session 4: Subpart K - Acquisition, Leasing, Support
Services, and Operations**

Wednesday, June 9, 2021

Kris Richmond: -- Medora. Thanks everybody for joining us today. My name is Kris Richmond. I'm with ICF and I am accompanied today by my colleague, Les Warner. And then we also are fortunate enough to have three HUD staff from the Office of Lead Hazard Control and Healthy Homes. We have Bruce Haber, Karen Griego, and Jerry Freese.

So they will be answering questions in the Q&A box. So as Medora just let you know, as you have questions, go ahead and put them in the Q&A box. I do want let everybody know, we are back again tomorrow for office hours. So you don't have to worry too much about looking at that Q&A box. We'll be reviewing some common questions and answers tomorrow during the office hours after we go through the exercises.

So we are focusing on Subpart K today. If you've been with us all along, this is your fourth week, if you were just with us the first week, then you had those basics that were provided to you. But today we're focusing on Subpart K. If for some reason you were not able to attend session two and three, that that was Subpart J for rehab.

And now you're realizing, oh, I should have gone to two and three -- they have been recorded and posted and are available for you to review. There might be some certain things that come up that people ask today. We might say, oh, you should go look at session two, or you should go look at session three.

But today, again, as I mentioned, we are focusing on Subpart K; acquisition, leasing, support services, and operations. So we have a lot of information that we need to get through in a very short amount of time to do this. So just to let you know what some of the goals are for today, we're hoping that you'll have a better understanding of the Lead Safe Housing Rules in particular Subpart K.

We're going to be talking about what are some of the documentation requirements, what are some of the steps that you need to go through to have your program be compliant with the Lead Safe Housing Rule. We're going to talk about a lot of different key terms. And we're also going to talk about some of the available resources.

I do want to remind you these slides were available for downloading for you to be able to have, if you're old school like me, like to write down on things. So those were available. We also have a number of handouts that were also available from the same link. I'll show them to you here at the top. We have the Lead Safe Housing Rule EPA, renovation, repair, and repainting rule, it's the RRP Rule.

We're going to look at this to compare what's the HUD requirement and what's the EPA requirements. That's one of the handouts. And we also have a definition handouts. So if you're fairly new to the lead world, this might be really helpful to you. It has some basic definitions identified. We have a treatment's handout. So today for Subpart K, we're talking about paint stabilization. But if you were working in Subpart, J you might be looking at interim controls or abatement.

And then we have a handout on workers. We're going to be talking about the visual assessment today, visual assessors. We're also going to be talking about lead-based paint inspectors and risk assessors and lead sampling technicians. This is another good handout. The second page of this handout for the workers also talks about where you can find this training to be a visual assessor, as well as RRP.

And then we're going to talk about the lead disclosure rule. So there's a handout for that. We also have our exercises that are posted. We're going to get together tomorrow and review session four, exercise one and exercise two. And then we have this chart that we showed the first time we were all together looking at Subpart J and Subpart K, and again, today we're not looking at J, we are going to be focusing on Subpart K.

So I may be coming back to this and showing you the different steps that we're following and where you can find this information in one sheet; okay? So these are just kind of a quick tour of some of these additional handouts that are available to you today. All right.

So sometimes people are really confused about what is considered an activity under Subpart K and again, Subpart K is what we're focusing on today. So it's limited to acquisition, leasing, support services, or operations. If you are doing project-based work, that's Subpart H not Subpart K. If you are doing tenant-based rental assistance, or you're working with housing choice vouchers, those would follow Subpart M rules.

Any rehab that you're doing is J and if you are doing acquisition and rehab that's over \$5,000 per unit, that would also be Subpart J. If we're doing acquisition and rehab and it's under 5,000 per unit, we're following Subpart K. And then if you're having a- if you're working with any federally support for mortgage insurance or sale of federally owned housing, that's falling Subpart C; okay?

So these are all different subparts within the lead regulations, that may sound similar to what you're doing, but today, just so you're aware, we are focusing on K; right? So acquisition, leasing, support services, operations. That's what we're focusing on today.

All right. So you saw this the first week we were all talking together. It's not an exhaustive list, but it does show the HUD programs that triggers Subpart K. We need to think about the activity that you're undertaking. Are you doing acquisition? Are you doing leasing? Are you doing support services? Are you doing operations? And if the answer to that is yes, and you're being funded by one of these different programs and Subpart K is what would be triggers for Lead Safe Housing Rule.

And as I mentioned again, not an exhaustive list. So if you're doing any of these activities and you're not sure because your program is not listed here, or you want to check with your HUD rep, you can also check with the Office of Lead Housing Control and Healthy Homes, and they can let you know whether it's actually covered by the Lead Safe Housing Rule.

But typically, we see our CVG program, we have our home program, housing trust fund, our continuum of care HOPWA, we have our shop program. So these are just the most common that

we see that are funding acquisition, leasing, support services, and operations. And again, Subpart K is what we're focusing on today.

Right. So this slide and the slide after this is going over the exemptions of when the Lead Safe Housing Rule not apply. So I would like to know, when do I not have to follow the rules? So we're going to go over some of these exemptions. You do need to make sure that if your project is exempt, that you document that it's exempt.

So if HUD comes to monitor you. They open the file and they can see that you actually determined that this project was exempt. You documented that rather than you just didn't think about the Lead Safe Housing Rule. So we want to make sure even if it's exempt that your project file is still documented, that a review was done, and that an exemption had occurred. Folks always ask me, where are the assumptions listed in the regulations? They are found at 24 CFR 35.115. That's where you find the exemptions.

So the first one is the date. So remember we are dealing with pre 78 housing. So if you have property that was built after, on or after January 1st, 1978, then it is exempt. Also, if you're working with zero and single bedroom units and typically shelters fall in the zero bedroom unit category, those are also exempt. Now, we have this little caveat here where it says the exemption does not apply if a child under six is residing or expected to reside in that dwelling unit that is a zero or single bedroom unit.

But typically, zero and single bedroom units are also exempt. Housing exclusively for the elderly or housing exclusively for the disabled are also exempt. And again, we have the same exemption where it does not apply as we saw in the single and zero bedroom unit. If the child under six is living in the unit or expected to live in the unit, then it would not apply.

If you have units that are lead-based paint free, and these are documented to be lead-based paint free by an inspection where all the lead-based paint has been identified or removed, there's documentation that clearance was achieved. If that's the case, then that property would also be exempt from the Lead Safe Housing Rules.

There's a few more examples. If you have a property that's un-occupied and it's going to be demolished as long as no one is living there and it's going to be demolished, that's also exempt. If you have emergency repairs, these are exempt. Now, emergency repairs are repairs that are going to protect life, health, safety, or structure.

So perhaps a tree came down, tore the whole roof off, that would be an emergency repair. The fact that if there was another example where someone needs their roof fixed, just because they've had deferred maintenance, and there's not huge gaping holes, it's not an emergency, deferred maintenance is not considered an emergency. You really need to think about if it's a true emergency or not. If no paint is being disturbed then it's also exempt.

And then if you are working in an area where I have lived, I grew up in Western New York. We had a lot of adverse weather. It snowed from Halloween until May there. And then I also lived in Illinois where it can be like 20 below zero in the wintertime. If you live or work in an area where

there's adverse weather, we just want to let you know that exterior work can be postponed until the weather actually allows that.

But again, you want to be documenting, HUD will want to know why is there a delay? So you want to make sure you have documentation about there's been adverse weather or we're planning to do this in May when the snow melts. Also want to let you know about the less than 100 days. So if there are emergency payments of less than a hundred days, then the Subpart K requirements do not apply. That could be like emergency rental payments.

If you were working in a program where you could extend it to more than 100 days, maybe your CARES program, then it would apply; okay? So we're looking at this 100 day test. So if you are funding for less than 100 days, then it's exempt. If it's more than 100 days, then the rules do apply. We had a lot of questions, our last training about, well, when does this 100 days start?

Well, we finally got clarification and the 100 days starts from the payment moving forward. So the 100 days does not include payment of arrears. So if you have a renter who is maybe, I don't know, I'll do my trainer math here. Maybe 150 days, maybe we're have 150 days of arrears where they haven't paid. And then we have 50 days moving forward. If we pay for the 150 days of arrears, then our 100 day clocks start at that day of payment; okay?

All right. So that's the exemption. So now that we know when it's exempt, we're going to focus on the projects where the Lead Safe Housing Rules, Subpart J or Subpart K, I'm sorry, does apply. And what do we need to do to stay in compliance with that? Some of these slides that we're going to move forward with you may have seen in module one. But some of you have not been with us for the last couple of weeks and so we just want to remind you about what we learned and what we went over.

Okay. So this is showing you the different stages and the different steps to follow to be compliant with the Lead Safe Housing Rule. That's what LHR stands for. So first we have disclosure, we have a couple of slides about this where we're going to go over what disclosure is. Disclosure is for -- for sale and for listing. And then the next step is that you're looking so you're looking or you're evaluating some of the lead hazards.

And in Subpart K, the term that we use when we're looking is the visual assessment. We're going to go over what a visual assessment? How does somebody become trained in the visual assessment? You always have the option to do something that's more stringent than the visual assessment -- you could test, or you could presume, but those are options. The requirement is actually a visual assessment.

Once hazards are identified, they have to be treated. And the term that we use in Subpart K is paint stabilization. We're going to go over what paint stabilization is. Who can you paint stabilization? What kind of training does someone need to have to be able to conduct paint stabilization? And then after the work or paint stabilization is done, the unit has to pass clearance. And this is done with a combination of both visual and dust sampling, and we're going to go over what that is and who can do that as well.

And then we have the tell. We need to tell the residents what happened? Well, what did we see with visual assessment, as well as what kind of lead hazard work was done, if we pass clearance, what are those clearance results? So there's notifications that need to be done, and we have some samples, so you can see what those different notifications are. And then if there's an ongoing relationship with the program, then there are ongoing maintenance requirements. And we'll talk about what those are as well.

All right. So the first step is disclosure. So we have that handout that I showed you. So if you're not familiar with disclosure, you can go back again and look at this handout here. But disclosure has been in place since 1996. So hopefully this is not a new term for you. The purpose was to provide information about lead-based paint hazards. And so the owner has to disclose any known lead-based paint or lead-based paint hazard in the unit or the common areas that are servicing the unit.

So what do you mean by common areas? This could be the hallways; it might be the laundry room if there's a garage, any exterior services of a building. So that's what we're calling the common areas. So it is going to apply to almost all pre-1978 for sale and rental units, unless they're exempt. The occupants and the buyers have to receipt the pamphlet. And this pamphlet that I'm referring to -- if I get my pen to work, is this Protect Your Family From Lead in your Home pamphlet. It's available in multiple languages. You can get this from the HUD website.

We also need to be sure that the proper disclosure form is being used. We did show this proper disclosure form when we were back together in the first week, it's the disclosure notice of information and lead-based paint hazards and lead-based paint. There's one for sale housing. There's also one for rental housing. In this disclosure notice is where they are actually identifying -- they naming the owner -- is identifying if they know if there's any lead hazards or if there's any lead-based paint, has there been any previous evaluations done? Has there been any work done in the past? Any records or documents to support any known hazards needs to be provided and identified in that disclosure notice.

And then, also they need to identify if they don't know if there's any lead hazards. So if they know there's lead-hazard, they check that off and provide supporting documentation. If they don't know, that also needs to be documented on that same form. This needs to be completed and signed before any contract is signed. Often this is actually signed at the contract timing. And then if you have occupants where perhaps they signed it the first year they moved in. And then during that year we've identified lead hazards.

So things have changed. We would need to provide a new disclosure notice because anytime anything changed, we need to make sure the disclosure notice has been updated. We also need to make sure that there's record keeping, that these are being kept by the owner and then a copy is being kept by the program.

All right. So remember the next step after disclosure was to look? And in Subpart K, the way we look is called a visual assessment. So a visual assessment is an inspection that's done by a trained inspector and they are looking for deteriorated paints. They're looking for peeling, chipping, flaking paint, or other types of debris. Now, I don't know if there's actually lead in the paint,

because I'm not doing any kind of testing, but I am just looking to see if there's any deteriorated paint.

So that's what our visual assessment is. This is done by someone who has taken the online visual assessment training. It's free, but it's available at HUD.gov. We have the address here. If you've downloaded the slides, you can just click on that and it'll go right to that. It takes anywhere from a half hour to an hour hours to take this training. So if you're a staff person and this is something that you want to be doing, you should take this training. It's very simple. Again, it's very free. I mean, it's very simple and it's free.

If you want a document, at the very end you go to certifications. You want to put that in your files. This is also something that your owners could be doing. So again, someone who's trained in visual assessment can be conducting the visual assessment. So it does not have to be a risk assessor. It doesn't have to be a lead-based paint inspector. So that's one way for us to keep these costs down.

You want to make sure you're keeping records. So have copies of someone who's been trained in visual assessment, and then as they do visual assessments of the different units, they want to have some type of record for that. And so we have a sample document here. When you click on this link, it goes to a visual assessment findings and resolution records. So this could be a simple form that you could use on that documentation.

You want to make sure the date of inspection is included, what were the rooms that were reviewed? What kind of deterioration was found? What about the common areas and exterior area? And also you might want to consider taking pictures and having pictures accompany this visual assessment report.

All right. So remember earlier we talked about exemptions. Well, sometimes you might have a limited exemption where it's not always exempt, but maybe in this particular minor maintenance case, it might be exempt. So if you're doing any type of work that does not disturb painted surfaces, that's always exempt. But if you are working in areas where the minor maintenance of the disturbed painted areas are less than the de minimis levels, then that particular project could possibly be exempt.

So what do we mean by de minimis? So the de minimis is two square feet per interior space, 10 percent of small component types of 20 square feet for exterior work. So if you are less than the de minimis, if you're less than these areas, then you would have a limited exemption from having to follow lead-safe work practices and clearance.

We also want to let you know that the HUD de minimis levels are more protective than the EPA. For example, the two square feet for interior space is for HUD. For the EPA, it's actually six square feet. So I just want you to be aware of that. We also have a slide in a couple of minutes that'll talk about the differences between the HUD rules and the EPA RRP rules.

This slide really shows some considerations that we're going to go to and a few more details in the next couple of slides. And then also later on in the module. So when you did your visual

assessment or you've trained yourself in visual assessment, you've taken on online training. So you're a trained visual assessor. If you've identified an deteriorating pain, then it has to be stabilized. If the areas of pain to be disturbed, exceed those de minimis levels, and then we need to follow the different requirements. We're going to be going over what those are in a few minutes.

The buyer or the owner always has the option to test the lead-based paint -- to test the paint. So remember, we're only doing a visual assessment. So we don't know if there's lead-based paint there or not. We just know whether the paint is deteriorated, but if I'm buying a unit and I actually want to test as a home buyer, I have the option to do that. Or if you're an owner of units, you can also test -- that's always -- you can always do something that's more prescriptive.

And then you can also presume that there's lead. If you didn't want to test, you could presume. If you want to do that, you can look in session two -- we have information about that. But again, remember the requirements on for Subpart K do not require you to be doing any kind of testing to determine if there's lead in a unit, you are just doing a visual assessment.

Okay. So we are now talking about treating. So during our visual assessment, we identify deteriorating paint and we need to treat it. So for Subpart K -- and let me show you our summary list here too. So for Subpart K, we did our visual assessment. We identify that there was deteriorated paint, and now we're doing paint stabilization. See that there? Okay.

So what do we mean by paint stabilization? Well, paint stabilization is removing the loose paint and other materials from the surface to be treated. So we're repairing a defects in the substrate. And what do we mean by substrate? So substrate is whatever that material is directly beneath the painted surface. So your substrate -- it might be wood. It might be dry wall, might be plaster, maybe concrete, maybe brick, maybe even metal. So we're making sure that we're repairing any defects in that material that's underneath the painted surface that might be causing that paint to deteriorate.

And then after we've repaired that substrate, then we are applying a new protective coating of paint. We need to make sure that safe work practices are being followed, we also need to make sure that whoever is doing this paint stabilization has been certified as an RRP supervisor or worker. We'll talk about that in the next slide. But that's RRP, supervisor or worker, they are trained in safe work practices. So they understand about how to control the dust. They knew about how to protect occupants, how to segregate the work area. Also how to clean effectively. They know that they need to work wet, they need to work clean, and they need to clean with a HEPA. And a HEPA is a high efficiency particulate air vacuum. That's what a HEPA mean.

And then after the paint stabilization is done, they need to make sure the unit passes clearance, will be done by hiring a risk assessor or a paint inspector or a dust sampling technician to conduct clearance. But you'll see here it needs to be a third party. So it cannot be the same contractor who did the work who's also doing clearance. So we need to make sure it's a third party certified person doing the clearance and they will provide then a notice of what hazard reduction activities after the clearance is achieved.

All right. So I mentioned that our paint stabilization needs to be done somebody who is trained in RRP, RRP stands for repair and painting rule. And the RRP, the purpose of rule is to minimize exposure for lead-based paint dust, during renovation repair, or painting activities. And it was really designed to reduce lead contamination by training the contractors in relatively simple lead safe work practices and certifying them to ensure that they follow the lead safe practices and the rules.

So when you hire a contractor to do this work, we need to make sure that they are certified by EPA or an EPA authorized state in our RRP. We need to be using certified renovators for this work. They need to be following, lead safe work practices. They need to provide the pamphlet to the tenants and the owner -- this is the renovate right pamphlets. And we just want to let you know that there are potential fines. The fines are pretty steep per unit if RRP is not being followed.

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We often have questions. Well, who should hand out this pamphlet? Should the program hand out the pamphlet? Should the contractor -- the RRP certified contractor hand out the pamphlet? It's really the contractor's responsibility. But if I was running the program, I would also make sure the pamphlet was handed out as well so that we know that it actually was provided.

All right. So the HUD Lead Safe Housing Rule is more stringent than RRP in a couple of different ways. Again, I want to show you this handout we have. It's a couple pages long, talks about the differences between the HUD Lead Safe Housing Rule and the EPA RRP rule. So you might want to go back and look at that.

The main key differences are the de minimis is different. As I mentioned, page -- this one -- page -- yep. Here we go. So the de minimis for EPA, as I said, is six square feet per room. Whereas the HUD de minimis is two square feet per room. So at once, if you find an RRP contractor, yay, we got a certified contractor. If they've never done a HUD project before, they might not be aware of the differences. So you want to make sure that you, as the program administrator, and also letting your owners know that there are differences between EPA and the HUD requirements.

Also, there are different requirements for testing now for Subpart K, we are not doing testing. We are actually just doing a visual assessment, but if you were doing rehab, there would be differences. And then for the HUD requirement we are requiring that clearance done. And now, we also need to make sure that formal notice -- the notice Lead Safe Housing reduction activities is provided to the owner or the buyer, and this is the chart that I was pulling up for you to see as well.

Okay. So after any lead hazard work is conducted, such as the paint stabilization, we need to make sure that clearance is achieved. And we also need to provide a notice to the occupants. So paint stabilization is considered a non-abatement type of work. So since we're doing paint stabilization on Subpart K, the clearance can be done by either a certified risk assessor or a lead-based paint assessor. You could also have a certified sampling technician also conduct this work. There are not a lot of those around the country, but if you're lucky enough to live in a state that has one, you can hire them to do the clearance as well.

We need to make sure there's no conflict of interest. This means that the clearance cannot be done by the same firm or contractor who did the work. So it needs to be an independent party of whoever conducted the actual work. So again, clearance is done by a risk assessor, a paint inspector, or a sampling technician. It could be the same firm if you decided to do the option of testing or a Risk Assessment. But remember for Subpart K, we're not required to do paint testing or Risk Assessment, but if you decided to do a higher level of evaluation, the person who does clearance could also be the same person who had done your paint testing or Risk Assessment.

And then we need to make sure that during this clearance that the visual assessment is done to determine that there is no app- -- that the work was done, that there are not any more hazards, there's dust sampling requirements that need to be done, and they need to be reviewed by an accredited lab. And then these results are interpreted and put into a report. And we actually have -- you'll have a clearance report that should be provided to use the program to be able to look at.

All right. So like I said, we're going to have dust sample wipes. These are collected by a risk assessor or a clearance technician or paint inspector, submitted to an accredited lab. It needs to be meeting these dust clearance levels. So it has to be at or below these levels in order for them to pass. And if it doesn't pass, you might need to re-clean -- you would need to retest. But, again, your lead hazard control work is not completed until the clearance has testing -- has been performed and is pass the test -- and pass meaning it's meeting or below these dust clearance levels.

Here's a sample of the notice of lead hazard reduction activities. We have a link here to a sample notice that you can download. It does need to be provided to the owners and the occupants within 15 days of the work being completed, it's going to provide contact information -- the date. What kind of lead hazard reductions -- where activities were conducted. Is there any lead-based paint remaining and what the clearance results are? So after clearance was done, you're going to get a clearance report.

The program person needs to take the information from the clearance report and put it into this notice of lead hazard reduction activities. And as I started saying on the last slide, if the sites failed clearance, the first thing you usually do is re-clean and retest. If it fails again, unfortunately there may need to be additional work that might need to be done because we cannot consider this project complete until it's actually past clearance.

Okay. You've heard me talk a little bit referring to these special lead -- these lead specialists. So the lead-based paint inspector and the risk assessor, and we actually created this worker handout directly as a result of the slide, because I remember we were looking at these slides the last time we trained this and we thought this was a lot of things for people to keep track of. So I want to show you again the worker handout and we are talking about our lead-based paint inspector. And so my lead-based paint inspector, as you can see, can inspect paint but can also conduct clearance.

Okay. And then we have my risk assessor. Move my arrow -- where's my risk assessor. They can also do a Risk Assessment, but clearance is really what we're focusing on for this particular

Subpart K because the Risk Assessment is not required in Subpart K. And then we had our lead sampling technician. They can also do clearance for Subpart K because paint stabilization is non-abatement work.

And then we had our visual assessors. That's the type of evaluation that we're doing. Remember, we're looking to try to see if the paint is deteriorated. We're not doing any testing and that's done by our visual assessor. And the second page of this document shows you where you can get the training for visual assessment, and then I'm going to scroll down and you need to take your cursor and go over this gray bar to move the page down for you to see the other things in here.

So we have our RRP certified contractors. So those are the people that are doing the paint stabilization. And I was looking -- I thought we had the risk assessor training on here. But we don't. So you want to look at the EPA website to be able to determine what type of training they need. So if you need to find certified RRP firms, or if you need to get training for your staff to be served by in RRP, we have links here to get to the EPA website for that.

A lot of our home and CDBG grantees, you've all been doing this since 2000 when the rule was put in place. That's 21 years ago. So hopefully you have some risk assessors and lead inspectors to be able to do your clearance. So if you were maybe a team of CARE and you're not familiar with this, reach out to your CDBG home, uh, grantees or PHA's for referrals.

Also, if you are in an area where there's lead-based paint hazard control grantees, they're also a great resource to go able to find some firms. There's also special EPA or state training. So you want to check with your state to see if that's required. So this is showing a screenshot of the EPA website. So if you need to locate a certified renovator or a dust sampling technician, you want to go to the EPA website, we have a link here and you can actually click on what kind of firm are you looking for and where's your location. And then you hit the search and a number of firms will show up. So that's if you're trying to find a firm.

If you decide that you want to train your staff, then you can actually get training for your staff to be able to become RRP certified or dust sampling technicians. And again, here's the link off of the EPA website. You click what type of training you want, where you're located, and submit. And then the firms that can conduct training for you will show up there as well.

Okay. Ongoing maintenance. So if there is an ongoing relationship between the program and the unit, then there's ongoing maintenance requirements. There are no ongoing maintenance requirements for home buyer or down payments assistance programs. But typically for our leasing, our operations, our support services, those do have ongoing relationships. If you have a whole rental property that has an ongoing relationship -- so if you have ongoing relationship that's being triggered, the units need to be lead-safe. And the unit and the common area to lead-safe. And lead-safe means that there's no deteriorated lead paint or failed hazard control methods.

It's the owner's responsibility to make sure that it's happening, but as the program person, you want to -- when you monitor, you want to make sure there's documentation that shows ongoing maintenance is actually happening. So first, the owner needs to make sure that they are conducting a visual assessment yearly or at unit turnover, whichever is sooner, and there needs to

be documentation that that visual assessment was conducted. And that they're actually trained as a visual assessor. So I'd want to see a documentation of the date that the visual assessment was conducted, who did it. I would like to see a copy of the person who conducted their certification form that they did that. And if they identified any hazards. If there were any hazards identify, they need to be -- needing to be repaired using paint stabilization and cleared.

Okay. So they need to be repaired by repair by somebody trained in RRP. This is why we might want to have our owners' staff be trained in RRP because they could do the work. And then it would need to be cleared by someone who's been trained as a clearance technician or a risk assessor or paint inspector. We also want to make sure if there were any abatement methods that have been conducted, that those are still fully encapsulated and enclosed.

And then this is -- number four is the one where I see a lot of programs really not communicate this. And this is an area of weakness -- asking to make sure that the owner is providing written notice to the residents to report any deteriorated paint -- any failures. So there should be some documentation and a copy of that should be in the file, but the owner has provided this to their tenants, that says -- explains to them what they mean by deteriorated paint and who they should contact. Is it phone number or email? How should this communication happen?

So number four is one where I see a lot of weakness. It's sometimes overlooked, but to be in full compliance, we need to make sure one through four are actually being -- happening. Okay. Oh, and then also, just to let you know, if you had a project where all the lead-based paint was completely removed and we have documentation for that, then the ongoing maintenance requirements is not triggered.

Okay. Let's do a knowledge check. So this is going to come up as a poll for you. So you should see this on the right side of your screen. It should pop up with the poll. So let's do the first one. True or false, a Risk Assessment is the required evaluation method for Subpart K? So what do you think, is that true or false?

All right. Let's see. How did people do? And then there's always a delay from when the poll is closed to when I can see your results. Okay. All right. Let's see. So the answer to this is false. Okay. So Risk Assessment is not the required evaluation method. A visual assessment is a required method for Subpart K. A visual assessment is done by someone who's trained as a visual assessor. That's that free online course.

A Risk Assessment is a much more stringent type of evaluation. It's a combination of looking for hazards as well as testing for hazards. It has to be done by a Risk Assessor. So the correct answer, this is -- it's false. A visual assessment -- let's see if I can type in here. A visual assessment is actually the correct type of evaluation.

All right. So let's do question two, who can perform a paint stabilization? Is it a PHA employee? Is it an RRP certified contractor or workers or any contractor working on the home? Who do you think can perform paint stabilization?

All right. Fantastic. Almost all of you got this one right. So the correct answer is B. Someone who has to be trained as an RRP certified contractor or worker. That's the correct answer. Get my pen back here. It's B. If our PHA employee was actually trained as RRP, then they could do the paint stabilization. But again, the key here is somebody who has been trained as an RRP contractor or worker is the correct answer for who can perform paint stabilization. So let's -- that's my last slide. Is there any questions that came up that we should address or anything we need to expand a little more before we dive into the other parts of this module?

Les Warner: Yeah. There are a couple of things I'll just mention and a number of the questions we're going to end up talking at more length in the second part of this training. So I think we'll kind of differ those. But there was a question about with ongoing maintenance. And trying to think about, does that have to be a separate process or can that be incorporated into their annual inspections that they're doing? And keep in mind, many of our programs such as the home program with rental housing are going to have an ongoing requirement with program requirements that would include meeting the visual assessment, but our key here is that's the requirement is that we have to have a trained visual assessor who's going to be able to do that.

So you need to then think about the staffing that is doing inspections at both an annual basis, but also being done at unit turnover and make sure they have the appropriate credentials that are needed, which Kris mentioned about the free online training and the certification that can be printed out. And then being able to document that that process was being completed as -- and meeting these standards as part of your annual process that you were already doing. So it is something that could be incorporated if you got the right person and you're documenting that appropriately. I think that probably handles things.

There are a lot of questions concerning emergency assistance. And I think because we're going to look at some case examples on this, I think that those questions will be answered in the second part of this. So I'm going to suggest we keep moving. And we'll go back to some of those questions if we need to as we move forward. So we're switching into beginning to talk -- kind of break out the types of activities or types of programs that you would be operating that are falling under Subpart K. And thinking about them in terms of the steps that are required, and trying to apply some of these things that Kris has been talking about.

So we're going to start out first with thinking about acquisition, which we know is one of the areas and thinking in terms of home buyer program specifically. And so, we have quite a bit of home buyer activities being done under home and CDBG. But the way these are really being grouped, I think that's kind of important when you're trying to get your head around this, is by the type of assistance that you're providing. It is not specific to the particular funding source. So we're going to roll into home buyer. Also, if you were using CDBG-CV funding, under homelessness prevention where you were making mortgage payments, that also is considered a home buyer activity because it's not dealing with leasing, it's dealing with a home buyer unit.

And so, most typically we're going to see things like down payment assistance programs where we're not doing any rehabilitation, but we're going to assist that household to be able to purchase a unit. And so the way we're putting money into it specifically might be down payment closing

costs, some kind of loan guarantee as part of that. But our overall category is home buyer on that. And so, keep in mind that this is going to apply to all properties that were built prior to 1978.

So you might be working in an area where quite a bit of your portfolio of housing is 1978 or more recent. And so those units are going to be exempt from this rule. So just keep in mind that Kris did talk through some of the exemptions that might apply, and that would be one of them. The key here also to keep in mind is we're talking about projects that are not substantially rehabilitation. So under Subpart K, we could have an acquisition project that included up to and including \$5,000. But anything over \$5,000 is going to be under Subpart J.

So the last two sessions that Kris and I provided were about Subpart J and you would -- I would recommend if you didn't attend those sessions that you go back, look at the posted recordings on that. So with Subpart J, there's a higher level of requirements. So we just had a knowledge check about the level of testing and evaluation. We talked about Subpart K only requires a visual assessment, whereas if we had rehabilitation that was over \$5,000, then we've triggered the Risk Assessment, which includes paint testing, and going to be interim controls, lead safe work practices on any of the painted surfaces that are being disturbed.

So it's a higher level of requirement. And so we're not really talking about our traditional rehabilitation programs. These are really acquisition that might have even very minimal amount of rehabilitation involved in that. So one of the differences that it's important though, to understand is that Subpart K has a little bit more stringent of a requirement. So in this case, our lead hazard reduction is going to be on all deteriorated painted surfaces. So it's not just when we talk about under Subpart J where we would be looking at painted surfaces are going to be disturbed by the work in this case under Subpart K. But we would be looking at all deteriorated painted surfaces and we're going to treat or repair all of those deteriorated surfaces and then do clearance.

And so kind of important to know what the requirement, is which part you're falling under, and then what the specific requirements are. So that you're going to ensure that you're going to be in compliance with that. So we would have a lot of home buyer programs that are going to fall under Subpart K, that won't have any rehabilitation, that would be part of their project, but because they're doing acquisition, they will be under Subpart K. And so they will be required to have a visual assessment as part of that project and then to do paint stabilization on all deteriorated painted surfaces before occupancy.

Let me get set up here with pen just to mark this, but so that's the key here that we're doing all deteriorated painted surfaces. And under Subpart J, we're kind of used to looking at only painted surfaces that are being disturbed. Okay. So let's talk about the level of rehabilitation assistance. For those of you that were in the earlier sessions, you went into a great deal of length about that. So in the calculation of looking at our level of rehabilitation assistance, because we're concerned about just revisiting back here, trying to figure out is this up to and including 5,000, whereas actually what we're looking at, you're going to be over 5,000.

If it's over 5,000, we need to switch to Subpart J and follow a different set of regulation. So the way we're going to make that calculation is looking at the lesser of two amounts. We have two

tests that we're going to look at and then take the lesser of those. So we're going to look at the hard costs or all -- from all sources per unit, and that's going to exclude our soft costs and our lead hazard control costs. If you need more information about that, I would refer you back to session two and session three, which went into further depth on that.

Particularly with acquisition assistance, a lot of times we are going to see no rehabilitation or we're going to see very minor. So we're looking at rehab costs except for our soft costs and lead hazard control costs, or we're looking at the federal assistance for all uses for that unit. And we're going to look at the lesser of the two and that's how we're going to determine whether this is up to and including 5,000 or it exceeds that. That's our big determination of, is it fall under Subpart K if we have rehab happening or actually have we essentially kicked ourselves into under J?

So let's look at an example on this. So in this case, we've got a family that's purchasing a home. They're receiving \$10,000 in assistance for down payment, closing costs, and rehab costs. So we know with these two calculations, we're going to have to break out those rehab costs and back out of that, any soft costs or lead hazard reduction costs that are part of that. So the easy one to know here is we've got a total of 10,000. So that's our federal assistance for all uses on that.

But when we calculate the hard costs for this project, we find ourselves at \$4,500. So that is under -- it's still within the 5,000, which is our maximum for being under Subpart K. So we're going to be for this project following Subpart K requirements. So we talked about then a visual assessment being required and then treatment for all deteriorated painted surfaces and clearance would be done as part of that.

So when we're talking a home buyer project, just sort of a reminder of the steps here, we're going to identify and stabilize deteriorated paint, and that's all paint. We are going to provide the pamphlet, we are going to do notification as we work through this process. So as we mentioned, our level of evaluation on this, because we're under Subpart K is a visual assessment rather than a Risk Assessment. And then we're going to do paint stabilization.

We're always going to -- with this work, make sure we follow our lead safe work practices. And as Kris talked through, we're going to do clearance. So we're going to make sure that at the completion of this paint stabilization, that we have cleaned up appropriately. And so we've not left lead hazards behind that are at unacceptable levels that are going to pose hazard for that occupant.

So under our home buyer programs, as Kris mentioned, we don't really have an ongoing relationship with that household. And so we are not going to have an ongoing maintenance requirement as part of that. We don't have requirements about elevated blood lead levels on this. Now, one thing that's important to mention here. So as we've been talking about identifying and stabilizing deteriorated paint, we could go through that unit and maybe we discover that we've got twenty places in that unit where we have deteriorated paint, but we know that we have to treat all of that. We have to stabilize all of that paint and do clearance.

We have the option of doing testing on that deteriorated paint to determine if it's actually lead-based paint. If it's not, then we will not have to follow those same requirements. So required to

use lead safe work practices and do clearance for a lead-based paint. But we might find that out of those 20 spots where we have deteriorated paint, maybe only three of them actually are lead paint. And so in that case, we would have our RRP certified contractor do the work on those surfaces that include lead and then do appropriate clearance on that.

The rest of the deteriorated paint that is non-lead-based paint could be handled by the owners maintenance staff as part of that. And so, keep in mind that that testing option may be a way to reduce the scope of what you're actually working with on addressing those issues. So when we're dealing with a home buyer assistance program, and again, these could be run by the state. A lot of times they're going to be run by city or county governments or non-profits that are receiving funding as part of that.

So we're going to have -- we have housing counseling requirements now in place. So we're typically going to have homebuyer counselors and intake staff for that program. And then of course, for inspectors, we know that we need to have a visual assessment done. So we need someone that has the appropriate credentials in place. If we are doing paint stabilization, then we're going to need an RRP certified contractor and trained workers as part of that. And of course we're going to keep our home buyers educated on this and notified as we're working through this process.

So kind of walk through the key steps here. These may be handled a little differently in order or process in your local program, but we've kind of -- for discussion purposes, made some assumptions about how these will be worked through. So we have our application process that we're going to collect information, determine whether households are actually eligible for the program. And then our selection of the actual unit that they're going to be purchasing. We're going to be talking through that purchase contract process, the inspections, any negotiations, and how we're going to deal with any lead hazards. And then a little bit about the closing and the post-purchase counseling.

So at the application, we're going to be collecting income information, determining whether this is a household that we're able to assist. So this would really be where we're going to start that education process, but we would be providing the protect your home from lead pamphlet. Also in most cases we're going to have a home buyer counseling program that's going to be going on and it would make sense for that home buyer counseling to also include an element of education about the hazards of lead paint. Also incorporate some of the information from the pamphlet about ways that the homeowner can control those hazards.

And so through this process, we're going to be determining who's going to be assisted as part of that. So under our home selection, we're then beginning after providing some basic education about lead hazards, working with that home buyer as they identify the units that they're hoping to be able to purchase. So you're going to have program requirements from the funding source on program or CDBG about the standard that that property will have to meet. But then we also have to incorporate into that the fact that under Subpart K, we know that we're going to have to do that visual assessment and then paint stabilization and clearance for that.

So that's going to have to be incorporated into our overall process or policies and procedures and thinking about staffing as part of that. So as part of this, we have to think about as those purchase agreements and offers are being made. We need some language that gives us the ability to do the testing that needs to be done. So the purchase contract, we have regulations in place that the seller is required to disclose any known hazards. So for instance, when I sold my father's house a year or so ago, I disclosed that there were no lead hazards in the house that had been built in 1954, because there'd been no testing of any kind that had been done as part of that.

The home buyer has the option to be able to evaluate lead hazards. And that's part of Subpart A, and that's one of the requirements that is disclosed as part of that real estate transaction. So a home buyer could have a Risk Assessment or paint testing done. The buyer could also opt for a visual assessment. Now, keep in mind that the regulations about allowing the 10 day window for that testing to be done does not give, on its own, does not give the home buyer the option to then back out of that contract if they determined that there are lead hazards in that unit.

So your purchase contract will need to have some language as an option to be able to say that you have an inspection clause and that you have the ability to negotiate with the seller or back out of the contract. And so that's important language to make sure is included. So Subpart K is requiring you to have a visual assessment, we're looking at all deteriorated paint surfaces, and then depending on what the outcome of that is, it might be that there'll be withdrawing from that contract and moving on to select another unit. In some cases, there'll be some negotiation with that owner. So the owner may be making corrections for those identified unstable surfaces and clearance testing, which we've been talking about in a moment on that. So that needs to be part of that purchase contract process.

Now as part of the language, we either would be saying that if the paint stabilization needs to be done, if there are areas that need to be done, it needs to be done by a certified RRP contractor using safe work practices. And we're going to require a third party clearance as part of this. Now some of you are probably thinking, well, I've had projects where the owner of the property, the seller, chose to make those -- do that work themselves. So treating those unstable painted surfaces. The owner can do that work. But so our concern then is about the outcome of they're doing that work. Have they actually eliminated the lead hazard that they cleaned up appropriately?

So we're going to require that if the owner has done the work that we have a third party clearance test that would be done as part of the term of that contract, before we accept that as yes, these hazards have now been addressed as part of that. So that's one of the things we want to include in that purchase contract that the buyer is requesting that an independent clearance be done for that. And this would be particularly important if we're going to have a unit that will have children that we're expecting to occupy that unit. And again, the option is also to test paint and determine, yes, we have some unstable painted surfaces, but they are not lead paint. And then we would not have to have an RRP contractor and clearance testing as part of that.

So for our home inspection, this is typically being done once the offer has been accepted, it's going to follow the language that we included in that offer. As we mentioned, we need to have a trained visual assessor. We need documentation in the file that our visual assessor met that

requirement and that inspection report's going to go to the home buyer and also be maintained in the agency files. Kris mentioned before about the online training and the option to have staff trained -- it's free, it's very doable for folks.

So as we talked about then the outcome of that visual assessment, is going to have an impact then on the negotiation on the purchase of that property. So determining whether we have surfaces that need to be treated, determining that it's being done by an RRP trained contractor or supervised workers. Also, you mentioned about if the owner themselves are doing it, having third party clearance as part of that, to make sure that has been completed. So really the key here is in all examples, we need to have HUD approved clearance, needs to be a third party entity. And that needs to be completed before occupancy. So the home buyers going to receive notification about the clearance, results on that, and also the notice of the lead hazard reduction work on that has been completed.

And we went into more detailed examples of that in our Subpart J, there's some -- you might want to refer back for some additional information on that. And you'll notice we're showing you the EPA sample here. And again, you may want to in additionally provide this earlier. But this is something as part of the closing that you want the lead based paint sampling to be provided and that's captured as part of the closing documentation. So that we can clearly document that that required information was provided for our homeowners as part of that closing.

And then, keep in mind that it makes sense as part of a home buyer counseling, most home buyer counseling programs will include both pre and post purchase counseling. To incorporate into that, thinking about some of those education on safe practices. So if you were to look at the pamphlets from EPA, they will be talking about by doing appropriate cleaning of some of those areas where if we had dust that was going to be generated by cleaning that, removing that, and not allowing it to build up, that we could help to protect our family from any ongoing hazards.

In this case of home buyers, we mentioned we don't have an ongoing relationship with these households, so we don't have a ongoing maintenance requirement where we would have annual inspection. So we want to make sure as part of our post-purchase education, that we make sure that they understand and are well equipped to protect themselves.

All right. So that was home buyer. Let's move into then on leasing supportive services or operations. So this is thinking about if I'm using funding from any of the programs that Kris provided early on in the graphic at the beginning of this training, if I'm providing using those funds for leasing, supporting services, or operations of the ways that our Subparts is going to be applied. So typically we're going to see these activities with CDBG, with housing for people with aids, the emergency shelter grant program, and then also the continuum of care program.

And so this might be where we are acquiring or leasing residential properties, but we also might be putting our funding into supportive services that are linked with residential structures or funding operation for residential structures. So keep in mind again, if we have a rehabilitation that exceeds \$5,000 and they automatically are not covered under Subpart K, but are moved into Subpart J, so as always, we're going to have to look at our projects and determine does this actually fall under Subpart J?

Based on rehabilitation levels, we talked about that calculation in the earlier example, that would apply also releasing supportive services and operations. And then if you were running a tenant based rental assistance program, and a lot of times when people think leasing, they are thinking TBRA, that's going to be under Subpart M so it is not under Subpart K. So for instance, if I had a home program and I was using home funds to provide a tenant based rental assistance, that's an ongoing assistance. Usually 12 months -- oftentimes renewable for at least 24 months or more.

And so those fall under Subpart M, Subpart K is much more where we are providing some short-term assistance for that household. And probably the most predominant example that folks are going to be thinking about right now, I think is probably the CDBG-CV funding, where we are providing emergency rental assistance as part of that.

All right. So here's our graphic. Just kind of walk us through the requirements on this. Again, we're going to have to identify -- so we're going to do a visual assessment and then we need to stabilize any deteriorated paint. And unlike where we talked about under Subpart J where we were only dealing with deteriorated paint that we were going to disturb with some kind of rehabilitation we're doing, this applies for all deteriorated paint. We as always have the option that we could test that deteriorated paint and identify and treat only that -- that was lead paint following our lead safe work practices, having an RRP certified contractor.

And so we're going to provide the pamphlets and notification. We're going to do paint stabilization and clearance testing as part of this. In many cases under our leasing supportive services and operations, we may not have ongoing, an ongoing relationship with that property, for instance, on our leasing assistance. If we're providing them -- maybe we're providing them the deposit and first month's rent to get a household into a rental property, or maybe under CV. We're providing them with up to six months of rental assistance. That's not an ongoing relationship. And so we don't have this annual visual assessment as part of our ongoing maintenance requirement.

But in cases where maybe we have a longer term under operations or supportive services than we might have the requirement about ongoing maintenance. The elevated blood lead level requirements for children is not something that's required under Subpart K. Just as a reminder, when we talk about doing paint testing, we're talking about either using an XRF machine to look at the substrates and determine whether it includes lead-based paint, or we could be taking chip samples, sending them off to a lab and having them make that determination.

So if we determine that that paint is not lead paint, in that case we do not have to do lead safe work practices, but we could do dry scraping of non-lead paint. We would not be required to have a clearance set. So that's always an option on determining whether I'm going to just go off the visual assessment and be dealing with all of my deteriorated paint, or maybe I'm going to test on that. So again, funding is usually flowing from through state city county government, and then partners might be city and government, county government running programs themselves, or a lot of times we have other sub-recipients or nonprofits that are running those programs.

And we're going to be working with both the tenants and then also property owners as part of that. So we have a few more players in the mix to keep informed of this process. So when we think about implementation steps on this, key thing here is again, we need -- we're going to have a visual assessment requirement. So we need to make sure that we have appropriately trained staff. Now, as we talked about earlier, you're going to have program requirements for property standards. And so, if you have a trained visual assessor as part of that and are incorporating that into your program inspections, as part of that, that can all be done as a single process. But you're going to need that documentation in place that yes, the visual assessment was done here's who did it, and we've got the certification in place, here were the results of that.

So the owner's going to be notified of the visual assessment results. And then based on that, we would need to see the paint stabilization and cleanup be done. That's going to require -- again, that we have certified contractors and workers and then there's going to be clearance testing and it's being completed by a third party. So really key part of this. Now, we're going to talk in a minute about some of the exceptions when we're talking about this emergency shorter term assistance, which is going to change this a little bit.

Where we have, in these cases, we're also going to do our notification. So we're always going to be providing our disclosures, the lead hazard pamphlet. And as part of that, we're also going to, and as part of our disclosure, being -- letting them know what's already been done on that property, what's known about not only their unit, but their common areas as part of that. And we're either going to be testing or we're going to be presuming that our unstable painted surfaces contain lead and then doing our appropriate as are control and clearance. And we're going to be providing notification of that information.

So for ongoing maintenance, and this is in projects that we have an ongoing relationship. Then we have to do a visual assessment. And this is either 12 months or at unit turnover, whichever comes first. So essentially we would have a schedule that every year, all units are going to be inspected, but at the point that we have a tenant moves out, we're going to go ahead and also do that visual assessment as part of that. And then we're going to make sure that we do that paint stabilization within 30 days of the notification that we actually have lead hazards as part of that or we have our visual assessment as identified paint that we are presuming to have lead. As part of that, we're going to have to have, obviously, record keeping in place to be able to show that we followed those required steps.

So we mentioned this earlier, but I think it's helpful to just revisit this again. So when we're talking about Subpart K and leasing, we're talking about short term, so either a one-time sort of assistance with maybe a deposit to get a unit -- get folks into a unit or when we're doing short-term emergency payments. So these are not what we're talking about under Subpart M and the best example of tenant based rental assistance, where we have an ongoing rental subsidy that is being provided. It is linked with the tenant rather than it's a project-based subsidy, that's going to that property. So in the case of Subpart K and the short term or one time, this is not considered an ongoing rental subsidy. Our units will have to meet our property standards.

And so, tenant based rental assistance, these are going to be going on for usually a year or two years of their initial assistance. The benefits are transferable with that tenant when they move

from property to property. And so if you were doing a project that is tenant based rental assistance, you're going to fall under Subpart M.

I guess I would recommend that if you are looking at this and thinking, I'm just really not sure whether I belong under Subpart A or Subpart M, I would be working with your HUD representative, talking with the Office of Healthy Homes to make sure that you were following the right requirements.

All right. So let's talk about emergency payments -- and because of COVID and a lot of funding in use in that way, this is a big question I know a lot of folks are working with. So I want to go back over what Kris already talked about, and then let's try to think this through in kind of using some examples. So these are emergency payments that we would be making for rental assistance. And the best example of this is under the CDBGCV program. They are exempt for the first 100 day. So normally under CDBG, we can provide up to three months of emergency assistance.

So a lot of times these are done as homelessness prevention activity. So we're paying rent, we're making a mortgage payment, we're keeping folks from losing their housing. And so that three months fits really easily under 100 days. And so we're exempt from Subpart K. So we're not needing to do a visual assessment. We're not needing to do paint stabilization and clearance as part of that. And so under CDBG emergency assistance, this all is pretty -- has been pretty simple and we were able to operate under that. And so in that case, we have a maximum of 90 days of assistance under CDBG. This is -- works quite well and has for many years.

But change came under CDBG-CV where through a waiver of the CDBG regulations, that was extended. And so it was extended from the three month limit that we're used to dealing with to allow for up to six months. And so this of course raises the issue of wait a minute, I'm going beyond that 100 day limit. So now for my CV rental assistance, I'm suddenly going to have to be staffed up to do not only visual assessment, but then also figuring out how are we going to get our paint stabilization done with qualified staff clearance testing, all of that, to implement a program.

So there was a additional guidance that was provided about how we make that calculation of the 100 day. So 100 days starts with that payment and so we're starting our calculation there. So let's use, for an example, I think it would be very typical for a program that was providing FEVI [ph] emergency rental assistance to have an applicant come in who already was in arrears for let's say three months' worth of rent.

So let's say, so today is June 9th. I'm going to write this down so I don't get lost in trainer math as part of that. So if I approved them for that three months of past due rent. And then, because I'm allowed to under CDBG-CV provide up to six months total, I could provide them not only the past three months. So March, April and May, they're already past due on those. They're coming to us in early June. So I could provide them rental assistance under the CDBG six months for June, July, and August.

I'm going to approve them and make my payment on the 9th of June. And so the clock starts ticking on June 9th when we calculate under Subpart K of our exemption. So day one is at June

9th, not from March 1st, which was that first month that we were paying that rent. So in most cases, I believe you probably in this scenario, you would be able to provide them six months' worth of assistance, and you would still be operating under that 100 day exemption because we're calculating it beginning on June 9th.

If you had an applicant that came to your program on June 9th and they had just missed their June payment, and so they wanted six months moving forward, then you would be unable to be able to pay six months' worth of assistance with CV without triggering the requirement of having to do a visual assessment and treatment and clearance or any unstable paint. So those two scenarios are going to play out differently depending on what you were being asked to pay for and what you were approving. So if you were to think about -- let's say I'm running a program and I'm going to have, I don't know, 400 applications. If out of those 400, if let's say 300 of those have past due -- they already have past arrearages that you're paying for, it might be that 300 of those would operate very easily within our 100 day exemption.

And then we also -- to keep in mind, so I've got -- that leaves me with 100 households that are not going to fit within that -- if I provide six months of assistance, they're not going to fit within my 100 day. Out of those hundred households, some of those households live units that are going to be exempt because they are a 1978 or later unit. So you could certainly then determine out of 100 households, how many of those are actually triggering a Subpart K requirement versus they are exempt because of the unit that they are occupying?

For those units that you want to assist for up to the full six months of your CV assistance, and they are living in a 1977 or earlier unit, then you are going to -- and if you're not paying for past arrearages being able to fit within that 100 days, then you are going to have to have staffing have capacity in place to be able to do the visual assessment and be able to address any unstable painted surfaces with certified contractors, and again, with a third-party clearance testing as part of that.

So it is a program design question. I think many of you are going to find that based on when households are coming to your program and asking for assistance, that that 100 day exemption is going to cover all of the assistance that you are choosing to provide. So that's kind of how the Subpart K rule and the exemption overlay with the CDBG-CV emergency assistance. Kris, do we want to pause for a moment here and try to do any follow up questions that are related to this? Because I'm guessing this has been a hot topic.

Kris Richmond: There has not been any new questions that has come in.

Les Warner: Okay. Good. Good. Well, I've given folks a lot to think about. And so let's move on. We can take a few more questions at the end if we need to, and we also have our office hour session tomorrow. So I would think some of you are going to maul over this a little bit and then come back with three or four questions as you've thought about it a little further. All right.

Kris Richmond: Les, somebody did type in -- somebody did ask, for those units that exceed the 100 days, how long do they have to correct some the lead-based paint?

Les Warner: So I think we said within 30 days that those corrections needed to be made as part of that. I'm not sure. If our HUD folks want to check that for us and respond back, let's ask them to double check on that so we make sure that folks have the correct information on that. All right. So while we're doing that, let's move ahead on the emergency shelters.

So as Kris mentioned, in many cases, emergency shelters are going to be exempt because they're going to fall under this zero bedroom dwelling. So it's the living space and the sleeping areas are not separated, which we see oftentimes in emergency shelters. Then they are going to fall within the exemption as a zero bedroom unit. Other shelters, perhaps, for example, ones that are designed specifically for families where we have separate bedrooms having been created to be more appropriate for those households, those are going to fall under Subpart K.

So if we can't qualify this as a zero bedroom drawing and we will have to follow the requirements, which again means visual inspection, treating any unstable painted surfaces using certified staff and then also a clearance. Now, as Kris pointed out really important to always understand under the exemption -- the exemption goes away if in that zero bedroom dwelling shelter, we either have children under the age of six or we're expecting to have children under the age of six. I would think as part of operating an emergency shelter, if you have the ability you would want to have done the visual assessment and treat -- because we want to make sure that these are safe areas, but these are the requirements under Subpart K.

So things to consider about as you're considering your program design. So you need standards in place for property standards on what those units must meet. You're going to have programmatic requirements such as would be required, not only by CDBG and home and other funding sources that of course you'll have the overlay of local standards. So you may have an occupancy on standard or other building code standards that would apply.

So incorporating into that, the requirements under -- let's say under the Lead Safe Housing Rule and Subpart K, becomes part of your program design consideration. We want to make sure that our applicants and particularly when we are talking about our home buyer, but also in rental, that they have been informed about the risks of lead-based paint, what's known about the units that they are considering purchasing or renting before they signed that lease. So we're going to do disclosures.

We've talked a lot about, okay, if we are triggering Subpart K, the fact that we need to have a visual assessor. So planning is part of that. Is that going to be the owner of a property or their staff that gets that certification and we have evidence that that's in place. Would it be our own staff? Would it be someone that was brought in as a contractor to be able to do that? And then of course, we've talked about, along with that, thinking about if we're doing paint stabilization and clearance testing, then we'll have to have identified appropriately certified staff to be able to do that.

So all of this needs to be incorporated into your policies and procedures. Thinking about when will I provide the pamphlets, the disclosures, what's part of my home buyer counseling program and pre and post purchasing as part of that. Thinking about things like we talked about, making sure there was language in purchase contracts that allowed for an inspection and gave rights to be

able to negotiate or perhaps cancel or back out of that contract or based on the results of a visual assessment being done for that property.

So all of that needs to be kind of incorporated into policies and procedures and standards and thinking about how that will be completed. And as I mentioned, home buyer education -- really a good thing to incorporate into your home buyer education, not only about as they think about selecting a unit, and the impact of that selection based on potential lead hazards for that unit. But then also thinking about ongoing now as a property owner knowing about the actions, the things that they can do to try to protect their family as they occupied that unit over many years to come.

So it was the -- part of the program review that we're recommending that you think about is, does your current program design -- has it incorporated these steps? Are you set up to be in compliance with this? So are your policies and procedures -- is your staffing or contractor partners, meeting those requirements to be able to meet these requirements? And do you have, as part of your procedures, kind of captured, what are all the steps, when to things need to be done so that you've got a process in place. You've got a way that you're going to capture of the documentation on that.

A lot of this is making sure that not only your own staff, but those other partners understand what those requirements are, who's responsible for providing forms when they need to be signed, what those steps will be. So everybody involved understands what needs to happen before additional steps can happen as part of that. So we're trying to make sure that our beneficiaries, those that are receiving our assistance, home buyers, renters, are going to be protected and they also understand about lead safety. But also that we've got appropriately trained and certified folks in place, including being able to identify contractors that are trained and certified in the RRP program.

One thing I'll just mention, and I think we mentioned this in our Subpart J earlier sections in session number two and session number three, that to try to identify where there are appropriately certified contractors by talking to CBDG or home programs that are running rehab programs and have already established relationships with certified contractors in your area. If there is a HUD funded lead program in your area, they would also oftentimes be a good source to coordinate with on that.

So let's take a quick knowledge check. Medora's going to kind of pull up the first question here. And our first question is what's the order that the following activities should occur in special needs housing program? So we've got the option of distributing the pamphlet to individual assessments to paint stabilization and clearance, or option B is doing the visual assessment, paint stabilization, and then distributing the pamphlet, and doing clearance. So if you'll go ahead and indicate your answer and then hit the submit button.

Okay. Our poll has ended. We'll have results in just a moment here. We need a drum roll or some music that happens in this little gap to kind of build the excitement of seeing the results. All right. So most folks got the answer correct. So that distributing the pamphlet is going to be a first thing. I think if you go back on the slides, as we talked through the implementation steps, that's one of our first steps at the point that we are taking applications, that we are going to distribute

the pamphlets. For home buyer, we also are providing a pamphlet at the point of the closing. But we want to get that information about lead hazards out as quickly as possible. So the answer is A, let's go onto our second question.

So our second question is who can conduct the paint stabilization and clearance? Is it the same worker that did the work? Is that a trained supervisor worker? Or is it a certified lead based paint inspector stabilization technician? Well, the poll's ended and we'll have results here in a moment. So this one's a little bit more complicated. You just have got a lot of moving parts. So A is not correct in that we can't have the same folks that did the work also be doing the clearance of their own work. We need a third party clearance as part of that. So A is not right. And so we're just taking that off of the list.

So under -- so both of these, then we have to look at who can do the paint stabilization itself and then who can do the clearance so we can have a trained or certified -- supervised worker to do that. And so under C it's more limited to be an inspector or a stabilization technician. So B is actually our correct answer here that we can have a trained or supervised worker. But then that clearance is going to be done by either a certified risk assessor, a lead-based paint inspector, or a clearance technician. So B is our correct answer, and I would refer you back to -- I think on our worker chart that we have good information here about who can actually do the work.

All right. And so then let's move on to our last question here. So who's responsible for compliance with lead-based paint requirements? Is that the housing provider, the property owner, or both? If you'll go ahead and vote and then hit the submit button. All right. So our poll is ended and we'll have results in a minute here.

All right. So most folks got this right. Kind of a huge group got it correct and that it's really both. So overall in sort of liability or compliance, you as the grantee are going to be held responsible, but some of these steps or some of the actions as part of this may well be required of the property owner to complete, but really both parties are involved in this.

So I'm going to suggest that we go through the available resources, talk a little bit very briefly about tomorrow's office hour session and the exercises, and then spend the rest of the time going through any additional questions. So as always, as part of our trainings, we want to make sure that folks are aware on the HUD exchange about the lead-based paint page. And so this is a good spot to have saved on your favorites and a good go-to spot to pull up a lot of resources related to the lead requirements, other resources about that.

So for instance, earlier today, I wanted to look back and print out the brochures -- the pamphlets that are provided. So I just went to this page and was able to pull that up. And that was very helpful. So a good spot to save. We've also been recommending to folks that they get registered onto the Lead Safe Housing and Healthy Homes mailing lists.

And so as we have additional updates, additional guidance availability of training or other tools, Kris has mentioned that there are some additional tools that are in development that we hope to be -- see released soon for folks. And so this would be a good way to be kept up to date on any of

those new resources or changes that you need to know about. So we encourage you to also register for them.

On our resource list, so some of these are on the HUD portal. Some of these on the HUD exchange, the regulations themselves will be provided a link. As we mentioned, the trainings and the other three sessions, are being posted on the HUD exchange. There was a recording, I believe there will be a transcript as part of that, for these. So that may be helpful to reference back -- might be useful as you have additional staff that need to get training. That will be available for you.

There's also a link for the EPA page. And we mentioned some of our resources are related to the EPA and the RRP rule. The lead compliance advisor has been mentioned in a number of our sessions. This is sort of an automated system that will ask you questions about your project and based on your responses, lead you through to the right requirements and guidance for your particular project. So I think that may be very helpful for folks.

We've also been mentioning the interpretive guidance. So as additional guidance is provided on any of our topics related to the Lead Safe Housing Rule, they are captured here. And this -- I know Kris and I use this a lot as part of preparing and reminding ourselves about sort of the fine tuned guidance on some of these things. It's a really good link to be familiar with and to go to learn more and it's broken down by topic. So it allows you to find additional guidance that's been provided on the topic that you need to know a little bit more about. And then this again was the link for lead-based paint page on the HUD exchange.

We're going to be answering questions today and also in tomorrow's office hour session, but for ongoing questions beyond this training, there is a contact here at the bottom of the page that I would want to save. This could be a useful resource for you. And so this allows you to submit questions about the Lead Safe Housing Rule lead. It's going to the Office of Healthy Homes and would be then responded to. So keep that for future reference, it could be very important for you.

So before we go to open up the question and answer, I just want to reference -- so for tomorrow, we will be having our office hour session and we're going to start with two exercises that relate to the information that we were covering in today's section. So if you go to page 17 and page 18, there are a series of we've given you a sort of a scenario. It leads you through some questions. This is really testing your understanding of the rules that apply and helping to make sure that you've grasp this and are ready to put this into place. So we encourage you to pull that up. This would have been sent as part of the packet of materials that were sent to you, but take a look at that in advance of tomorrow's office hour session.

Okay. Kris, looks like we have just about 10 minutes or a little bit less. Are there questions or things we should revisit here?

Kris Richmond: Yeah. The last question you had answered about the 30 days, like now we've gone past the 100 day mark. Is 30 days the correct answer? So the Subpart K says for occupied dwelling units, paint stabilization shall take place immediately. There's not really a time period listed, just says immediately after they receipt of federal assistance, which is after the 100 day

expires. But HUD does understand that contractor capacity in many jurisdictions is very challenging. So I think you just want to document that you're trying to make progress towards moving towards paint stabilization. If you've passed that 100 days.

Les Warner: Normally on other projects, we would have this done prior to occupancy, but in this situation, because we are now providing emergency assistance for folks that are already in units, we have kind of a strange situation.

Kris Richmond: Yeah. And then somebody else had brought up, when we had talked about the weather-related exemption, when I was in my section saying if you lived in an area or worked in an area where there was a lot of adverse weather and you had to delay the exterior work to comply with Subpart K, somebody had asked about home funded home buyer because they said their understanding was the property had to pass all inspections prior to assistance, including exterior.

And the answer is that we're not aware of any weather related exemptions for home, but in order to be fully compliant, you still have to meet Subpart K, because the home program does refer to Lead Safe Housing Rule. So you would need to make sure that you've met all Subpart K requirements, including fixing the exterior prior to occupancy. Ideally prior to the closing.

Les Warner: And I think that's an important point that we mentioned in a couple of cases where you've got program requirements about property standards, but you also then will have the Lead Safe Housing Rule requirements. So in many of these cases, you're going to have both programmatic and lead compliance that both need to be met. And there is not language -- I can't think of any language in CDBG or homes that would sort of waive requirements based on something that was more lenient by say the Lead Safe Housing Rules.

So when home says you've got to at a closing at the point that that property is turned over to the new homeowner. Home says it has to meet all of those properties standards at that point. And so there's really not that flexibility just because the Lead Safe Housing Rule might give you a little more time.

Kris Richmond: Yep. Somebody asked about how can we ask further questions? And we reminded them if you want to go back a slide or two where we have that email. Yep. It's green highlighted there leadregulations@hud.gov. That's where you can go for further information.

Les Warner: Yeah. And I would encourage folks. I mean, we do have our office hour session tomorrow. And I think a lot of times when you exit one of these trainings, as you kind of ponder things do come up with some questions, tomorrow is a great opportunity to be able to come back to tomorrow's session, enter those in, we'll have the HUD folks with us. We'll try to address as many of those as we can, but after the training is over, this is an important resource for you.

Kris Richmond: Any maybe, Les, can you use that little arrow next to the interpretive guidance? I know you've mentioned it, but I think if we just physically show people -- yeah, right there, the yellow arrow, the interpretive guidance, that's in a question and answer format and you can look

under Subpart K and there's a lot of really good questions and answers that make things really super clear.

Someone else had asked if the zero dwelling emergency shelter has clients that stayed more than a hundred days, does the exemption still apply? And so remember, zero bedroom dwelling units are exempt. So unless a child under six is living or expected to live in the zero bedroom dwelling units, it is exempt. So emergency shelter, zero dwelling, zero bedroom dwellings are exempt from the Lead Safe Housing Rule.

Les Warner: So you're not having to worry about the 100 days at all.

Kris Richmond: Right. Don't make it more complicated than needs to be. Let's see. Someone was just making a comment about the emergency rental assistance and how it's not really supposed to go through August. And they're just kind of commenting about that, but we have seen a lot of extensions come through HUD, so we never know what's going to happen. So it's really important for you understand what the requirements are if you do go over the 100 days. Les, was there any questions from earlier that you remember that came in that might be worth going over that we kind of skipped over because we're going to talk about stuff later?

Les Warner: I think we have, through the process, hit all of them. There was a quest- -- there was some back and forth early on about use of a certified risk assessor and could they take chip samples and be sending them off to a lab? So we kind of went back and forth on this. And the reminder here is that's a standard is for a visual assessment and then treating all unstable painted surfaces. So you would not be required to have a risk assessor who would then be testing paint either with an XRF or sending it off to a lab.

Now, we did mention as part of that, that you have the option of going ahead, choosing a -- essentially a higher level on that and saying, okay, where we have done a visual assessment and we have found that there are stable paint surfaces. We're going to go ahead and bring in an XRF or we're going to have our risk assessor take chip samples and send them off to the lab. That would allow us then to determine which of these unstable deteriorating paint surfaces actually include lead. And so only have to do -- use the certified contractor and lead safe work practices and clearance on those surfaces that we actually determined through testing to include lead.

So that might reduce the burden, maybe the cost on being able to have certified personnel in doing the paint stabilization work that needed to be done. But that's optional on this. The requirement on a level of evaluation under Subpart K is for a visual assessment. Not a Risk Assessment.

Kris Richmond: But we could use that risk assessor for clearance. We still need somebody certified to do the clearance. So remember maybe, Les, if you pull up that worker page and we see the chart, the clearance -- go -- keep going to the right two more over to the right just workers especially. Yep. So if we see -- yeah, that's okay. So if you see the clearance on the far right column -- clearance can be done by a risk assessor certified paint inspector, or lead sampling technician for paint stabilization.

So we still need to have a certified -- some certified type of person to conduct clearance. That's about all the questions, Les, and we're at 3:00. So we can come back tomorrow, go over the homework, and answer more questions.

Les Warner: So thanks, everybody. Thanks to the HUD folks for supporting us on this. And we will see folks back tomorrow with the exercises and answering more questions. Thanks everybody.

(END)