

# LSHR Subparts J&K Webinar Series: Questions Compiled

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## De Minimis

1. What is the definition of "small component type"?  
**Answer:** Small component items are thin, generally 3 inches or less and by themselves could be less than the 2 square foot determination. An example of a small component would be a door or window casing. Another example would be a windowsill, base board, or chair rail. These can be harder to calculate the "square footage" so are generally considered small components.
2. What does 10% of a "small component type" mean?  
**Answer:** An example of a small component type could be the surface area of a windowsill. The windowsill measures 3" x 28" or 0.6 square feet. Ten percent (10%) would be 0.06 square feet. This amount is much less than 2 square feet.
3. Do de minimis thresholds apply to the exterior of the unit?  
**Answer:** Yes. Exterior de minimis is 20 square feet over the full exterior. This is the same as EPA RRP minor maintenance levels. See [R17 of the Interpretive Guidance](#).
4. How is "interior space" defined in regard to 2 square feet on an interior space?  
**Answer:** An interior space would be any one interior room, such as a bedroom or living room. De minimis is described in the Lead Safe Housing Rule at 24 CFR 35.1350.

5. How do we document de minimis?

**Answer:** You can take a picture of the area with some form of measurement device (measuring tape or ruler) within the picture. Ensure the scope of work is clear and descriptive. Keep pictures and notes in the project file for future monitoring purposes.

## Exemptions

6. What qualifies as emergency items for exemption?

**Answer:** The Emergency exemption is for work needed to protect human life, health, or safety, or to protect property from further structural damage. Examples may include stabilizing a structure to prevent collapse, fencing off the property from entry, patching a roof to prevent further damage to the interior spaces and personal property. The balance of the later, permanent rehabilitation to bring the property up to code or safe for occupancy must follow Subpart J of the Lead Safe Housing Rule.

7. If a project scope included careful removal of gutters and downspouts while replacing a roof, is that job considered to be "disturbing" painted surfaces?

**Answer:** The first step in answering this question is whether any paint will be disturbed, i.e., are the gutters and downspouts painted? If not, and eaves, soffits, or other painted components that are part of the roof will not be disturbed, and the hard costs are <\$5,000, the project is exempt from the Lead Safe Housing Rule. Keep all records to support your decision in the project file for future monitoring purposes.

8. If HUD funds will be used to demolish an existing dwelling unit and rebuild it, does the Lead Safe Housing Rule apply? We are going to demolish and rebuild a home; do we need to test for lead?

**Answer:** No. Vacant homes to be demolished that will remain vacant until demolition are exempt. Parties planning demolition should determine first whether other Federal, State, or local environmental requirements apply. Federal Occupational Safety and Health Administration (OSHA) standards (or, where applicable, State or local occupational safety and health standards) must be observed. It is likely that lead hazards may be generated in the act of demolition of residential properties with lead-based paint. Soil remediation following demolition depends on the level of lead in the soil and planned reuse of the site. Remediation of lead-contaminated soil may be required by other environmental laws and regulations.

9. Would a child be considered to reside in an elderly exclusive unit if the occupant babysits the child, but the child does not live there?

**Answer:** No. As general guidance, it may be useful to think of a residence as a place where one sleeps most of the time and keeps most of one's clothing and personal belongings.

10. Do the lead regulations at Subpart J and K also apply to a property occupied by a pregnant woman?

**Answer:** Yes. Subparts J and K of the Lead Safe Housing Rule typically apply to target housing built prior to 1978 regardless of occupancy, unless otherwise exempt. Keep in mind, LSHR may be triggered for some, otherwise exempt activities like housing assistance for zero-bedroom units or designated elderly/disabled housing, if a pregnant woman will reside in that unit.

11. When the exemption says "unless a child ... is expected to occupy the unit" -- how is that interpreted? Is that immediately or potentially any time in the future?

**Answer:** Expected to occupy typically means if there is knowledge of a child that will occupy a unit, such as the case of a pregnant woman, adoption, new guardianship of a child, etc. These changes of tenancy are handled by the program administrator.

12. If a home will receive rehabilitation assistance and was constructed after 1978, are we required to check if there is a child under 6 years of age in the unit?

**Answer:** No. Properties constructed after 1978 are exempt from the LSHR. Keep all documentation identifying the age of the property in the project file for future monitoring.

13. Why is housing designed for persons with disabilities exempt from Lead Safe Work Practices and Clearance? Some disabilities include the symptom of tasting or eating inedible materials, such as paint chips.

**Answer:** Safe work practices and clearance may not have as much impact on residents with pica (an eating disorder in which people compulsively eat one or more nonfood items, such as ice, clay, paper, flaking paint, or dirt) as medical therapies. The exemption is limited to housing that is exclusively for the elderly or disabled, where no children are in residence or expected to reside. These units generally exclude high risk occupants. A grantee can elect to implement lead hazard reduction work and clearance.

### 100 Days Grace Period

14. For CDBG or CDBG-CV assistance for leasing or mortgage payments, when does the visual assessment for deteriorated painted surfaces requirement triggered?

**Answer:** The 100-day emergency grace period begins at the point in time of rent/lease or mortgage payment going forward. Once the assistance period reaches 100 days from the date of payment, the LSHR is triggered, the first step being a visual assessment for deteriorated painted surfaces on the property, inside, outside, and common areas. To further clarify, if assistance is being provided to an individual or family that covers three months of arrears within the first month of assistance, the 100 days begins at the time of payment going forward. As an emergency payment assistance period approaches the end of the 100-day grace period, the grantee must undertake visual assessment (including paint stabilization of deteriorated painted surfaces and clearance) if it wishes to continue FY2019 or FY2020 CDBG or CDBG-CV assistance. Refer to: [Using Annual Formula CDBG, FY 2019 and 2020 CDBG to prevent, prepare for, and respond to coronavirus, and CDBG-CV Funds for Rent or Mortgage and Arrearages Subsistence-Type Payments.](#)

15. Given the coronavirus, is it acceptable to do a remote visual assessment for deteriorated painted surfaces?

**Answer:** For assistance to continue past the 100 days grace period, a visual assessment (inspection) for deteriorated paint is required. Because of the coronavirus, it may not be possible for an onsite visual inspection to occur. If the situation does not allow for an onsite visual inspection, the owner(s) or a surrogate may perform a remote visual inspection. Grantees are encouraged to develop policies and procedures that allow this method and the necessary documentation required for it. Refer to: [Using Annual Formula CDBG, FY 2019 and 2020 CDBG to prevent, prepare for, and respond to coronavirus, and CDBG-CV Funds for Rent or Mortgage and Arrearages Subsistence-Type Payments.](#)

16. How do we enforce compliance with the 100-day assistance of CDBG-CV funds? Do we stop making payments if they (the subgrantee) do not comply?

**Answer:** Your program will need to determine eligibility for the period of payment based on the CDBG-CV program. Your maximum payment will be limited by the CDBG rule and must follow the LSHR. Effective policies and procedures, including sanctions for violations, that are enforced, will limit, or eliminate violations.

## Disclosure and Notification

17. We lease the apartment for clients - so we are the lessee, but the client lives in the unit. Do we sign the acknowledgement of LBP info or should the client?

**Answer:** The property owner is required to disclose all known lead-based paint information to you, the lessee, and likewise, you must disclose all known lead-based paint information to the client, the sublessee.

18. Does the Lead Disclosure Rule (LDR) require that all information, no matter how old, be disclosed?

**Answer:** Yes. All known LBP information must be disclosed prior to lease or sale of target housing.

19. If a rental property assisted with HOME rehabilitation funds found lead, abated it, and passed clearance, is the owner still required to disclose the lead reports to tenants?

**Answer:** Maybe. If LBP remains following abatement (i.e., if enclosure or encapsulation abatement methods were used), disclosure is required. If there is documentation the property is LBP free, (i.e., all LBP was removed and clearance verifies), disclosure is not required for future leases. LBP free units are good advertising. If/when the property is sold, all testing, abatement and clearance reports must be disclosed (given) to the buyer and all subsequent buyers until the property changes use, or housing is demolished.

20. How does the Lead Disclosure Rule apply for rent/lease arrears payments with ESG-CV1, CV2, and/or CDBG-CV3?

**Answer:** The LDR applies to all target housing that is not otherwise exempt. Disclosure includes the provision of providing the tenant with an educational booklet, entitled: "Protect Your Family from Lead in your Home", a lead warning statement and a disclosure form that is completed by both the property owner and the tenant. Subpart K of the LSHR is triggered for the mentioned programs when the 100-day grace period of assistance has expired. Please refer to related Q&As above for additional details.

21. When performing exterior work on homes, is there any requirement to test surrounding homes or notify neighbors that lead hazard reduction work is going to happen?

**Answer:** The certified renovator (or abatement contractor) is required to post lead warning signs and tape on the property before and during lead hazard control work. State and/or local requirements may differ; check with your state Lead Abatement or Childhood Lead Poisoning Prevention Program for further information. The basic federal requirements can be found in [Chapter 8 of the HUD Guidelines](#).

22. Can notices (of evaluation and hazard reduction activities) be emailed to occupants?

**Answer:** Yes. Keep a record of the notices and emails in your project files for future monitoring purposes.

23. What date establishes the presumption date for purposes of calculating the 15-day evaluation (or presumption in this case) notice to occupants?

**Answer:** The decision to presume LBP, rather than performing a risk assessment and paint testing, must be formally documented. The date of that document triggers the 15-day notification (to residents/owners) period.

24. How detailed must the notification to occupants be for lead hazard evaluation?

**Answer:** The LSHR requires that the notification of Lead Hazard Evaluation include the property address, what type of evaluation was completed (i.e., inspection, risk assessment, etc.), summary of results (you may include a copy of the risk assessment summary), and contact person(s) for more information. Shortly, a toolkit for Subpart J will be posted on the HUD-Exchange. The toolkit will include a template for notification.

25. Do we need to show certification that the Renovate Right pamphlet has been provided and with the owner's signature?

**Answer:** Yes, you should have evidence that the owner was provided the [Renovate Right pamphlet](#). The certification of receipt should contain the owner's signature and date he/she received the pamphlet.

## Inspections

26. Do LBP Inspection reports, from a realtor for down payment assistance, for instance, need to be HUD certified?

**Answer:** The LBP Inspection report must be completed by a trained and certified (either by EPA or State) LBP Inspector. HUD itself does not certify a LBP Inspection report; HUD encourages trained staff review the LBP Inspection report for consistency and compliance.

27. Who can inspect for LBP? Can it be an employee who attends a webinar or a professional who handles LBP abatement?

**Answer:** An LBP Inspector and Risk Assessor must be trained and certified through either an EPA or State accredited training provider and issued a certification/license from EPA or the State, as applicable. See [EPA's lead page](#).

28. Can you give an example of an "impact surface"?

**Answer:** Yes. Examples of impact surfaces include window frames where they contact the sash, door frames and doors where they contact each other, and baseboard trim.

## Visual Assessment

29. Can you provide the location on the HUD website for the LBP visual assessor course?

**Answer:** The [online visual assessment training](#) is free and can be taken at any time.

30. Is there a form or format for documenting the results of a visual assessment (for deteriorated paint)?

**Answer:** There is no official form; feel free to design your own. HUD encourages that the visual assessment report includes photos to document the presence or absence of deteriorated paint. There are [examples of forms in the HUD Guidelines](#) and [additional sample forms for visual assessment](#).

## Calculation of Assistance

31. Are LBP Inspector/Risk Assessor costs considered "soft costs," not part of the hard cost of rehabilitation?

**Answer:** Yes.

32. My program only pays for (rehabilitation) soft costs with HUD grant funds. How do I calculate the hard cost of rehabilitation for purposes of compliance with Subpart J of the LSHR?

**Answer:** If, for instance, CDBG funds are used only for program admin costs and not for any project costs, the LSHR is not triggered. See [FAQ J25 of the Interpretive Guidance](#).

In the example provided, the program claims to limit assistance to project related soft costs, presumably like financing fees, architectural or engineering fees, relocation costs, testing for hazards or defects. To properly determine the applicability of the LSHR, both total federal funding (including soft costs in this example) and average rehabilitation costs must be calculated. For a more in-depth discussion, please refer to [Interpretive Guidance J3 and J3a](#).

33. If our HUD assisted rehabilitation projects do not usually replace windows and doors, do we need to do abatement for these items?

**Answer:** If, for example, you operate a rehab program that does not standardly replace windows and the decision to replace them for this project is a way to address a lead hazard, then the cost would not be included in the calculation of hard construction cost. In this case, it would be a lead cost. Some programs routinely replace windows as a part of their normal scope of work. In the second example, the cost is a part of the hard construction cost and needs to be included rather than removed from the calculation. If the calculation results in the hard costs for rehabilitation amounting to \$25,000 or more, then all lead-based paint hazards must be abated.

34. Do Low Income Housing Tax Credit (LIHTC) units count as federally assisted or is that limited to CPD programs such as HOME, HTF, and CDBG?

**Answer:** LIHTC are not considered federal funding assistance, thus not subject to the LSHR.

35. When calculating hard costs, are exempted repairs (i.e., roof, furnace) included?

**Answer:** If the aggregate project comprises activities that will not disturb painted surfaces, then the project is exempt from the LSHR, and file documentation must demonstrate and support the exemption (Sec. 35.115(a)(8)). However, if painted surfaces will be disturbed, the hard cost calculation is necessary to determine the level and type of testing and lead hazard control work.

## Testing

36. Can program staff who conducted the Risk Assessment also perform the Clearance exam?

**Answer:** Yes. It is not a conflict of interest for a certified and licensed LBP Risk Assessor to also perform Clearance on the same unit.

37. If a Risk Assessment report identifies LBP on, say, a door, is interim control or abatement required on the whole unit?

**Answer:** The answer depends largely on the results of the hard cost calculation, the scope of work of the rehab job, and the results of the Risk Assessment. If the hard costs of rehab exceed \$25,000, then all hazards identified in the Risk Assessment must be abated. If the hard costs calculation is over \$5,000 and up to and including \$25,000, then interim controls of lead-based paint hazards is required. In the example, if the leaded door is not part of the rehab job in any

way and the paint on that door, although LBP, is not deteriorated, then nothing needs to be done to the door.

38. Does bare soil need to be tested if proposed work will be restricted to the interior of a unit or the exterior of a building?

**Answer:** The Risk Assessment includes dust and bare soil testing. If you have determined that the LSHR applies to the particular project for a rehab job >\$5,000, and soil lead hazards are identified, you must address the soil lead hazards.

39. Is a visual assessment required if level of rehab assistance is ≤\$5,000/unit?

**Answer:** See §35.930 for the exact requirements for rehab up to and including \$5,000. Briefly, test paint to be disturbed or presume the paint to be disturbed is LBP. Hire a certified Renovator to use lead safe work practices. Repair any disturbed paint and conduct clearance.

40. Does the Risk Assessment outline the work that will need to be done to assist drafting scopes of work for bids?

**Answer:** The Risk Assessment Report must include recommendations as to how to stabilize or abate the identified hazards. Since some Risk Assessors try to skip this step, we recommend that your contract with the Risk Assessor include the requirement for hazard control treatment recommendations.

41. For consistency's sake, we are using the new EPA dust standards for all our HUD programs, CDBG, HOME and Lead Hazard Control. I know that they are mandatory for LHC grantees, but I didn't think that they were required for CPD Programs. Are they required for CDBG and HOME?

**Answer:** Yes, the EPA dust lead hazard standard (DLHS) went into effect on January 6, 2020. The dust lead clearance level (DLCL) became effective on March 8, 2021. These standards currently apply to states, territories, and federally recognized tribes that DO NOT have EPA authorization to administer their own LBP Activities programs. States WITH their own EPA authorized LBP Activities programs must demonstrate that they meet the revised DLHS and DLCL no later than 2 years after EPA's effective date.

42. If the project is between \$5,000-\$25,000, a risk assessment and paint testing is conducted and no lead or lead hazards are identified, is there further compliance needed?

**Answer:** If no LBP hazards (in paint, dust, and soil) are identified by the risk assessor, then interim controls by a certified RRP firm/renovators and clearance are not required. Ensure proper documentation is kept with the project file for future monitoring.

43. For rehab ≤\$5,000, if we test the painted surfaces that will be disturbed by the rehab, and the surfaces test positive for LBP, is the requirement to hire a RRP renovator to disturb and repair the disturbed painted surfaces and conduct third party clearance?

**Answer:** Yes. Testing is recommended if there is a possibility that there is no LBP. If no LBP is identified, RRP safe work practices and clearance are not required.

44. Does a LBP Risk Assessment ever expire; does it have a "shelf life"?

**Answer:** The XRF paint testing results in the report do not expire. Generally, the Risk Assessment results are valid for up to 12 months from the assessment. Check your local lead laws to see if they have more stringent requirements.

45. What is the requirement for the number of samples for paint testing with the XRF?  
**Answer:** The HUD Guidelines mention a minimum of 4 walls, window/sill, door/frame, ceiling, and floor in each room. If children are present, you should test each area where children have access. More is better in identifying potential hazards in areas.

### Level of Treatment

46. For projects under \$25,000, do workers have to be RRP certified?  
**Answer:** Yes. On HUD funded projects, all workers involved with a project subject to the LSHR, where LBP is found or presumed must be trained. Today, that training is the EPA RRP training. The firm would need to be a certified firm. All workers would need to be lead safe trained and at least one Certified Renovator must be available.
47. When the \$25k rehab threshold is exceeded, it says "abate all hazards." Is that only for painted areas being disturbed or all hazards on the house? For example, \$25k could easily be reached with mostly exterior work, HVAC/sewer/water/appliances without touching a lot indoors.  
**Answer:** First, determine if any painted surfaces will be disturbed. If no painted surfaces will be disturbed at all from the proposed project, the project is exempt from the LSHR. Otherwise, a risk assessment and paint testing, followed by hazard abatement of ALL LBP hazards on the property, and 3rd party clearance are required.
48. If the risk assessment comes back and several doors and windows tested positive for LBP, do they have to be addressed because they are friction surfaces?  
**Answer:** Just because the doors test positive for LBP, does not mean they are hazards. If there is deterioration or friction wear, or the dust on the nearest horizontal surface is high, then they would be hazards. See the [EPA regulations at 40 CFR 745.65](#) for the description.
49. For jobs >\$25,000 when you say abate all "applicable" surfaces, what is considered an "applicable" surface?  
**Answer:** Applicable surfaces include deteriorated, impact, friction, chewable surfaces, and surfaces to be disturbed. The abatement requirements for "hazards" are identified in the Risk Assessment. Not all LBP is hazardous.
50. When you say abatement must be done by an abatement firm, does that include a lead certified Renovator?  
**Answer:** An LBP abatement company and certified abatement workers are the proper contractors to perform hazard abatement. They must also be EPA or State certified RRP Renovators. See [EPA's lead page](#) for more information.
51. Is painting a form of encapsulation?  
**Answer:** No. Encapsulation is an abatement method, by a certified abatement worker, using a special coating. An encapsulant is not a typical exterior (or interior) latex house paint.
52. How is interim control different from abatement? I understand interim control is between \$5,000-\$25,000, but doesn't the contractor do the same work process except there is no abatement paperwork needed?  
**Answer:** Interim controls means a set of measures designed to reduce temporarily human exposure or likely exposed to LBP hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based



paint maintenance activities and the establishment and operation of management and resident education programs. The minimum qualification for this work is trained and certified EPA/State Renovators; abatement workers may also perform interim controls of LBP hazards. Abatement means any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of “permanent”). Abatement includes:

- The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and
- All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures. Only certified and licensed abatement firms and workers are permitted to conduct LBP hazard abatement. Abatement firms and workers are also required to be certified RRP firms and renovators.

53. What happens if, after rehab has started, it is discovered that additional rehab work must be completed, and the hard costs of rehab puts project in higher category of rehab assistance (>\$25,000)? Do you have to go back and abate all LBP hazards?

**Answer:** No. If a change order is needed that pushes the hard cost of rehab over \$25K, the LSHR does not require that you stop the project and perform hazard abatement; however, if there is a pattern of change orders to avoid hazard abatement in your program, that is a serious violation and could trigger sanctions.

54. Under HOME down payment assistance program (DPA), if the home has a detached building with peeling and chipping paint, does the seller have to correct the hazard since it is detached from the home/unit?

**Answer:** Yes, because it is part of the residential property and accessible to residents.

55. If two rehab projects occur at the same property for a total that falls within the range of over \$5,001 - \$25,000, and we presume LBP, is it correct that the entire property must be assessed for LBP hazards, all identified hazards must be corrected using lead-safe work practices (LSWP), followed by third party clearance?

**Answer:** Similar to an environmental review, all geographic and functionally related activities, are aggregated to identify the correct level of testing and treatment under Subpart J of the Lead Safe Housing Rule. In this scenario, if you presume LBP, the RRP Firm and certified renovators apply “standard treatments” to all deteriorated painted surfaces (inside and outside) on the property including friction and impact and surfaces to be disturbed by the rehab. You will need a system/method to identify and document all deteriorated paint on the property or risk a monitoring finding and the unit failing clearance. If you decide to conduct a risk assessment, interim controls by an RRP firm and certified renovators, are required on all identified hazards including the painted surfaces to be disturbed. Third party clearance is also required.

56. If the Residential Rehab Program is a loan program, will that change the LSHR requirements?

**Answer:** The form of rehab assistance (loan, grant etc.) has no bearing on the requirements of the LSHR.

### Presumption of Lead

57. What would the benefits be of presuming lead versus getting a risk assessment and LBP testing?

**Answer:** One benefit of presuming LBP is cost savings for risk assessments and testing. Presuming LBP requires paint stabilization of the entire residential property, so perhaps cost savings on one end are not so beneficial for the entire project cost.

58. To whom are you providing the notice of presumption (of LBP)?

**Answer:** The Notice of Presumption goes to the owner and any tenants of the property. A copy should be maintained in the project file for future monitoring purposes.

59. When using the option to presume LBP, if the repairs (over \$5,000 hard costs) are limited to the interior of one room, must the entire interior of the house be painted?

**Answer:** If presumed, all deteriorated paint must be repaired by a certified RRP renovator. The whole house does not need to be re-painted; only the deteriorated painted surfaces of the home (interior and exterior). If the hard costs of rehab or repair are <\$5,000, and the presumption option is used, only the painted surfaces to be disturbed must be addressed by the RRP renovator using LSWPs, not the entire unit.

60. What do we do if we don't want to test for our single-family rehab projects ≤\$5,000?

**Answer:** If you decide not to test, you must presume LBP on all the painted surfaces disturbed. Certified RRP firms and renovators must complete the job using LSWPs, followed by third party clearance. The LSHR permits that non-renovators be trained on the job for LSWPs and supervised by a certified LBP Abatement Supervisor. This is far less common than employing certified RRP firms and workers.

## Clearance

61. Whatever happened to clearance levels for window troughs?

**Answer:** The HUD Guidelines and the LSHR continue to include troughs clearance levels, however windowsills and floors are still the best areas to test (for dust lead levels), as these areas are the ones that residents come into contact with regularly. EPA established both "hazard" and "clearance" levels, effective 1/6/2020 and 3/8/2021 respectively. Note, the new EPA dust lead hazard standard and dust lead clearance level, are effective for States that do not administer their own Lead Activities Program (on behalf of EPA). States that administer their own Lead Activities Program have no more than two years to adopt and enforce the EPA hazard and clearance standards. See [EPA's lead page](#) or your state for more information.

62. What are the clearance standards for CDBG and HOME? A few years ago, they changed for Lead Hazard Control funds/programs, but CDBG and HOME continued to follow the EPA guidelines. According to this presentation, it appears that has changed. Please clarify.

**Answer:** The EPA dust lead hazard standard (DLHS) went into effect on January 6, 2020. The dust lead clearance level (DLCL) became effective on March 8, 2021. These standards currently apply to states, territories, and federally recognized tribes that DO NOT have EPA authorization to administer their own LBP Activities programs. States with their own EPA authorized LBP Activities programs must demonstrate that they meet the revised DLHS and DLCL no later than 2 years after EPA's effective date. Check your state regulations or ask [leadregulations@hud.gov](mailto:leadregulations@hud.gov).

63. For abatement, are two separate clearances required? The first being when the abatement process is complete and the second after the rehabilitation work is completed (end of the project)?

**Answer:** Yes, if you are using two contractors (a certified abatement firm and workers for the abatement work) and then an RRP firm for the rest of the work it is recommended that you do

an interim clearance after abatement. This interim clearance is conducted to ensure the property is safe for the workers, then do a final clearance to verify the property is clean/safe for the occupants. The final clearance must be performed after all the rehab and/or hazard reduction work is complete. You should wait at least one hour after the cleaning to allow dust to settle. See [R13 of the Interpretive Guidance](#).

## Relocation

64. If the contractor decides the work can be performed safely when occupied by the tenant but the tenant requests temporary relocation, does it trigger URA?

**Answer:** The URA and temporary relocation policies and procedures must be established by each HUD-assisted Housing Rehab Program (with compliance with the LSHR). See [Sec 35.1345 and J24 Relocation and Rehab Programs in the Interpretive Guidance](#).

65. Where do I find more information about elderly households not needing to relocate during rehab?

**Answer:** See [J24 last paragraph at the Interpretive Guidance](#).

66. Must all occupants be elderly, or can it just be the head of household to waive temporary relocation during rehab?

**Answer:** All occupants must be elderly for this exception. Occupant protection and worksite protection are still triggered (Sec. 35.1345).

67. Can an occupant waive the program's relocation policy to stay with family, understanding that they are doing so at their own risk?

**Answer:** If they are staying with family/friends, the program needs to ensure the unit is lead-safe. Either temporarily relocate tenants to a post-1978 unit or if a pre-1978 unit, the unit must pass clearance and document the unit is free of hazards.

## Maintenance

68. For HOME rehabilitated units in a multifamily building, when not all the units in the property are HOME assisted, is the entire building subject to the ongoing LBP maintenance requirement?

**Answer:** All HOME-assisted rehabilitated units, the exterior and common areas servicing those units are subject to the ongoing LBP maintenance requirements.

69. Does ongoing maintenance apply if work was done in the ≤\$5,000 category?

**Answer:** Maybe. The LSHR ongoing LBP maintenance requirements apply if there is an ongoing relationship with the Program (such as HOME rental programs).

70. Is abatement a permanent solution? Why would there be LBP monitoring after abatement if the unit passed clearance?

**Answer:** Abatement is not always a permanent solution. Abatement can also include enclosure and/or encapsulation which leaves some LBP paint behind. Only removal and replacement methods eliminate the LBP paint completely.

71. Do units that previously had LBP hazards remediated need to be re-assessed after a set time (i.e., after a certain number of years)?

**Answer:** If there is an ongoing relationship with that unit (HOME program for instance), then ongoing LBP maintenance and reevaluation is required.

72. Does ongoing maintenance work from either owner or monitoring visual assessment have to have clearance?

**Answer:** If paint will be disturbed and is above de minimis levels, then yes, third party clearance would be needed for ongoing maintenance activities. The other option is testing for LBP. If there is no LBP, safe work practices and clearance are not required.