

**Lead Safe Housing Rule Webinar Series, Subparts J & K**

**Spring Session 4: Office Hour**

**Thursday, June 10, 2021**

Les Warner: Welcome everybody. And depending on where you are good morning or good afternoon. So for today, I'm joined by Kris Richmond as always, and we also have the HUD folks with us Bruce, Jerry. And gosh, it looks like it's only Bruce and Jerry at the moment. So what we're going to do for today is start out by going through the exercises.

We have two sections of exercises from yesterday which kind of review some of the key points which I think will help clarify some of those items and we can talk a little bit further on them as part of those exercises. And then, we will also then be taking questions so if you're coming to today's session and you already have some questions that you've come up with, go ahead and plug those into the Q&A box, and we'll work on those once we get through the questions.

We've also spent some time going through yesterday's question and answer, and there's some that I think we need to revisit and probably expand a little bit on what we have -- what we covered yesterday. All right. So I'm going to go to the exercise and I'll just remind you as we look at these screens, when I scroll down my page, it doesn't move yours.

So as we're going through these exercises, you're probably going to need to use the gray bar on the right side of your -- the screen that you're seeing and scroll down that page when I seem to have disappeared off of where you're looking. All right. So let's start with exercise one. And this is focusing on home buyer assistance.

And so we've been given some scenarios from a local program and trying to figure out what the correct answers are on this. And I think these are pretty good examples of real life sort of challenges. So in our first example, we have a couple Tom and Susan who have found a house that they want to buy from 1948. So we know that it's not exempt since it was not 1978 or later.

And so following the required protocols on this, a visual assessment has been done and we found chipping paint on the exterior and then in the second floor bathroom. So we remember our rule here is that we're doing a visual assessment, and then we are going to do paint treatments or any unstable surfaces. So unlike when we talked about in rehab in 5,000 or under where we talked about what we were only dealing with surfaces that are being disturbed, this isn't a rehab program.

So in this case, our visual assessment, when it identifies that there are unstable paint surfaces, we're going to be required to deal with those. So we've got one spot in the bathroom on the interior and then the exterior on that. So how do we proceed with this? And we're told that, you know, in this case sounds like the local supply of housing, a lot of it is going to be pre '78 so it's very normal that if you're going to find an appropriate house on the market, it's going to be likely that it's going to contain some lead-based paint.

So we don't have a program that's trying to say, well, oh, has lead paint, just find another house. And so the question is, how do we proceed? And then we have a little curve here in that it's January and we're in Wisconsin. So we have to think about the impact of that and dealing with the exterior part of this.

So as part of our process, and we hopefully have been very careful on putting appropriate language in that purchase agreement that gives us not only the right to inspect. And we talked about that, legally the realtor has to provide, that buyer has the right of a 10-day window to be able to do inspections, but it doesn't give them the option to be able to cancel that contract if they find, or based on the basis of what they find.

But we talked yesterday about adding language in that purchase agreement that would give the buyer the ability to negotiate based on the findings from their testing. So in this case, we could be going and probably most likely we would go back to the seller and say that we need paint stabilization to be completed.

It's going to have to be done by a certified contractor with trained workers, and that we're going to require a third party clearance testing on that, and that's going to have to be done prior to occupancy. So for the interior part of this, the bathroom, that's pretty simple. In some cases, we're going to have a seller that says, no, I won't do that, and they walk away from that contract.

I will say at this point one, of our challenges is, in a lot of areas our markets are really hot. There's a limited supply of housing, and we may well have sellers who say, I've got other folks that are potentially interested in this property that are not going to be paying any attention to lead-based paint on that and so that is one of the factors that makes this a little more difficult for us.

So we can say to the seller, you're going to have to handle the paint treatment and so they would be responsible for payment of that. They would have to be able to show that it was done by a certified contractor and be able to then show the third party clearance on that. As part of your program design, you could choose to say, we are going to include that in the assistance that we are providing, and I'm not getting into CDBG versus HOME versus other sources.

And so we have an overlay of programmatic requirements that might impact whether that's something that you can include based on your funding sources. But common theme you'll see throughout this exercise is, your program as part of its policies and procedures will need to define how is my process going to be, will it be the seller, and this is the language we'll use? Are there some parts of this that we as the program will be paying for?

I mean, you could be saying, we're going to provide the clearance testing on this, so that would need to be defined, and that would be communicated to the seller. So that's the interior part of this. The thing that makes this more challenging is that we have exterior paint, that's going to need to be stabilized, but depending on what you're doing on this, you probably can't do that in January in Wisconsin. So normally we would be doing something like wet scraping and priming and repainting of those sections following our lead-based practices on that. So that may not be possible to be accomplished in January.

So we have a couple of options here and whether that's viable in this market or not will kind of depend. So we could ask to extend that contract period and ask for an extension so that that option would be extended until the weather actually was going to warm up enough so that

exterior treatment could be completed before that sales transaction went forward. And so we would simply put this on hold, at least the exterior part of this until that could be completed.

The other option might be to do -- put money into escrow for the exterior part of this to be completed. Now that would mean that your lenders and escrow company would have to be willing to permit that, but also keep in mind that depending on the funding source that you were using, that may not be possible.

So for instance, under the HOME program, it is required that the property meet all standards at the point that that closing occurs. And so we could not, under the HOME program, allow that sale to be completed, transfer the property to the new owner with the -- our escrowed funds waiting for that work to be done.

Now, I don't know, it might be that in working with your HUD field office, that there could be a request to allow an escrow to be done on this but that's something that's not particularly clear and would need to be covered on that. So that's gives you an extra challenge on this. The key thing is that Subpart K would allow you to delay or postpone that exterior work based on those weather conditions. And so we have to consider what does Subpart K require? What does your funding source require to be able to determine how to proceed on that?

All right. So that was the first question here. Our second question, we have a city council member who's been talking to one of the constituencies elderly and is trying to sell their house. The buyers are getting HOME buyer assistance, and they're asking for paint to be tested to determine whether there's lead-based paint. They may have children, they have read the brochures and educated themselves a little bit about the hazards of lead-based paint, and so they want to have that property tested.

So the question then is raised about who's going to pay for the test, what happens if there is lead paint? And so the elderly owner is saying, why should I have to deal with this, my house is well-maintained, either buy it or don't buy it? So just keep in mind under federal law, the buyer has the right to test paint. So we talked about that are required treatment, and let's just go -- just a reminder, let's look at -- let me get my little marker here.

So under Subpart K for acquisition, leasing, supportive services and operations, where we are working is in this column. Not very straight lines. So as part of this, we're going to do -- we're required to do a visual assessment and then paint stabilization, and there is going to be clearance that's going to be done as part of this.

But there is the option for the buyer of the property to want to actually do testing of paint. And so I'm using either an XRF machine or having paint samples taken and sent off to a lab to actually determine whether what they're dealing with is lead paint or not. Let's go back to our exercise.

So when the buyer is requesting or your program has set a higher standard and has chosen to do that, then we have a question about who's actually going to pay for that. So as part of your

purchase offer, you could be saying to the seller of the property, we want you to pay for this and treatment.

I think generally if the buyer is going to be asking for an inspection period and to have testing done, generally, either they're going to have to pay for it, or if your program has decided that that's going to be an eligible cost that you would provide using your funding sources. So that's something that will have to be determined as part of that purchase agreement and the offer that is made as part of that to be very clear on that.

Once the risk assessment is done, then the negotiation begins and presumably with that purchase offer that has been put in place, there's some language about the inspection period and the right to either cancel that purchase agreement or to negotiate on this. So we could -- the outcome of looking at that report, we could be working with that family and saying, you simply need to find another unit.

And maybe we find that there are massive lead issues with that unit, we're pretty sure that the elderly constituent who's not particularly happy about testing to begin with, is not going to be saying, yes, I'm willing to reduce the price or I'm willing to pay for that work to be done. We could be renegotiating the price on this and the program could be providing a loan or grant to be able to assist this household in making the needed paint treatment before they take occupancy on that unit.

It could be that the seller would agree to those terms that we would have to be specific about who was going to do the work about the clearance testing, that will be required. So that becomes an important part of that negotiation process on that. So generally, our standard here is going to be that, lead paint that is stable is not a hazard. So our -- we may have a test risk assessments that's done that's saying, yes, we have lead in 17 places, but if all of those surfaces are intact and stable, that's not presently providing a hazard.

Now we've talked about things like bare soil, impact and friction surfaces which could be generating lead hazards. But if we have -- let's say we have woodwork in a couple of rooms that are painted with lead paint and they are intact, stable surfaces that is not -- that's not presenting a lead house or that are Subpart K requirement would require to be dealt with as part of that.

So that's kind of an important part of program design of, depending on what is found either through the visual assessment or in this case where a risk assessment is being requested by the buyer, what your program is willing to assist with versus what the seller would need to be able to provide.

And if we can't resolve this, we can't -- if we don't have either funds that our program is providing where the seller is not willing to make those corrections, use appropriate staffing, then we're going to be advising that family to move on, look for another unit.

The thing I will note here is that as the testing is done, when we do a risk assessment on that property, we're going to be disclosing to that owner the results of that when the elderly constituent who does not sell their house to the family, goes to sell it -- list it and sell it to

someone else. They're going to have to disclose that there actually has now been testing on this unit and this is what is known about that so and there is a disclosure that's required by the seller of the unit.

So question number three, and we've got a 1950s home that's being purchased by a young family. They're receiving down payment assistance. The house passes all of the housing standards, but there is a distinctive odor of fresh paint in all the rooms. Now, I will say, I just sold my father's house, that all of the paint colors were from the 1970s.

So that smell of fresh paint may have only been a savvy seller who realizes that the burnt orange and avocado may not really help them sell the house. So there may be some questions that need to be asked about the painting that was done and asking some questions about that. So as part of that, we could be doing -- our visual inspection is showing us if we're showing that all of our painted surfaces are intact and adequate, then we don't have an issue as far as passing our standards under Subpart K.

But part of our buyer education is to make sure that they understand how to do ongoing maintenance as part of that unit. So they will understand about doing cleaning to control if there are any untreated hazards that developed later in that house. So I do think any time there are clues to gee, I wonder what that paint smell is about, or I wonder why something's been done in a way asking, trying to investigate a little bit more on that is useful.

But the bottom line on this would be that our standard is, a visual assessment on this, if we don't have unstable, deteriorated painted surfaces that we will have met the standard under Subpart K. And then our last example here is Tony and Tanya. They want to buy a house built in the 1930s, has deteriorated paint in several rooms.

Seller is unwilling to pay for the work. Tony and Tanya have already received the maximum down payment allowable under the program, no additional funds. They don't have additional funds to be able to put into this. So, and in this market, there's somebody else that's lined up to be able to purchase this.

So your program, again, has to be clear on what you will provide, what you will not provide which you always have that challenge on any of the programs that you're operating. So your program could have the option of making funds available, could be a grant, could be a loan to assist that HOME buyer to make the needed paint stabilization, take that on, get the clearance test done as part of that.

And that might be necessary in a hot market where, if every house your buyers are going to find is going to need something done and sellers because of that market are going to be unwilling to take on or cover those costs, you may not have a viable program without building into your program design some kind of assistance with that.

Just keep in mind again that you do have program requirements, and as I mentioned, the HOME program clarified in the 2013 rule update that the house has to -- at the point that ownership is transferred is going to have to meet all property standards and that would include in compliance

with lead safe housing rule. All right. So that gets us through exercise one. I'm going to hand it over to Kris for the second part of this.

Kris Richmond: Sure. We should probably answer a question that came in though last -- somebody was asking the regulations seems clear, but on acquisition which is purchased only a visual assessment, it's all that's required if there's no deteriorated paint identified so that is true. So if you're looking through for acquisition, we go back to our -- where's our chart? Our summary chart here.

You're doing a visual assessment and we did provide a link to a sample visual assessment form that you could do that visual assessment. If you don't see any deteriorated paint you would fill that out in the form and provide that along with the pamphlet that protects your family from lead in your home.

And then the disclosure notice -- let me see if I can pull up the disclosure notice over here. I think I saw it. So we have our disclosure; the owner would be signing a form that says whether they know or don't know, so you still have to do the visual assessment, but notice the disclosure notice from the owner to the buyer and then the copy of the visual assessment document.

It's not a true valuations. We don't have a notice of valuation, but you should provide some type of documentation that a visual assessment was conducted. Les, anything else to add to that?

Les Warner: No, I think that's good.

Kris Richmond: Okay. All right. So I'm going to -- do I have control now? I do. All right. I'm going to move us to the next exercise. Thank you, Leslie. A wonderful job going over all of that information. Now we're going to look at a special needs program. So Les just did HOME buyer and now we look at special needs.

And as a reminder, when I scroll down the page, I'm going to use this cursor on the gray bar and so you need to do the same, all right? So we are looking at a scenario where we're in Maddontown. It's a Maddontown Community Action Agency, and they are a provider of homeless housing for Maddon County. And they own a number of properties and the -- they also provide services, looks like they have transitional housing, and they provide support services, or [inaudible] get their high school diploma or if someone has addiction issues, they can have substance abuse counseling.

Looks like there's childcare, afterschool care program, any type of trainings and job readiness types of programs. So the Maddontown Community Action Agency done a whole lot of things, and their properties that they own or housing units are managed by Dwellings & Co. which is a private management firm. Looks like they also have some pretty good experience in maintaining these properties as well.

And so in 2020, Maddontown, their program that they're running, Families Forward, was provided supportive housing funds. So this is the first time they received federal funding. So now

we need just figure out, okay, we already have all these existing housing units in place, what do we need to do? So which Subpart of the lead safe housing rule applies to this program?

So is it Subpart J, Subpart K, or is it Subpart M? Well, the correct answer is Subpart K because we're looking at leasing, we're also doing support services and we're doing operations. Circle, highlight K there. All right. I'm going to make it into a K. All right. So we're following Subpart K and as we saw on our summary chart, as Les had highlighted for us here, this is the right hand side of that summary chart we're focusing on Subpart K.

All right. So number two, who are the main actors in this program? Well, that's pretty simple. We have the Maddontown County Community Action Agency. They are the provider, the homeless provider. We have our Dwellings & Co. They are our housing manager, and then we also have our current residents and we have future residents.

So the answer number two is the Maddontown County Community Action Agency the Dwellings & Co., that's our management firm and then current and future residents. So question number three is, well what needs to be done now -- what needs to be done immediately for us to comply with lead safe housing rule?

So the very first thing we need to do is we need to provide that pamphlet. And what I mean by pamphlets -- [inaudible] I have so many handouts here, I'm sorry, everybody. Here we go. So this is the pamphlet I'm talking about that protects your family from lead in your home. We need to make sure that that pamphlet is provided as well as the disclosure form.

So the disclosure form provided by the owner and so they're disclosing whether they know if there is any lead in the units or not so that they'll either, yes, they do know, or no, they don't know. And if they do know, they're going to check off, yes, they do know, and they're going to provide any documentation to support that.

So we want to make sure that we're handing out the pamphlet and then we're also providing a disclosure form. We need to make sure that a visual assessment is happening. Here we go so let me [inaudible] so we're doing a visual assessment, visual assessment to make sure that the paint is not deteriorated to where -- during our visual assessment, we're looking for filling chippings like in paint, we want to make sure we're doing that.

And if we do identify any filling chippings like in paint, we need to make sure that paint stabilization is being conducted on all the deteriorated paint for the areas and rest of the de minimis, and we have those de minimis areas. We need to make sure we're using safe work practices and whoever is conducting the safe work [inaudible] need to be trained or supervised within the RRP.

So they need to have the renovation, repair and painting, EPA certification, paint stabilization. And then we need to be conducting clearance and clearance needs to be happening by a risk assessor or a paint inspector or a like sampling technician. And then we need to make sure that we're documenting everything and we're providing proper notices, so if we did do paint



stabilization and after clearance, we would provide a notice of lead hazard reduction activities to the residents.

So question number four is, what needs to be done on an ongoing basis? So we need to make sure that we're doing ongoing maintenance because we have an ongoing relationship [inaudible] funding is an ongoing funding source so we have that ongoing relationship. So we have to do a visual assessment of the units annually, or at unit turnover, whichever sooner.

We need to make sure we're doing ongoing maintenance, so that there's any deteriorated paint that they identified or any -- if there had been any abatement work that had been done, any enclosures or encapsulations, we need to make sure that those are fully addressed and make sure that those are in good condition. And if there's any work that's -- that's identified that needs to be done, we would need to be following all those steps that we did in number three.

And then all of our new residents as they come in, we need to provide that pamphlet that protects your family from letting your home and provide a disclosure notice as well to all of our new residents as they come in. And then the last question, question, number five, who's responsible for the activities that we just went through?

So Dwellings & Co. is our management firm so our management firm should be handing out that pamphlet that protects your family from letting your home, as well as the disclosure notice. And then who's performing the evaluation, the visual assessment, that would be our Maddontown County Community Action Agency. So they would be doing the visual assessment.

We would have Dwellings & Co. if they are certified as an RRP firm and have RRP workers, they could be doing the -- they could be doing the lead hazard reduction and paint stabilization. If Dwellings & Co. does not have RRP supervisors and workers, then we would need to contract that out.

We would need to do the clearance and so if Maddontown has a risk assessor or a paint inspector, they could do the clearance, the same for Dwellings & Co. as long as Dwellings & Co. did not do the paint stabilization. So remember we had to have a third party doing the clearance so whoever does the paint stabilization cannot conduct the clearance so we need to have a third party representative there.

So if we don't have any certified risk assessors or paint inspectors or lead safe handling technicians, with Maddontown County Community Action Agency, then we would have to contract that out. Providing the applicable notices, that would be our no [inaudible] hazard reduction activity that would be provided by Dwellings & Co.

Our annual visual assessment that would be conducted by the Maddontown County Community Action Agency, any ongoing maintenance that would be conducted by our Dwellings and Co. that's our management firm and all the documentation needs to be maintained by our community action agency. So that's the last question for that. Les, is there any questions that have come in as a result of the homework or anything we want to expand upon?

Les Warner: I think generally we have covered the questions that are related to the homework. I'm going to suggest that we go into a couple of the questions from yesterday that I think needs a little further attention, and then we'll check back on that. So I particularly wanted to mention, so yesterday there was actually a question.

It kind of referred back to some discussion in, I think session number two, but I think we -- I think Kris, you also talked yesterday about one of our exemptions being emergencies and in fact let's flip to I think slide 195. There we go. So we had a slide about going through the exemptions. And so under this, we talked about emergency repairs. I'm getting my little -- and so there was a question that was asked about, so if I'm running an emergency repair program, is this going to be exempt?

And I just wanted to kind of add a little bit to this. So the issue here is that terminology from one program to another can have different meanings. So HOME does not allow you to really do standalone emergency repairs. You're having to bring the entire unit up to standard. But the CDBG program allows you to do emergency repairs and oftentimes that terminology is used for a program that really means that we have a program that will address one or two components of a structure.

It is not limited in that sort of program design. It's not really limited to something that is an emergency so it's, of a recent nature and we're dealing with protecting life, health and safety or the structure. But oftentimes it is more deferred maintenance sorts of things. I could replace your roof or I could address one or two components, but it's not really an emergency.

So I just want to caution that you cannot apply this emergency exemption just across the board because you have what you're calling an emergency repair program. You will have to look and see, is what I'm dealing with an actual emergency? So I think Kris used the example yesterday of, a tree falls on the house and has torn off part of the roof. And so we have an immediate need where we have to seal up that structure to protect it and the household. And so that's an emergency.

Whereas if we have a household that has a roof that's beginning to leak, we generally are not going to see that as an emergency but as deferred maintenance, and we're going to do that under a repair program that's fine, but we would not claim that as an exemption from the lead safe housing rule as an emergency.

So I just wanted to make sure that, I think the explanations that we provided under Subpart K about what an emergency is, are pretty clear, but that terminology for an emergency repair program oftentimes is something that's broader than really just an emergency situation. There were questions yesterday and Kris just sort of hit on this a moment ago in the exercise.

There was a question about what do we mean when we talk about having a third party, risk assessor or a clearance specialist [inaudible]. So the issue here is that we cannot have the same entity that is doing the work or generally, -- usually it's a matter of, for instance, we could not have a contractor who was brought in to do some paint stabilization work do the clearance work, do the clearance testing for their own work.

So we need a third party where there's not sort of a conflict of interest there to be able to do that clearance section. So it might be, we have someone that is contracted, maybe that we have a staff person that is a certified risk assessor, and is going to do the clearance sampling, send it off to the lab for the results on that.

So this -- the -- where we talk about third party entity, it's avoiding this sort of too close of a link to be not have a conflict of interest in being able to do that. And so one of the planning things as part as making sure that you had adequate staffing is determining, okay, so who is going to be doing things like the clearance testing, is that going to be our own staff, and so that's somebody that's separate from the contractor. Do we need to go through procurement and have a clearance, a certified clearance person who's going to be handling that on behalf of the program?

Let's see. I will just go back once again because I know that there was a lot -- we spent quite a bit of time yesterday. This question about with the CARES Act funding, CDBG-CV funds and this 100 days, there was a question where folks were saying, based on the length of time that these funds are going to be available, that they didn't see that any project would ever exceed the 100 days.

So this is a cumulative level of assistance under CDBG. So we have some depending on when that applicant came to your agency, they may have come to you a number of months ago, had a few months of arrearages paid for, and then, then set up for some ongoing assistance. And you need to double check to make sure that you are not exceeding that 100 days from the point your first payment was made without then following the requirements under Subpart K which would require that you do a visual assessment, that paint stabilization be done if we find that we have deteriorated surfaces and then clearance testing is part of that.

So for a lot of folks, you are going to be able to operate under the exemption of this 100 days but just need to make sure that you are checking in all cases, depending on when that initial payment was made that you are actually eligible for this 100 day exemption. So I think that would be important as part of your file review, as part of your process on what you will approve a household for.

Either you're going to -- if you were going to exceed that, you're going to have staffing and a process in place where you will be doing the visual assessment and any paint stabilization clearance that was required, or you could have a policy in place that you were limiting that assistance to the 100 day level to stay within that exception.

It looks like we had a question related to that. Let's look at the -- yes. So the question was about for Subpart K, for supportive services if we're providing emergency rental assistance for over 100 days under the CARES Act, it was constructed pre-'78 so is a disclosure of the visual inspection and then treatment of any deteriorated paint surfaces, is that required? Yes. And so we think if we look at our summary chart so we are operating under our column here.

And the only way that we will be exempt from that, would be if we qualified, and so I would think as you approach properties, we would first be looking at, we may have properties that are

constructed on or after 1978 so you would have an exemption that would be not part of that. You could have someone that was applying for assistance that was housed in housing that was designated specifically for elderly or the disabled.

Keep in mind, we have to make sure, in that case, that we don't have children under the age of six that reside there or expected to reside. We also could have properties that have been found to be lead-based paint free. So we -- you will go through a process of, okay, so am I under the 100 day exemption? Okay.

So if I am, then I don't have to proceed with the visual inspection and paint stabilization, but I also would be looking at these exceptions to determine does this particular property fall within those requirements. So keeping in mind these two lists of exemptions that would be part of this and really for the emergency rental assistance, what we're really looking at are the unit itself, configuration, really for rental assistance, we might be dealing with, I suppose, zero and single bedroom units.

We might be dealing with someone that lives in an SRO unit and does not have a child less than the age of six. So, it's that exemption -- the 100 days, plus these units specific types of exemptions that we're dealing with.

Let's see. Yeah. So question here that just came in about, can the PJ who has a staff member who is a certified risk assessor, can they collect the dust samples and send them off to clearance testing? Yes, that's perfectly acceptable. The issue that we were talking about a third party is making sure that it is not the contractor who is collecting those samples. All right. I think that brings us up to speed on the questions on the inbox.

Let's look back at yesterday's questions on this. There was a question yesterday about, as part of the clearance process, how to -- how do we dispose of lead-based paint? Well, frankly, the contractor as part of their training, I believe would have been trained on that, but generally the residential waste is going to be exempt under most disposal requirements, but keep in mind, you might have state or local requirements that would have an impact on that.

There is in chapter 10 of the HUD guidelines some information about that and we showed that on the resource list. It's one of our resources. I would suggest you might also want to check with your local or state EPA on what those requirements might be in your area. We also had a couple of questions about -- we talked yesterday about when we have an ongoing relationship with that property that we can have ongoing maintenance requirements. And I think if we flip ahead here, we will get to some ongoing maintenance. Here we go.

So for instance, we talked about in the HOME program, a rental property because we have a long-term affordability period, we'll have ongoing maintenance that would be required as part of that. So we said that the requirements here would be that a visual assessment would be done at least annually but also, we talked about at turnover so whichever is sooner.

And we had quite a few questions about, well, can this be incorporated into our ongoing property operations? So we already have a process where we're doing inspections on an annual basis. We

already have a process when we have a tenant that moves out that we're going to do inspections of that unit. Absolutely, but the key here is that this needs to incorporate a visual assessment so thinking about staffing on this and making sure that the person that is doing this maintenance inspection or turnover inspection has the visual assessment certification.

We talked about that that's something that's free as an online course to receive that certification. So that's something that the owners, maintenance staff could be able to do. It could be something that the program itself used their own staff to be able to do that it could be contracted out. So yes, it certainly can be done as part of the owners ongoing oversight of those units.

We simply need to be able to document that it's being done meeting these standards, and then any time our ongoing maintenance, visual assessment finds that there are deteriorated paint, then we're going to have to -- it's going to have to be treated. So we're going to do repair following whatever process is going to be required here.

Typically, that's going to be our paint stabilization requirements, lead safe work practices. We're going to do clearance as part of that process. And I'll just point out here, this includes in properties where we've had either under interim control or abatement where we've had some kind of encapsulation or enclosure that has been done.

Our ongoing visual inspection is going to make sure, are those still intact or have they been damaged or removed in some way, and then we're going to be notifying residents that we want them to report deteriorated paint so that we can stay on top of that and ensuring the safety for everyone in that property.

Let's see, there was a question yesterday also about, I had made a statement at the beginning of the section. I covered about the fact that these are more stringent requirements under Subpart K. So my point there was that in this case, under Subpart K, when we do that visual assessment, we are treating all deteriorated painted surfaces.

Whereas under Subpart J, we are looking at painted surfaces that are going to be disturbed as part of that process. We're looking out -- we're just going to do a risk assessment which also would be looking for hazards which would have to be treated. So if we know we had bare soil on the property, other evidence of dust hazards that were being created.

But we are generally only having to treat those painted surfaces that are being disturbed, whereas under Subpart K, we're going to do our visual assessment, look at all painted surfaces, and we're going to be treating all of those deteriorated painted surfaces. So it is a more stringent level on this.

Now, I will just remind that you, as part of that discussion yesterday, and we talked quite a bit about the fact that, at the point where we are looking at treating our deteriorated painted surfaces, then we have -- that's a really bad -- a little bit of drawing there. It's clear all of our annotations. So when we are then determining, okay, we have deteriorated painted surfaces, we could at that point then say, okay, either we are going to treat all of these, assuming that they have lead paint, or we could say that we're going to test.

And so that is always an option and I would recommend that you kind of have -- think about a protocol of when you will test, when you will simply deal with deteriorated paint. So we certainly find, and I think I mentioned under the Subpart J training, that early on, I worked with programs that were essentially presuming that every painted surface included lead.

And so they were doing standard treatment on all deteriorated painted surfaces and what they -- we did some sort of tracking where we then tested units within our portfolio and we found it was very common in the units we were dealing with to have a whole mix of based on construction period, what had been done over the years that we oftentimes found that maybe half or more of the painted surfaces that we were looking at actually contained no lead paint.

And so for the programs that I was working with, we determined that it was more cost effective to go ahead, do testing because of the scale of the work that was being done and then only be doing interim controls, safe work practices on those surfaces that actually contained lead-based paint.

So that is something that I think as part of your policies and procedures that you want to think about, when does it make sense for us strategically to say, let's go one step further than what is required under Subpart K and before we are stabilizing, doing paint stabilization on all deteriorated painted surfaces, using certified staff and clearance testing, let's find out, are those -- in some of those cases, are those surfaces actually lead paint?

Or could we do dry scraping of the latex paint, that's not stable and repaint it and be done on that? So that is a program consideration as part of that. Kris, anything else that you've seen come in that you think we need to address?

Kris Richmond: No. They've been really quiet. Maybe you could pull up the resource page again and just remind folks how they can submit questions after this and where they can find the resources?

Les Warner: We have the slide number on that. So we are going to try -- all right. Here we go. So we did mention about getting on the mailing list. We talked about the HUD Exchange lead-based paint page where a lot of resources are located, but here's our resource list. So again, we have the lead regulations are -- then quite a few questions about, how do I access this session or earlier sessions that are being recorded so they're going to be posted on the HUD Exchange and so they'll be available for your use or, you have some staff turnover, it will be there as an ongoing resource. We also have a linkage for the EPA page.

And then Kris talked a little bit about this yesterday that the lead compliance advisor is an automated process that will lead you through a series of questions to help analyze what requirements your project falls under and that may be really helpful for folks. And then we mentioned a number of times the interpretive guidance says, so this is set up. We've provided a link. You can pull that up and this is divided up by topic area. And so this is a really helpful resource to get a little bit more case specific guidance. I think you'll find this very helpful and

something that on an ongoing basis, just going back and checking on some of the specific details on things, this can be really helpful as part of that.

And then, of course, our lead-based paint page, and we mentioned, so this is our final series, our final session in our, lead safe housing rule training. And so this email, there were folks saying, hey, Karen, or Jerry, or Bruce, why don't you give me your phone number and I'll just call you up anytime I have a question?

So we have a system in place to be able to assist on this. So this [leadregulation@hud.gov](mailto:leadregulation@hud.gov) is where you would submit questions, those will be routed to appropriate staff to be able to work with you. So that's a source for how to get -- ask questions, come up in the future, where to go to, to enter your questions and seek some additional assistance on that.

So we're at 1:59, that brings us pretty much to the end of our time together. This session was recorded. It will be posted at the -- this link that we talked about that was included in the slides. I know for those of you that have participated in all these sessions, you put a lot of time into this. We hope that this is useful for you and that these resources will be continue to be helpful for you going forward.

Thanks very much to the HUD staff who were so helpful to us throughout this training series and I just thank everyone for participating. Kris, any final words?

Kris Richmond: No. Thanks everybody for joining us. Sign up on the Listserv and, [inaudible] new products and other trainings available, you'll be the first to hear about it. Thanks everybody. Bye.

Les Warner: Thanks everybody. Bye-bye.

(END)