

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5415-N-11]

Notice of Funding Availability for HUD's Fiscal Year (FY) 2010 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2010 Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program.

SUMMARY: This NOFA announces the availability of funding of approximately \$110 million for the Lead-Based Paint Hazard Control (LBPHC) Grant Program and Lead Hazard Reduction Demonstration (LHRD) Grant Program. The LBPHC and LHRD Programs are authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102-550). HUD's FY2010 Notice of Funding Availability Policy Requirements and **General Section** posted to www.Grants.gov on June 7, 2010, establish threshold and other critical application submission requirements for this NOFA. Applications shall be submitted to Grants.gov in accordance with the procedures outlined in the **General Section** and this NOFA.

APPLICATION RECEIPT DEADLINE DATE: The deadline for receipt of the application by Grants.gov is **October 15, 2010 11:59:59 PM Eastern Time**. Only one application will be accepted from any given organization under this NOFA (i.e., apply to either the LBPHC grant program or the LHRD grant program, but not both). If more than one application is received from an organization, the application that was received last by Grants.gov that meets the timely receipt requirements will be considered for funding.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in this program NOFA. Questions regarding the FY2010 **General Section** should be directed to the Office of Departmental Grants Management and Oversight (ODGMO) at 202-708-0667 (this is not a toll-free number) or the NOFA Information Center at 800-HUD-8929 (toll-free). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 800-877-8339. The NOFA Information Center is open between the hours of 10:00 a.m. and 6:30 p.m. eastern time, Monday through Friday, except federal holidays.

OVERVIEW INFORMATION

A. Federal Agency Name: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. Funding Opportunity Title: Lead-Based Paint Hazard Control Grant Program and Lead Hazard Reduction Demonstration Grant Program.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: FR-5415-N-11; OMB Approval Number 2539-0015.

E. Catalog of Federal Domestic Assistance (CFDA) Numbers: 14.900 Lead-Based Paint Hazard Control, and 14.905 Lead Hazard Reduction Demonstration Grant Program.

F. Application Receipt

1. **Deadline Date:** Applications must be received by Grants.gov no later than 11:59:59 p.m. eastern time on the application deadline date as follows: The application deadline date is **October 15, 2010**. See the **General Section**, posted to Grants.gov on June 7, 2010, for specific instructions regarding application submission and timely receipt requirements.

2. Applicants are encouraged to submit their application early to Grants.gov to ensure that they can meet the timely receipt requirements.

G. Additional Overview Content Information:

1. Purpose of the Program. The overarching purpose of the Lead-Based Paint Hazard Control Grant Program and the Lead Hazard Reduction Demonstration Grant Program is to assist states, Native American Tribes, cities, counties/parishes, or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing with the exception that the Lead Hazard Reduction Demonstration Grant Program is targeted for urban jurisdictions with the greatest lead-based paint hazard control needs.

2. Available Funds. Approximately \$110 million is available overall under this NOFA, including a minimum of \$48 million is targeted for urban jurisdictions with the greatest lead-based paint hazard control needs through the Lead Hazard Reduction Demonstration Grant Program (see Appendix A), under the Consolidated Appropriations Act, 2010 (Pub. L. 111-117) and prior-year appropriations.

3. Match. A minimum of 10% matching funds of the Federal funds requested is required for the Lead-Based Paint Hazard Control Grant Program, and a minimum of 25% matching funds of the Federal funds requested is required for the Lead Hazard Reduction Demonstration Grant Program. HUD may grant a waiver of the 25 percent match requirement for the LHRD grant program, if the applicant submits a request that meets HUD's criteria, described in Section III.B.2. See Match Requirements and Costs Chart in Section III.B, Cost Sharing or Matching.

4. Information on application. The applications for this NOFA instructions can be downloaded from at Grants.gov.

FULL TEXT OF ANNOUNCEMENT

I. Funding Opportunity Description

A. Program Description.

1. The Lead-Based Paint Hazard Control Grant Program (LBPHC) and the Lead Hazard Reduction Demonstration Grant Program (LHRD) are authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102-550). HUD's authority for making funding available under this NOFA for each of these grant programs is under the Consolidated Appropriations Act, 2010 (Pub. L. 111-117).

2. Funds awarded under this NOFA are intended to assist Native American Tribes, states, cities, counties/parishes, or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing. Funds will be awarded to applicants that will accomplish the following objectives:
 - a. Maximize both the number of children less than six years of age protected from lead poisoning and the number of housing units where lead hazards are controlled;
 - b. Target lead hazard control efforts in housing in which children are at greatest risk of lead poisoning, especially children in low-income and minorities families, in order to reduce elevated blood lead levels in children less than six years of age;
 - c. Promote cost-effective lead hazard control methods and approaches that can be replicated, maintained, and sustained;
 - d. Build local capacity to safely and effectively address lead hazards during lead hazard control and renovation, remodelling, and maintenance activities by integrating lead-safe work practices;
 - e. Promote integration of this grant program with housing rehabilitation, property maintenance, weatherization, green and healthy homes initiatives, housing-related health hazard interventions, and energy conservation activities and programs;
 - f. Affirmatively further fair housing (please refer to the FY2010 **General Section** and section V.A.3.f(3) in this NOFA for additional guidance on this requirement);
 - g. Develop a comprehensive community-based approach to address lead hazards in housing by mobilizing public and private sector resources including grassroots community-based non-profit and faith-based organizations;
 - h. Promote collaboration, data sharing, and targeting between health and housing departments;
 - i. Establish a system or process that will facilitate lead-safe units to be affirmatively marketed to families with young children;
 - j. To the greatest extent feasible, ensure job training, employment, and other economic opportunities generated by this grant will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons in the area in which the project is located. For more information, see 24 CFR Part 135; and
 - k. Further environmental justice, the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. (See

<http://www.hud.gov/offices/cpd/environment/review/justice.cfm> and related pages, including a discussion of Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations.”)

B. Changes in the FY2010 NOFA.

1. New Applicants. Up to \$10 million is available under the LBPHC Grant Program for qualified “new applicants,” i.e., those that have never before received funding from the Office of Healthy Homes and Lead Hazard Control (OHHLHC) under the LBPHC Grant Program or LHRD Grant Program as the primary grantee (note that a new applicant may have been a subgrantee). Applicants who received funding under the Fiscal Year 2009 Lead Hazard Control Capacity Building Grant Program are eligible to apply as “new applicants.” If there are not enough qualified new applicants for funding, any remaining funds will be made available based on how the entire pool of applications is rated and ranked.

2. Existing Grantees with Performance Deficiencies. Applicants that have been designated as high risk for any of their existing OHHLHC grants or subgrants at the submission deadline are ineligible for a grant. Applicants that have a “Red” performance designation from the OHHLHC for their LBPHC and/or LHRD grant(s) for the two previous consecutive quarters ending on or before the submission deadline will not be eligible to be awarded a grant if the applicant has a “Red” performance designation for the initial quarter ending after the submission deadline.

3. Promotion and Development of Healthy Housing Programs. Applicants to the LBPHC Grant Program may request up to \$100,000 in additional funds to assist in the promotion and development of programs to concurrently address multiple housing-related health hazards with lead hazard control intervention work and following a healthy homes methodology in accordance with the Healthy Homes Reference Manual (<http://www.hud.gov/offices/lead/library/hhi/HealthyHousingReferenceManual.pdf>). The purpose of this funding is to reduce significant health and safety hazards in the home through hazard evaluation and control work done in conjunction with lead hazard control activities. The \$100,000 is an additional amount from the requested lead hazard control funding. For example, if you are requesting \$3,000,000 for the LBPHC Grant Program and \$100,000 for the promotion of healthy housing, your requested funding amount would be \$3,100,000.

4. Applicants can only apply to one of the programs under this NOFA; either the Lead-Based Paint Hazard Control (LBPHC) Grant Program or the Lead Hazard Reduction Demonstration (LHRD) Grant Program, and cannot apply to both.

5. If you received an award under the FY2009 NOFA cycle for any of the programs in this NOFA, or at the submission deadline date you are currently a grantee under the American Recovery and Reinvestment Act of 2009 for any of these programs in this NOFA, you are not eligible to apply. However, applicants partially funded for any program in FY2009 may apply for funds under this NOFA and applicants that received funding under the FY2009 NOFA for Lead Hazard Control Capacity Building are eligible to apply.

II. Award Information

A. Funding Available.

Approximately \$110 million is available overall for the programs included in this NOFA under the Consolidated Appropriations Act, 2010 (Pub. L. 111-117) and prior-year appropriations, of which \$48 million will be available for the LHRD grant program which is targeted for urban jurisdictions (see Appendix A) with the greatest lead-based paint hazard control needs. Funding will be targeted for urban jurisdictions with the highest number of children with elevated blood lead levels as identified by the U.S. Centers for Disease Control and Prevention.

1. Grant Amounts. The chart below describes the maximum grant award amounts and period of performance for the programs in this NOFA.

Maximum Grant Award Amounts and Period of Performance				
Program	Grant Award Amount	Promotion of Healthy Homes Programs (optional request)	Maximum Award Amount	Period of Performance
Lead-Based Paint Hazard Control (CFDA 14.900)	\$3,000,000 (current or previous LBPHC grantees)	\$100,000	\$3,100,000	36 months
	\$2,000,000 (new applicants)	\$100,000	\$2,100,000	36 months
Lead Hazard Reduction Demonstration (CFDA 14.905)	\$4,500,000	n/a	\$4,500,000	42 months

Applications for amounts larger than the applicable maximum amount or for a longer period of performance will be deemed ineligible and will not be reviewed.

2. Promotion and Development of Healthy Housing Programs. Applicants to the LBPHC can request up to \$100,000 to assist in the promotion and development of healthy housing programs to address multiple housing-related health hazards simultaneously (i.e., “healthy homes” approach). In applications which include a healthy homes request for more than \$100,000, the healthy homes request will not be reviewed or considered for funding.

3. Start Date. The start date for grants is expected to be approximately December 1, 2010.

4. **Period of Performance.** The period of performance shall be 36 months for new applicants funded under the LBPHC grant program, 36 months for current or previous grantees funded under the LBPHC grant program, and 42 months for applicants funded under the LHRD grant program. Period of performance extensions will be considered by HUD in accordance with 24 CFR 85.30(d)(2), published policy guidance and the OHHLHC Grantee Program Guide.

B. Collaboration with Other Partners.

All applicants, with the exception of Native American Tribes, are encouraged to enter into formal arrangements with partners, such as community-based non-profit organizations, and faith-based or other community-based organizations. These formal arrangements could be a contract, a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or a letter of commitment. Such relationships must be established prior to the actual execution of an award or be contingent upon award, becoming effective within 60 days after award.

III. Eligibility Information

A. Eligible Applicants. See the FY2010 **General Section** for additional eligibility requirements applicable to HUD Programs.

1. To be eligible to apply for funding under this NOFA, you must be a Native American Tribe, state, city, county/parish, or other unit of local government. Multiple units of a local government (or multiple local governments) may apply as a consortium; however, a principal (lead) applicant must be identified that will be responsible for ensuring compliance with all requirements specified in this NOFA. State government and Native American tribal applicants must have an Environmental Protection Agency (EPA) authorized lead-based paint training and certification program (see <http://www.epa.gov/lead/pubs/traincert.htm>).
2. If you are a housing agency, community development corporation or redevelopment authority, or any other entity that is not the executive office or a department of a Native American Tribe, state, city, county/parish, or other unit of local government, you must identify the government of which you are a part, and submit for review the specific statutory and other documents to demonstrate that you are a part of that government, rather than a separate entity. A document publicly posted on the Internet (i.e., without a password or encryption) may be submitted by providing the title and the web address (URL) in place of a scanned version of the document.
3. Existing Grantees with Performance Deficiencies.
 - a. An applicant with an existing grant or subgrant under any OHHLHC grant program, that has been designated by the OHHLHC as being in high risk status per 24 CFR 85.12 at the time of the application deadline for any of its existing OHHLHC grants or subgrants is ineligible for review or ranking of its application.
 - b. Applicants that have a “Red” performance designation from the OHHLHC for their LBPHC and/or LHRD grant(s) for the two previous consecutive quarters ending on or before the

submission deadline, will not be eligible to be awarded a grant if the applicant has a “Red” performance designation for the initial quarter ending after the submission deadline.

4. Applicants can only apply to one of the programs under this NOFA; either the Lead-Based Paint Hazard Control (LBPHC) Grant Program or the Lead Hazard Reduction Demonstration (LHRD) Grant Program, and cannot apply to both. If you received an award under the FY2009 NOFA cycle for any of the programs in this NOFA, or at the submission deadline date you are currently a grantee under the American Recovery and Reinvestment Act of 2009 for any of these programs in this NOFA, you are not eligible to apply. However, applicants partially funded for any program in FY2009 may apply for funds under this NOFA and applicants that received funding under the FY2009 NOFA for Lead Hazard Control Capacity Building are eligible to apply.

5. Targeted Funding. For applicants seeking funding under the \$48 million targeted for urban jurisdictions (see Appendix A), in addition to the requirements in paragraph III.A.1.above, must have at least 3,500 pre-1940 occupied rental housing units (either alone or through a consortium), as listed at the 2000 Census website identified in Form_HUD96013_Need-Extent_of_the_Problem. In addition, if you are a state with an EPA-authorized lead-based paint training and certification program, you may apply on behalf of one or more of the eligible local jurisdictions. Multiple units of a local government (or multiple local governments) may apply as a consortium for a metropolitan area if the total number of pre-1940 occupied rental housing units for the combined jurisdiction(s) is at least 3,500; however, a principal (lead) applicant that will be primarily responsible for ensuring compliance with all requirements specified in the NOFA must be identified. Note that all entities within a consortium are responsible for compliance with the requirements specified in this NOFA. In the case of an applicant included as part of a consortium that is also an individual applicant, if both the consortium and the applicant are awarded grants under this NOFA, the consortium will have to identify who will fulfil the applicant’s responsibilities under the consortium. Further, consortium applicants must ensure that there is no double-counting of units to meet the unit threshold where there is jurisdictional overlap. A list of metropolitan areas having at least one place or county/parish with 3,500 or more occupied rental housing units built before 1940 is provided in Appendix A, Cities, Towns, Counties, and States Having at Least One Place or County with 3,500 or More Occupied Rental Housing Units Built Before 1940, and Eligible States and Tribes, and can be downloaded with the application from Grants.gov. Also, additional priority will be given to urban jurisdictions with the highest number of children with elevated blood lead levels as identified by the U.S. Centers for Disease Control and Prevention (CDC).

6. Eligibility of HUD-Assisted Housing. Appendix B, “Eligibility of HUD-Assisted Housing,” lists the housing units that may participate under each of the competitive programs detailed in this NOFA and can be downloaded with the application from Grants.gov.

B. Cost Sharing or Matching:

1. Match and Leveraged Resources.

HUD will award points for match and leveraged resources based on the total amount of resources committed per the table in Rating Factor 4: Leveraging Resources. In general, the larger the

amount of funds or in-kind services that are committed by the applicant, the higher the number of points that will be awarded under Rating Factor 4.

a. **Matching Funds Requirement.** The programs under this NOFA include a requirement for matching funds. The chart below describes the match percentage requirement, minimum percentage of federal funds for lead hazard control activities, and maximum administrative cost (as a percentage of federal funds).

Match Requirements and Costs			
Program	Minimum Match	Lead Hazard Control Costs	Administrative Costs
Lead-Based Paint Hazard Control (CFDA 14.900)	10 percent	Minimum 65 percent	Maximum 10 percent
Lead Hazard Reduction Demonstration* (CFDA 14.905)	25 percent	Minimum 80 percent	Maximum 10 percent

* Applicants may request a waiver of the 25% match requirement. Applicants with approved LHRD match waivers must provide a minimum 10 percent match (see section III.B.2 below.)

Community Development Block Grant funds are considered local funds, and may be used as match. Applicants must use Form_HUD96015 to document each match and leveraged resource. While applicants are not required to submit evidence of a firm commitment for each match and leveraged resource from any organization, up to 1 additional point will be awarded for evidence of a portion of match and leveraged resources by letters of firm commitment, Memoranda of Understanding, or other signed agreements from those entities identified as partners in the application. Matching contributions must be shown to be used specifically for allowable program costs. The signature of the authorized official on the SF424 commits matching resources of your organization and from other sources. All match resources shall be tracked and verifiable according to Office of Management and Budget (OMB) and program requirements.

b. **Leveraged Resources.** All resources contributed above the match requirement should be reported as leveraged resources. You are encouraged to provide leveraged resources beyond the required match. Leveraged resources may include funds from other allowable federally funded programs, and/or state, local, charity, non-profit or for-profit entities. Leveraged resources must be shown to be specifically dedicated to and integrated into supporting the programs. Your internal resources (e.g., staff in-kind, cash, etc.) must be given a monetary value on the SF 424 but do not require a separate letter from the authorized official. Form_HUD96015 should be used to document local contributions.

c. Examples of activities that can be counted as match or leveraged resources may include:

(1) **Documentation of Contributions from Property Owners.** For the share of the cost of lead hazard control contributed by a homeowner or landlord, detailed documentation of the cost incurred by the homeowner or landlord will be necessary after award during the period of performance of the grant. Owner contributions are limited to that which can be supported and verified by a third party, such as materials paid for and provided by the owner or labor that the owner paid and can substantiate via receipts/records. Labor contributed by the owner must be verified by a third party and valued at market rates. Please note that the applicant will be

responsible for providing the total leveraged dollars of proposed contributions from property owners if these contributions are not received during the period of performance of the grant. Such funds may not come from other OHHLHC funds and must conform to the limitations on use of federal funds for this purpose.

(2) Donations. The value of items, such as paint and other materials or equipment that are used for lead-based paint hazard control, must be established at market rates.

(3) Discounts. For services or products provided at a discounted rate, the discounted part of the fee or price is the eligible match/leverage. For example: If a financial institution provides a below-market discount on the interest rate for loans (e.g., mortgages, home equity loans, lines of credit, etc.) used to fund the homeowner or landlord contribution to the hazard evaluation and/or control work, the net present value of the interest discount is eligible match/leverage; neither the total interest nor the loan principal is eligible match/leverage. The same net present value calculation would be done for a firm commitment to forgive all or a portion of the principal. If a loan is used for more than the hazard evaluation and control work covered by the grant, only the same fraction of the discount as the fraction of the loan used for hazard evaluation and control may be accounted as match/leverage.

(4) Third Party In-Kind Contributions. See 24 CFR 85.24 for additional information on third party in-kind contributions.

(5) Other. Applicants may include housing rehabilitation, property maintenance, weatherization, green and healthy homes initiatives, housing-related health hazard interventions, and energy conservation expenditures as leveraged resources for these activities conducted in conjunction with the lead hazard control work in the housing units or common areas being made lead-safe. (Note that federal funds may be used as leverage, but not as match, except for Community Development Block Grant funds, which may be used as match and/or leverage.)

2. Request for Waiver of the LHRD Matching Requirement. HUD is authorized to waive the 25 percent matching requirement for LHRD applicants on a case by case basis. If your waiver request has been approved in writing by HUD, you must still provide a matching contribution of at least 10 percent of the requested grant amount to be eligible to apply for funding. The request for a waiver of the 25 percent match requirement must address your financial condition. In particular, you must document (and not merely assert) that: {1} your financial condition is such that providing a 25 percent match presents a financial hardship and {2} that the financial hardship is highly likely to continue throughout the period of the grant. You should recognize when considering whether to request a waiver, that your application must show sufficient capacity to administer the grant, as related to your narrative on qualifications and experience (Rating Factor 1) and soundness of approach (Rating Factor 3). The request for the LHRD match waiver, with supporting narrative and documentation, must be submitted to Michelle.M.Miller@HUD.gov by the LHRD match waiver request deadline, 5:00 PM eastern time **September 21, 2010 (i.e., 20 days after date of posting of NOFA on Grants.gov)**, which is significantly earlier than the application deadline of 11:59:59 p.m. eastern time **October 15, 2010**.

C. Other:

1. Threshold Requirements.

Applications will not be reviewed or funded if they do not satisfy all threshold requirements.

- a. Applicants must meet the threshold Requirements in the FY2010 **General Section**, section III.C.2, as well as threshold requirements listed in this subsection.
- b. Only eligible applications as defined in Section III, Eligibility Information, above, will be reviewed for compliance with threshold requirements.
- c. Existing Grantees with Performance Deficiencies. An applicant with a existing grant or subgrant under any OHHLHC grant program, that has been designated by the OHHLHC as being in high risk status per 24 CFR 85.12 at the time of the application deadline for any of its existing OHHLHC grants or subgrants is ineligible for review or ranking of its application, and will not be awarded a grant under this NOFA competition.
- d. Minimum Score. Your application must receive a total score of at least 75 points to be considered for funding.
- e. Match Requirements. Applications will not be reviewed or funded if they do not meet the match requirement for the Program in which the request was made. As noted in section III.B of the FY2010 **General Section**, applicants should refer to applicable Office of Management and Budget (OMB) circulars, particularly those with respect to the funds used or proposed to be used to satisfy this requirement. Applicants should also note in 24 CFR 85.24, except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another federal grant; the source of the match must be local.
- f. Applications for amounts larger than the applicable maximum amount or for a longer period of performance will be deemed ineligible and will not be reviewed.

2. Program Requirements

- a. Trained and Certified Professionals. Funded activities must be conducted by persons qualified for the activities according to 24 CFR part 35, subparts B–R (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians; or others having been trained in a HUD-approved course in lead-safe work practices).
- b. Lead hazard evaluation and control work must be conducted in compliance with HUD’s Lead Safe Housing Rule, the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (“HUD Guidelines”), and applicable federal, state and local regulations and guidance, including, but not limited to the EPA’s Renovation, Repair, and Painting (RRP) Rule (found within 40 CFR 745; see <http://www.epa.lead/pubs/renovation.htm>). You must not engage in the following prohibited practices when conducting Lead Hazard Control work:
 - (1) Open flame burning or torching;
 - (2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;
 - (3) Uncontained hydro blasting or high-pressure washing;
 - (4) Abrasive blasting or sandblasting without HEPA exhaust control;
 - (5) Heat guns operating above 1,100 degrees Fahrenheit or that char paint;
 - (6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and
 - (7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two square feet in any one interior room or space, or totalling no more than 20 square feet on exterior surfaces.
- c. Testing. All testing and sampling shall comply with the Lead Safe Housing Rule and conform to the current HUD Guidelines, the EPA lead hazard standards at 40 CFR part 745, and federal, state, or tribal regulations developed as part of the appropriate contractor certification program, whichever is most stringent.

(1) Lead-Based Paint and Lead-Based Paint Hazard Identification. A lead-based paint inspection and risk assessment is required. Presumption of the presence of lead-based paint or lead-based paint hazards is not allowed.

(2) Clearance Testing. If rehabilitation is performed in conjunction with lead hazard control, clearance may be conducted either after the lead hazard control work is completed, and again after any subsequent rehabilitation work is completed, or after all of the lead hazard control and rehabilitation work is completed. In either case, clearance must be successfully completed before re-occupancy.

d. Blood lead testing. Each child under six years of age should be tested for lead poisoning within the six months preceding the lead hazard control work. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the U.S. Centers for Disease Control and Prevention (CDC) publications *Preventing Lead Poisoning in Young Children (1991)*, and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials (1997)*.

e. Cooperation with Related Research and Evaluation. You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or another government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in the original proposal. Participant data shall be subject to the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA and the Privacy Rule can be found at <http://www.hhs.gov/ocr/hipaa/>. For the programs in this NOFA, we do not expect research to be conducted that could affect human subjects.

f. Data Collection. You shall collect, maintain, and provide to HUD the data necessary to document and evaluate grant program outputs and outcomes.

g. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) applies directly to the grantee (see 24 CFR 135.3(a)(2)(i)). The purpose of Section 3 is to ensure that new training, employment or contracting opportunities created during the grant will be directed to low- and very low-income persons residing in the target area and to the business concerns that employ these persons, to the greatest extent feasible. If the grantee plans to hire any new employees or award contracts to carry out the grant, it must comply with the Section 3 requirements found at 24 CFR 135.32. Any contractor, subcontractor or sub-grantee receiving contracts under the grant totalling \$100,000 or more must comply with the Section 3 requirements for any new hiring or sub-contracting opportunities provided under those contracts. Please refer to 24 CFR part 135, subparts B and E, and to Section II.C.5.d of the FY2010 **General Section**, for additional information.

h. Replacing Existing Resources. Funds received under the grant programs covered under this NOFA shall not be used to replace existing community resources dedicated to any ongoing project.

i. Code of Conduct. Prior to entering into a grant agreement with HUD, successful applicants will be required to submit a copy of their organization's Code of Conduct and describe the methods they will use to ensure that all officers, employees, and agents of their organization are aware of their Code of Conduct. An organization that submitted an application during Fiscal Years 2008 or 2009 will not be required to submit another copy provided that their Code of

Conduct is current, and is listed on HUD's Code of Conduct website:

<http://www.hud.gov/offices/adm/grants/codeofconduct/cconduct.cfm>.

j. Coordination among Critical Agencies. HUD encourages you to participate in state-wide or jurisdiction-wide strategic plans to eliminate childhood lead poisoning as a major public health problem, or to assist in the development of a plan if your state or locality does not have such a plan. The CDC strategic elimination plans for state and local childhood lead poisoning prevention programs can be downloaded from

<http://www.cdc.gov/nceh/lead/StrategicElimPlans/strategicplans.htm>. Additionally, HUD encourages you to enter into collaborative arrangements with childhood lead poisoning prevention programs, health agencies, housing agencies, community development agencies, community-based language assistance organizations, fair housing organizations and code enforcement agencies (or equivalent) for your target area(s). Also, we encourage grantees to work with State Medicaid agencies to collaborate in conducting inspections of properties where a child has an elevated blood lead level.

k. Institutional Review Board (IRB). For the programs in this NOFA, we do not expect research to be conducted that could affect human subjects. Nonetheless, applicants should indicate whether their program includes conducting research involving human subjects in a manner that requires IRB approval and periodic monitoring under the Department of Health and Human Service's regulations at 45 CFR part 46. If your program includes conducting research involving human subjects in a manner that requires IRB approval and periodic monitoring, you must describe the plan for obtaining IRB approval, and indicate that no activities covered by IRB approval will be conducted until such approval is obtained. For additional information on what constitutes human subjects' research or how to obtain an institutional assurance, see the Department of Health and Human Services, Office of Human Research Protection (OHRP) website at: <http://www.hhs.gov/ohrp/>.

l. Waste Disposal. Applicants must handle waste disposal according to the requirements of the appropriate local, state, and federal regulatory agencies. Applicants must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the HUD Guidelines. The Guidelines are available from the HUD website: <http://www.hud.gov/offices/lead/lbp/hudguidelines/index.cfm>.

m. Worker Protection Procedures. Applicants must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (in particular, 29 CFR 1926.62, Lead Exposure in Construction), or the state or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

n. Temporary Displacement. If such persons are required to be temporarily displaced for a project, the requirements of the Uniform Relocation Act regulations at 49 CFR Part 24 and Appendix A to Part 24--Additional Information must be met. HUD recommends that applicants review these regulations when preparing the proposal. (The regulations can be downloaded from the Government Printing Office website at <http://www.gpoaccess.gov/cfr/index.html> by entering the regulatory citation in quotes without any spaces (e.g., "49CFR24") in the Quick Search box.)

o. Notification Requirements. All lead-based paint testing results, summaries of lead-based paint hazard control treatments, and clearances must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers (see 24 CFR 35.88 of the Lead Disclosure Rule). Grantee files must contain verifiable

evidence of providing lead hazard evaluation and control reports to owners and tenants, such as a signed and dated receipt. Applicants should also describe how they will provide owners with lead hazard evaluation and control information generated by activities under this grant, so that the owner can comply with the Lead Disclosure Rule (24 CFR part 35, subpart A, or the equivalent 40 CFR part 745, subpart F), the Lead Safe Housing Rule (24 CFR part 35, subparts B–R), and the EPA’s Renovation, Repair, and Painting (RRP) Rule (see 40 CFR 745 and <http://www.epa.gov/lead/pubs/renovation.htm>).

p. Consolidated Plans. (This requirement does not apply to Native American Tribes.) In addition to a Form HUD2991 for each jurisdiction in which your project or part of your project will be carried out, you must submit, as an attachment, the current lead-based paint element from the approved Consolidated Plan of the jurisdiction(s) where the lead-based paint hazard control will be conducted. In lieu of submitting a scanned copy of the lead-based paint element from the current Consolidated Plan(s), you may substitute a web site address where the Consolidated Plan(s) is (are) located, and identify the location of the lead-based paint element within the Plan(s) (e.g., section/subsection number, page number). The web site must contain the lead-based paint element of the current Consolidated Plan(s). Be sure to verify the web address is active. If you do not include a scanned copy of the lead-based paint element, or if you refer to a web site that is not active or does not contain the element when your application is reviewed, you will receive no credit for this Consolidated Plan requirement. If the jurisdiction does not have a currently approved Consolidated Plan, but is otherwise eligible for LBPHC and LHRD grant programs, you must include the jurisdiction’s abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

q. Applicants shall ensure that the requested grant amount is consistent on all forms and materials submitted.

r. Applicants awarded under this NOFA will be required to attend the New Grantee Orientation, which will be held either on December 15 – 17, 2010 in Annapolis, Maryland, or in a three-weekday period in January or February 2011 at a location to be determined in the Washington, Baltimore, or Annapolis metropolitan areas. These costs are allowable in accordance with OMB’s regulation on cost principles for State, local, and Indian tribal governments (2 CFR 225, especially Appendix B to part 225, Selected Items of Cost, sections 31, Pre-award costs, and 43, Travel costs).

s. Written Policies and Procedures. You should describe in your work plan policies and procedures for procurements (contracting), unit eligibility, unit selection and prioritization, all phases of lead hazard evaluation and control, including risk assessments, inspections, development of specifications for contractor bids, pre-hazard control blood lead testing, financing, temporary relocation and clearance examinations. Grantees, sub-contractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

t. Continued Availability of Lead-Safe Housing to Low-Income Families. Units in which lead hazards have been controlled under this program shall be occupied by or continue to be available to low-income residents as required by Title X (see section VIII.B in this NOFA). The applicant is to describe previous efforts, if applicable, to maintain a registry (listing) of low-income units in which lead hazards have been controlled (often called “lead-safe units”) as a result of previous activities, and plans in conjunction with this grant for continuing an existing registry or establishing a new registry, and procedures for ensuring that these units are affirmatively marketed at turnover targeting low-income families with children less than six years of age.

u. Environmental Requirements.

(1) Recipients of funding under this NOFA must comply with 24 CFR part 58, Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, and must carry out environmental review responsibilities as a responsible entity under part 58.

(2) Recipients of funding under this NOFA may conduct lead inspections and risk assessments prior to receiving Environmental Review Clearance under the exemption allowed in 24 CFR 58.34(a)(5), which states that “inspections and testing of properties for hazards or defects” are exempt activities.

v. All laboratory analysis in support of required testing and evaluation under this NOFA must be conducted by a laboratory recognized for the analysis by the EPA National Lead Laboratory Accreditation Program (NLLAP; <http://www.epa.gov/lead/pubs/nllap.htm>).

w. All lead-based paint hazards identified in housing units and in common areas of multifamily housing enrolled in this grant program must be controlled or eliminated by either of the following strategies or a combination of the two:

(1) Interim controls. In accordance with the HUD Guidelines, interim controls of lead-based paint hazards including lead-contaminated dust and soil in housing must include specialized cleaning techniques to address lead dust.

(2) Lead-based paint hazard abatement; however, see the restrictions on conducting paint abatement in Section III.C.2.a(2)(b), Lead-Based Paint Abatement, below.

x. Eligibility of HUD-Assisted Housing. Appendix B, “Eligibility of HUD-Assisted Housing,” lists the housing units that may participate under each of the competitive programs detailed in this NOFA and can be downloaded with the application from: [Grants.gov](http://www.grants.gov).

y. Other. The requirements above are in addition to all generally applicable requirements, including non-discrimination requirements specified in section III.C of the **General Section**.

C. Other

1. Allowable Costs and Activities. This section applies to both grant programs unless otherwise specified. For each kind of organization, a set of Federal principles determines allowable costs. Allowable costs shall be in accordance with the cost principles applicable to the organization incurring the costs. Specifically, OMB Circular A-87 - Cost Principles for State, Local, and Indian Tribal Governments, can be accessed at the White House website, <http://www.whitehouse.gov/omb/circulars/index.html>.

a. Lead Hazard Control Direct Costs. Lead hazard control direct costs are defined as costs specifically related to the performance of lead hazard control activities, as defined below. When preparing the budget, you must ensure that at least 65 percent of the requested grant amount for the Lead-Based Paint Hazard Control Grant program, or at least 80 percent of the requested grant amount for the Lead Hazard Reduction Demonstration Grant Program is dedicated specifically for lead hazard control activities. Lead hazard control activities are defined as:

(1) Performing lead dust, soil and paint-chip testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities that are required for, and in direct support of, interim control and lead hazard control work, of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil through the use of acceptable testing procedures.

(2) The control or elimination of all lead-based paint hazards identified in housing units and in common areas of multi-family housing by either of the following strategies (or a combination), including:

(a) Interim Controls. According to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (“HUD Guidelines”), interim controls of lead-based paint hazards (including paint-lead hazards, dust-lead hazards and soil-lead hazards) in housing must include specialized cleaning techniques to address associated lead dust. See Chapter 11 of the HUD Guidelines for more information (<http://www.hud.gov/offices/lead/lbp/hudguidelines/Ch11.pdf>).

(b) Lead-Based Paint Abatement. Abatement of all lead-based paint is generally authorized only in states or localities that require complete abatement by law. HUD does not consider abatement of all lead-based paint to be cost effective in most circumstances; therefore, a grantee must make a special request in writing prior to conducting complete abatement of lead-based paint. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure (i.e., the drip line or foundation of the unit being treated, and children’s play areas).

(3) Undertaking minimal housing intervention activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed, maintained, and sustained. Refer to HUD Policy Guidance 2008-02 on the OHHLHC website (http://www.hud.gov/offices/lead/library/lead/PGI-2008-02_Doing_Minimal_Rehab.pdf) for further information on minimal rehabilitation activities. These grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs, to the extent practicable. HUD encourages integration of this grant program with housing rehabilitation, property maintenance, weatherization, green and healthy homes initiatives, housing-related health hazard interventions, and energy conservation activities and programs.

(4) Carrying out temporary relocation for temporarily displaced families and individuals while the remediation is conducted and until the time the affected unit receives clearance for re-occupancy. When persons with disabilities are temporarily relocated, they must be placed in housing that provides, at a minimum, the same accessibility features as the housing in which they currently resides (for additional information on temporary relocation requirements, see section III.C.2.n. HUD expects that most temporary relocation for lead hazard control work would be for 10 days or less.

(5) Lead hazard control-specific soft project costs. Activities that directly support the undertaking of lead hazard control activities, and without such support activities, the lead hazard control activities could not be conducted. These soft project costs may include: staff costs for intake, review and approval of applications and preparation of documents to be signed by applicants for lead remediation work; staff costs for arranging for temporary relocation, staff costs associated with reimbursement, and providing assistance to residents in relation to lead hazard control; travel for staff that perform lead hazard control.

b. Other Allowable Direct Costs. Costs for the activities below are allowable Direct Costs, but should not be counted as “Lead Hazard Control Direct Costs:”

- (1) Purchasing or leasing equipment having a per-unit cost under \$5,000.
- (2) Performing blood lead testing or air sampling to protect the health of the hazard control workers, supervisors, and contractors.
- (3) Conducting pre-hazard control blood lead testing of persons residing in or frequently visiting units undergoing lead hazard control work.
- (4) Conducting targeted outreach, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention that will result in increased lead hazard control activities or designed to increase the ability of the program to deliver lead hazard control

services including educating owners of rental properties, tenants, and others on the Residential Lead-Based Paint Hazard Reduction Act, Lead Safe Housing Rule (24 CFR part 35, subparts B-R), and applicable provisions of the Fair Housing Act especially as it pertains to familial status (e.g., families with children) and disability discrimination, seeking to provide access to these program benefits and information to Limited English Proficient (LEP) individuals through language assistance services, in accordance with the *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* published on January 22, 2007 in the *Federal Register* (72 FR 2732) (for more information, see section III.C.5.c of the **General Section**), and providing training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (e.g., Braille, audio, and large type). Also, a registry of lead-safe units should be developed and provided to families as part of the outreach program.

(5) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such data as may be required by HUD.

(6) Providing resources to build capacity for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for housing rehabilitation contractors, rehabilitation workers, renovators, remodelers, homeowners, renters, painters, maintenance staff, and others conducting renovation, rehabilitation, maintenance, hazard control, or other work in private housing; free delivery of lead sampling technician training, lead-based paint worker or contractor certification training; subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint workers or contractors, lead sampling technicians or certified renovators; and completion of other HUD-approved courses that further the effectiveness of lead hazard control interventions or promote the integration of this grant program with housing rehabilitation, property maintenance, weatherization, green and healthy homes initiatives, and housing-related health hazard interventions, such as the Essentials for Healthy Homes Practitioners Course.

(7) Conducting planning, coordination, and training activities to comply with HUD's Lead Safe Housing Rule (24 CFR part 35, subparts B-R). These activities should support the expansion of a workforce properly trained in lead-safe work practices that is available to conduct interim controls on HUD-assisted housing covered by these regulations.

(8) Participating in technical studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities, or to facilitate targeting and consolidating resources to further childhood lead poisoning prevention efforts. For the programs in this NOFA, we do not expect research that could affect human subjects to be conducted.

c. Lead Hazard Control Indirect Costs.

(1) Administrative Costs. Applicants can utilize up to 10 percent of HUD funds for payments of reasonable grant administrative costs related to planning and executing the project, preparation/submission of HUD reports, etc. Administrative costs must be reflected under the appropriate line items (e.g., salaries, fringe, supplies, etc., of the Form HUD 424CBW) and a detailed cost element breakdown in the budget narrative must be provided. Detailed explanations of these costs are provided in the OMB Cost Principles circulars (A-21, A-87, A-122) that can be assessed at the White House Web site at: <http://www.whitehouse.gov/omb/circulars/index.html>.

IV. Application and Submission Procedures

A. Address to Request Application Package:

See the FY2010 **General Section** for specific procedures concerning the electronic application submission requirements. The application and instructions are available at http://www.grants.gov/applicants/apply_for_grants.jsp. Applicants who have difficulty accessing the information may call the help desk help line at (800) 518-GRANTS or e-mail support@grants.gov. Hearing- or speech-challenged individuals may access this telephone number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

B. Content and Form of Application Submission:

Applicants may submit only one application for either the LBPHC or LHRD program covered by this NOFA for which they are eligible, but not both. Applicants eligible to apply under this NOFA must follow the submission requirements described below:

1. Applicant Information.

a. Application Format.

(1) The application narrative response to the Rating Factors is limited to a maximum of 20 pages (excluding appendices, budget forms/narrative, and worksheets) of size 8-1/2" x 11" using a 12-point (minimum) font with margins not less than 1" on all sides. While the 20-page rating factor response does not include attachments, tables, appendices, and other required forms, the applicant should not rely on excessive appendices to address the rating factors – this information should be clearly described in the rating factor narrative. Applicants should be aware that any narrative information submitted in response to the Rating Factors that exceeds the 20 page limit will not be reviewed.

(2) Materials provided in the appendices should directly refer to the specific rating factor narrative. Applicants are strongly urged to not submit information that is not required and/or requested in the NOFA or relevant to a specific narrative response. All attachments must identify the related Rating Factor in the footer by providing the Rating Factor and the page number (e.g., Factor 1 Attachment, page 1).

b. Information contained in the abstract will not be considered in the evaluation or scoring of the application. Applicants should specify what program in the NOFA you are applying for grant funds (LBPHC or LHRD). For threshold review purposes, the abstract shall state whether the applicant:

(1) Is a new applicant, current or prior grantee, under any program in this NOFA, and, if a current or prior grantee, the fiscal year and program of each award; and

(2) Has included a request for funding activities for the Promotion and Development of Healthy Housing Initiatives (as per Section I.B.3).

c. Complete Application. Your application must contain all the information required in this NOFA and the FY2010 **General Section**. The checklist below includes the list of items for a complete application (except as noted below).

(1) SF424_Application_for_Federal_Assistance (Applicants must also include the nine digit zip code (zip code plus four digits) associated with the applicant address in box 8d of the Standard Form 424 (SF-424)).

(2) Narrative Responses to Rating Factors 1 through 5 (limited to a maximum of 20 narrative pages plus the following forms):

- (a) Form_HUD96012_Capacity_and_Relevant_Organizational_Experience
 - (b) Form_HUD96013_Needs-Extent_of_the_Problem
 - (c) Form_HUD96014_Soundness_of_Approach
 - (d) Form_HUD96015_Documenting_Leveraging_and_Matching_Resources
 - (e) Form_HUD96010_Program_Outcome_Logic_Model
 - (f) Form_HUD96008_Development_Worksheet_with_Minimum_Benchmark, or Form_HUD96009_Development_Worksheet_with_Minimum_Benchmark (as applicable)
 - (g) Form_HUD2991_Certification_of_Consistency_with_the_Consolidated_Plan (and references to need for lead-based paint treatment in the Analysis of Impediments to Fair Housing Choice (AI))
 - (h) Copy of Consolidated Plan's Lead-Based Paint Element (or link to website identifying where the Lead-Based Paint Element can be found)
 - (i) Form_HUD424CBW_HUD_Detailed_Budget_Worksheet); includes Total Budget (Federal Share and Matching) and Budget Justification Narrative
- (3) Other Application Materials:
- (a) Applicant Abstract (limited to a maximum of 2 pages) (required)
 - (b) SF424_Supplement_Survey_on_Equal_Opportunity_for_Applicants (optional submission)
 - (c) Form_HUD2880_Applicant-Recipient_Disclosure-Update_Report) (required)
 - (d) Form_HUD2990_Certification_of_Consistency_with_the_RC-EZ-EC-II_Strategic_Plan (optional, submit if applicable - please refer to the FY2010 **General Section** for information regarding your eligibility to receive Bonus Points in accordance with the RC/EZ/EC-II Strategic Plan requirements)
 - (e) SFLLL_Disclosure_of_Lobbying_Activities (if applicable)
 - (f) Lead Hazard Reduction Demonstration Grant Program match waiver request and HUD approval letter (if applicable; note that the waiver request may be submitted after the application is submitted, but no later than 5:00 PM eastern time, **September 21, 2010**).

C. Application Receipt

1. **Deadline Date.** The application deadline is 11:59:59 p.m. eastern time on **October 15, 2010**
2. Only one application will be accepted from any given organization under this NOFA (i.e., apply to either the LBPHC grant program or the LHRD grant program, but not both). If more than one application is received from an organization, the application that was received last in accordance with the timely receipt requirements will be the one reviewed by HUD.
3. Applicants are encouraged to submit their application early to Grants.gov.
4. Please see the 2010 **General Section** for instructions for timely receipt, including actions to take if the application is rejected. Applicants should carefully read the section titled "INSTRUCTIONS ON HOW TO DOWNLOAD AND APPLICATION PACKAGE AND APPLICATION INSTRUCTIONS" in the 2010 **General Section** that contains information on using Adobe Reader, HUD's timely receipt policies, and other application information.

D. Intergovernmental Review. Not required.

E. Funding Restrictions.

1. Administrative Costs. Administrative costs may not exceed 10 percent of the grant award.
2. Ineligible Costs and Activities. You may not use grant funds for any of the following activities:
 - a. Purchase of real property.
 - b. Purchase or lease of equipment having a per-unit cost in excess of \$5,000, except for the purchase or lease of up to two X-ray fluorescence analyzers to be used exclusively by the grant program.
 - c. Chelation or other medical treatment costs related to children with elevated blood lead levels (EBLs). Non-federal funds used to cover these costs may be counted as part of the matching contribution.
 - d. Lead hazard evaluation or control activities in publicly-owned housing, or project-based Section 8 housing (this housing stock is not eligible under Section 1011(a) of the Lead-Based Paint Hazard Reduction Act; see section III.C.4.e of this NOFA, below).
 - e. Lead hazard evaluation or control activities in rental housing covered by a pending or final HUD, EPA, and/or Department of Justice settlement agreement, consent decree, court order or other similar action regarding violation of the Lead Disclosure Rule (24 CFR part 35, Subpart A, or the equivalent 40 CFR part 745, subpart F), or by HUD regarding the Lead Safe Housing Rule (24 CFR part 35, subparts B–R).
 - f. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. § 3501).
 - g. Lead-hazard control or rehabilitation of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. §§ 4001– 4128) as having special flood hazards unless:
 - (1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and
 - (2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. § 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.
 - h. Demolition of housing units or detached buildings as a means of lead hazard control and/or the replacement of such structures.

F. Other Submission Requirements.

1. Applications must be submitted via the Grants.gov website at http://www.grants.gov/applicants/apply_for_grants.jsp and be received no later than the established submission deadline date and time. See the FY2010 **General Section** for further information. Applicants interested in applying for funding under this NOFA must submit their applications electronically, unless they have requested and been granted a waiver from the electronic submission requirement. Applicants must submit their electronic submission waiver requests in writing using email. Electronic submission waiver requests must be submitted no

later than 15 days prior to the application deadline date and must be submitted to Michelle.M.Miller@HUD.gov. If the applicant is granted an electronic submission waiver, the notification will provide instructions on where and to whom to submit the application, and how many copies are required. Paper copy applications must be received by 3:59:59 PM eastern time on the submission deadline date. All times for receipt of applications are Eastern Time; HUD will not receive applications that arrive when the OHHLHC office or HUD's Weaver Building is closed for any reason, anticipated or not. HUD will not accept a paper application without an electronic submission waiver being granted. See the FY2010 **General Section** for detailed submission and timely receipt instructions.

2. Address for Submitting Applications. See the FY2010 **General Section** for specific procedures concerning the electronic application submission requirements. The application and instructions are available at http://www.grants.gov/applicants/apply_for_grants.jsp. Applicants who have difficulty accessing the information may call the help desk help line at (800) 518-GRANTS or e-mail support@grants.gov. Hearing- or speech-challenged individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

V. Application Review Information:

A. Criteria: The following section applies to all applicants unless otherwise specified.

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience. (20 points maximum for all applicants)

If you have not had a LBPHC or LHRD grant (even though you may have been a subgrantee), or your most recent LBPHC or LHRD grant had a period of performance ending before October 1, 2005, respond to subparagraphs a and b of this paragraph V.A.1. If you had or have an LBPHC or LHRD grant with a period of performance ending on or after October 1, 2005, respond to subparagraph c of this paragraph V.A.1.

a. Capacity of the Applicant (only for applicants which have not had a LBPHC or LHRD grant, or whose most recent LBPHC or LHRD grant had a period of performance ending before October 1, 2005; 10 points).

The applicant must demonstrate that its organization has sufficient qualified personnel or will actively retain qualified experts or professionals and is prepared to perform lead-based paint hazard evaluation, lead-based paint hazard control intervention work, and other proposed activities within 90 days of the grant award to successfully implement and complete the project. The applicant must complete Form HUD96012 to receive points for this rating factor.

(1) Key personnel should include, at a minimum, a Project Director (PD) and a Program Manager (PM). Unless financial management of the grant falls under the responsibility of the PD or PM, the applicant should also identify the person responsible for the financial management of the grant. The applicant must provide resumes, no longer than 3 pages, of the key personnel and job descriptions for planned key personnel, including the person responsible for the financial management of the grant. You must describe the roles and responsibilities of each key personnel for the project. Please **do not** include the Social Security Numbers (SSN) of any person. The day-to-day Program Manager must be experienced in housing rehabilitation, lead hazard control or related work to the project. The Program Manager should have

demonstrated project management experience and must dedicate at least 75 percent of his/her time for the proposed project. The applicant must: 1) list and describe sub-grantees, sub-contractor organizations, sub-recipients and consultants that will provide services and carry out critical activities for the proposed grant program, 2) detail each sub-entity's experience in initiating and implementing related environmental, health, or housing projects, 3) list the key personnel from each sub-entity organization and their respective roles and responsibilities, and 4) provide the percent of time commitment to the proposed program for all key personnel identified.

(2) Describe how the program will be administered. Include details on how oversight and financial management will be conducted. Provide details on contract administration and how funding will flow from the grantee to those who will perform work under the proposed program. Also describe how routine monitoring of all sub-grantees and vendors (contractors) will ensure conformity to the terms, conditions and specifications of contracts or other formal agreements and requirements.

(3) Describe your involvement in coordination among critical agencies, including participation in the state-wide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major health problem.

(4) Describe the proposed involvement of grassroots community-based non-profit organizations, including faith-based organizations, in the program activities. These activities may include outreach, community education, marketing, and lead-based paint inspections/risk assessments and lead hazard control work.

b. Relevant Organization Experience (only for applicants which have not had a LBPHC or LHRD grant, or whose most recent LBPHC or LHRD grant had a period of performance ending before October 1, 2005; 10 points)

Describe the organization's prior experience in initiating and implementing lead hazard control or related environmental, health or housing programs. Include information that lists the relevant and most recent experience (last three years) in initiating and implementing lead hazard control or related environmental, health or housing projects. Provide examples of relevant programs that the organization currently manages or has previously managed within the past three years (e.g., Community Development Block Grant (CDBG) Housing Rehabilitation, Childhood Lead Poisoning Prevention Program, Healthy Homes Demonstration, Weatherization, etc).

c. Capacity and Relevant Organization Experience (only for current LBPHC or LHRD grantees, or applicants with a prior LBPHC or LHRD grant having a period of performance ending on or after October 1, 2005; 20 points).

Performance under the most recent grant award, as a current or previous grantee, will be primarily used to evaluate capacity and relevant organization experience. Applicants should complete Form HUD_96012 to summarize your capacity and relevant organization experience. The applicant must provide a description of the organization's progress and performance implementing the most recent grant award including the total number of housing units enrolled, assessed, and completed and cleared as a result of program efforts. The applicant must also describe outcomes, capacity building efforts and impediments experienced during previous program(s). The applicant should also describe specific instances where the program has contributed positive impacts in the community, and indicate what activities were undertaken to develop, enhance or expand the local infrastructure through collaboration. HUD's evaluation process will consider an applicant's past performance record as reported to HUD in effectively organizing and managing their grant operations, in meeting performance and work plan

benchmarks and goals, and in managing funds, including the ability to account for funds appropriately, the timely use of funds received either from HUD or other Federal, State or local programs, and meeting performance milestones. Prior grantee applicants that have demonstrated greater progress in the implementation of their most recent grant award will receive more favorable consideration under this factor for award.

Current Lead-Based Paint Hazard Control grantees must also describe their plans to concurrently implement lead hazard control activities under this NOFA with other ongoing, as applicable, Lead-Based Paint Hazard Control grant program funds, especially in describing the time frame in which concurrent grant programs will be conducted, in allocating staff and other program costs or resources for all Lead-Based Paint Hazard Control grant program funds, and describing the safeguards in place to avoid co-mingling of funds while performing the new grant concurrently with existing Lead-Based Paint Hazard Control grant work. Similarly, applicants performing lead hazard control work under other programs, whether funded by HUD, other federal agencies, or other sources, must describe the safeguards in place to avoid commingling of funds.

2. Rating Factor 2: Need/Extent of the Problem. (15 points for all applicants)

Applicants will be scored in this rating factor based on documented need as evidenced by the submission of thorough, credible, and appropriate data and information. There must be a direct and substantial relationship between the proposed lead hazard control activities, the Consolidated Plan's lead-based paint element including barriers to Fair Housing Choice discussed in the AI, and documented community needs. The data submitted in response to this rating factor will be verified using data available from the Census, HUDuser, other data available to HUD and CDC. Applicants should ensure that the current residents of the target area, whose demographic characteristics constitute the data for this rating factor, are the individuals and families who should receive priority for the benefits of the funded programs and this should be addressed in the remainder of the application.

Applicants must complete Form_HUD96013 to receive points for this rating factor. Multiple forms (one per target area jurisdiction) are permissible. Points will be awarded in this rating factor based on the information documenting the number and percentage of children with an elevated blood lead level, the number and percentage of pre-1978 housing units (pre-1940 for the LHRD grant program), the number and percentage of families with incomes at or below 80 percent of the Area Median Income as determined by HUD within the jurisdiction and/or target areas, and other data that clearly demonstrate need for this funding. (NOTE: Data should be provided that is within the jurisdiction/target area – do not provide data that overlaps into another jurisdiction)

a. Documented/Estimated Blood Lead Level (BLL). (5 points maximum). Applicants must complete Part A of Form_HUD96013 to document the blood lead levels in children residing within your jurisdiction and target area for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2006 will not be accepted. For the purposes of this application, the “documented” number of children is based on a blood lead level test performed by a medical health care provider. If a target area for lead hazard control work is an entire jurisdiction, rather than subcomponent of a jurisdiction, completion of the table is sufficient. If a target area is a subcomponent of a jurisdiction, the target area must be described and its BLL prevalence must be shown in Form_HUD96013, and supporting documentation must be provided.

b. **Housing Age and Tenure and Very Low and Low-income Population. (8 points maximum).** Applicants must complete Part B of Form_HUD96013 to document the housing and income characteristics of in each jurisdiction where you intend to conduct lead hazard control work. HUD will use data from the Census on the housing age and tenure and individuals living below poverty level in the jurisdictions where you intend to conduct lead hazard control work as the basis for review. A separate narrative does not need to be provided regarding these data; completion of the tables is sufficient.

c. **Other Factors Contributing to Need. (2 points maximum)** Applicants should describe other factors that clearly demonstrate a need for this funding, which may include the number of children under the age of six in the target area; percentage/number of children receiving Medicaid benefits; the percentage/number of families receiving assistance through the Women, Infants, and Children (WIC) program, Head Start, or the Supplemental Nutrition Assistance Program; data in the Consolidated Plan, including the AI, and Lead Based Paint Element; and unemployment statistics.

3. Rating Factor 3: Soundness of Approach. (40 points maximum for all applicants)

The activities supported by the grant programs of the OHHLHC represent some of the most important elements of the national effort to achieve the goal of eliminating childhood lead poisoning as a major public health problem, and to respond to other important housing-related health hazards. The degree of success achieved by grantees will significantly shape the success of the national effort. This factor addresses the quality and cost-effectiveness of your proposed work plan. In general, there are four key stages in the life of a grant: application, start-up, implementation, and close-out. You need to describe your work plan to address start-up and implementation phases of the grant that includes specific, measurable and time-phased objectives for each major program activity. Your response to this factor must include the elements described below in the program description. In addition, applicants must complete the Rating Factor 3 Table, Form_HUD96014_Soundness_of_Approach, and either Form_HUD96008_Development_Worksheet_with_Minimum_Benchmarks (for LBPHC applicants) or Form_HUD96009_Development_Worksheet_with_Minimum_Benchmark (for LHRD applicants), to receive points for this rating factor.

Applicants will be rated on: (1) the quality of their work plan, including identifying specific, measurable, and time-phased objectives for each major program activity that reflect benchmark performance standards for unit evaluation, unit enrollment, unit production, LOCCS draw down, community outreach and education, skills training, and other activities, and (2) how the work plan will be implemented and monitored to ensure that the objectives and outcomes will be met. Examples of benchmarks include number of units to be made lead-safe, number of children living in units to be made lead-safe, number of persons to be trained to perform lead hazard control activities, and the number of persons to be served by outreach activities. The benchmark form (Form_HUD96008 or Form_HUD96009, as applicable) and policy guidance on developing work plans are available at the HUD website: <http://www.hud.gov/offices/lead/>. Information contained in the benchmark form does not need to be repeated or explained in detail in the rating factor narrative. Applicants may refer to the form within the narrative where relevant.

a. Lead Hazard Control Work Plan Strategy (20 points maximum for all applicants).

Applicants will be evaluated on describing the overall strategy for conducting lead hazard reduction work, including specific work plan goals and a time-phased strategy to complete work within the 36-month period of performance (LBPHC applicants) and 42-month period of

performance (LHRD applicants). Applicants should describe the methods, including schedule and milestones that will be used to identify and control lead-based paint hazards and how the desired project benchmarks will be achieved. The work plan should include information about the estimated numbers of families to be contacted, units enrolled, units to receive paint inspections/risk assessments, units to receive lead hazard control work, and individuals/groups to be reached through education and/or outreach activities and the number of individuals trained. Applicants should provide estimates for the number of units to receive lead hazard control work that are obtainable based on your capacity and expected accomplishments. Unit completion estimates should consider potential impediments and unforeseen delays, remembering that, if awarded a grant, grantees are held to production commitments. Applicants should describe the start-up and implementation phases of the proposed program. Applicants should describe program start-up activities during the first 60 days of the grant (hiring/training staff, establishing qualified contractor pool, written policies and procedures, environmental review procedures, and plans for implementing outreach/education and unit enrolment activities). Applicants should provide information about internal and external capacity-building steps necessary to ensure a smooth and timely start-up phase.

(a) Outreach, Recruitment and Unit Enrollment. Applicants should describe the methods and strategies, including the individuals and/or sub-grantees, sub-recipients or contractors responsible for affirmative marketing and outreach to those least likely to benefit from the program without such outreach, to other intended target area(s) and/or residents, including recruitment and enrollment activities, to supply the program with sufficient numbers of eligible units within an established timeframe (see Sections III.C.5.c and III.C.5.b of the **General Section** for more information on how to conduct these marketing and outreach activities in accordance with Limited English Proficient guidelines and the affirmatively furthering fair housing obligations specific to marketing and outreach activities, respectively). Describe measures the program will take to sustain recruitment and identify the staff responsible for both monitoring recruitment activities and implementing the measures identified to sustain recruitment.

(b) Applicants should discuss the coordination with State and local housing agencies, health or child care providers, State Medicaid agencies, or other partner organizations. Applicants should describe how referrals from the Section 8, Housing Choice Voucher program and other agencies that provide assistance to low-income households with children (including CDBG, HOME Investment Partnerships Program-funded housing programs, weatherization, health departments or other sources) will be received and processed.

(c) Applicants should describe how eligible housing units will be identified, selected, prioritized and enrolled, especially those known to house children with an elevated blood lead level. Applicants should include the estimated number of eligible privately-owned housing units to be enrolled, including owner-occupied, rental, vacant, single and/or multi-family units.

(d) Applicants should describe the planned approach to control lead-based paint hazards in vacant and/or occupied units before children are poisoned.

(e) For applicants that are not a health department, explain how data will be obtained from state and/or local health departments, Childhood Lead Poisoning Prevention Programs (CLPPP) and other health care agencies (if applicable) for purposes of recruiting and enrolling housing units, especially on housing units in which children have been identified as having an elevated blood lead level. Also, describe how data will be obtained and secured given the protections of HIPAA.

b. Technical Approach/Lead Hazard Control Interventions (8 points maximum).

Applicants will be evaluated on the proposed technical approach for evaluating and controlling lead-based paint hazards (and associated costs), including the approach for testing units for lead-based paint hazards, conducting blood-lead testing of children in enrolled units, performing lead hazard control interventions and associated hazard reduction strategies, occupant protection, and temporary displacement (relocation). Applicants should describe the number of single and multi-family units that will be treated and proposed lead hazard control intervention for each, if this will vary. Applicants should describe the strategy to ensure that the units are maintained lead safe after clearance is achieved. NOTE: In selecting lead hazard control interventions, applicants should consider several factors: the relative costs and durability of the treatments, the characteristics of the unit, and the condition and projected durability of the component(s) treated. Applicants should choose appropriate control methods using best judgment in each case. However, complete abatement of all lead-based painted surfaces in units is not generally a cost effective strategy and is discouraged in these programs. In cases where only a few surfaces have identified lead-based paint hazards and if paint abatement is therefore cost-effective, grantees must provide a detailed rationale for selecting complete paint abatement as a strategy. Applicants are encouraged to review the National Evaluation of lead hazard control methods provided at <http://www.hud.gov/offices/lead/library/misc/NatEval.pdf>.

(1) Sequencing Key Program Activities.

(a) Using Form_HUD96008 or Form_HUD96009, as applicable, applicants should provide a realistic schedule for completing key program activities and outputs by calendar quarter, so that all activities and outputs can be completed before or within the grant period of performance. Key production activities include unit enrollment, lead-based paint inspection and risk assessments, hazard control and clearance of units. In addition, applicants should describe the estimated timeframe for treating a typical unit from referral and intake to hazard control and clearance. Applicants should explain how the program will accommodate emergency referrals (e.g., units occupied by a child under six years of age with an EBL).

(b) Applicants should describe the production process from intake to unit completion/clearance and follow-up testing (if applicable), including identifying the agency/person responsible for each phase, the timeline to complete each phase and how monitoring will be performed to both prevent and resolve production impediments.

(c) Intake, Enrollment, Unit/Income Eligibility. Applicants should describe the process to determine unit and income eligibility, prioritization scheduling of paint inspection/risk assessments, and enrolling units in the program. Applicants should discuss the lead hazard control financing strategy (i.e., the type of assistance - grants, deferred/forgivable loans, etc), including verification of income eligibility requirements, terms, conditions, dollar limits, amounts available for lead hazard control work in the various categories of housing (e.g., single-family, multi-family, vacant, owner or tenant-occupied), who is responsible for establishing, administering and overseeing this aspect of the program, and the role of other resources such as private sector financing and matching, if any, from rental property owners. Applicants should describe how the recapture of grant or loan funds to owners of assisted units will occur if recipients fail to comply with any terms and conditions of the financing arrangement (e.g., failure to comply with affordability, affirmatively marketing and providing priority to renting units to families with children under six years of age, sale of property, etc.).

(2) Blood Lead Testing Prior to Lead Hazard Control Work. Applicants should describe the methods, measures and cost for performing blood lead testing of children less than six years

of age and efforts to perform blood lead testing of children within the target area(s) and other screening efforts. Applicants should describe how all children less than six years of age who occupy units to be assisted with lead hazard control work will receive blood lead testing within six months before commencement of lead hazard control work on the unit, except when a parent or guardian chooses to decline such testing of the child.

(a) Applicants should identify the individual responsible to ensure that children identified with an elevated blood-lead level are referred to appropriate medical care and how patient confidentiality will be maintained and the security of medical information will be protected in accordance with HIPAA.

(3) Paint Inspection/Risk Assessment. Applicants should describe testing methods, schedules, and estimated costs for lead-based paint inspections, risk assessments and clearance examinations. If applicants propose to use a more restrictive standard than the HUD/EPA thresholds, applicants should provide the standard(s) that will be used. All testing shall be performed in accordance with applicable regulations. Applicants should also describe how they will provide owners with lead hazard evaluation and control information generated by activities under this grant, so that the owner can comply with the Lead Disclosure Rule (24 CFR part 35, subpart A, or the equivalent 40 CFR part 745, subpart F) and the Lead Safe Housing Rule (24 CFR part 35, subparts B–R).

(4) Lead Hazard Control Work Specification Development Process. Applicants should describe the process for developing the work specifications, and the lead hazard control contractor bid and selection process for properties enrolled for lead hazard control work and indicate the individual or entity responsible for this ensuring the integrity of this process.

(5) Lead Hazard Control Interventions. Applicants should describe the interim control and hazard abatement methods to be used (include average cost estimates for units to receive lead hazard control work). Applicants should describe how contractors, property owners and maintenance personnel performing interim controls and lead hazard abatement work will be properly trained and/or certified, and how work will be monitored and supervised to ensure that contractors perform work of acceptable quality in compliance with work specifications and applicable federal/state/local regulations, including, but not limited to HUD's Lead Safe Housing Rule and the EPA's Renovation, Repair, and Painting (RRP) Rule (found within 40 CFR 745; see <http://www.epa.lead/pubs/renovation.htm>).

(a) Applicants should describe the coordination of relevant lead hazard control activities with rehabilitation, weatherization, green and healthy homes initiatives, and other housing improvement activities. Applicants should describe the sequencing of the work done in conjunction with lead hazard control.

(6) Temporary Displacement (Relocation) / Occupant Protection Measures. Applicants should describe plans for the relocation of occupants of units selected for remediation if temporary relocation is necessary. If temporary relocation is necessary, applicants should describe the process (e.g., the uses of lead-safe houses and other lead-safe housing arrangements, storage of household goods, incentives, etc.), and the source of funding for relocation. Applicants should describe plans for ensuring the right of return and/or first referral of occupants who have had to be temporarily relocated for the lead hazard control work to be performed. If temporary relocation is not necessary, applicants should describe measures to protect the occupants during remediation. HUD expects that most temporary relocation for lead hazard control work would be for 10 days or less. See section III.C.2.n, Temporary Displacement.

(7) Clearance Examinations. Applicants should describe the timeline for completing clearance examinations and related processes (i.e., laboratory analysis, receipt of test results and re-occupancy of unit or area). Applicants should describe the responsibility and payment of additional costs if a unit does not meet the clearance standards for re-occupancy.

(8) Post-Lead Hazard Control Maintenance of Units. Applicants should describe how the unit will be monitored and evaluated to ensure that units comply with the terms and conditions of the financing of the work and that the unit remains lead safe.

(9) Lead-Safe Housing Registry-Availability of Lead-Safe Housing to Low-Income Families. Applicants should describe how units in which lead-based paint hazards have been controlled under the program shall be occupied by, or continue to be available to low-income residents as required by Title X (see section VIII.B in this NOFA), and any plans to increase the length of use restrictions above and beyond the three years mandated by law. Applicants should describe efforts to either develop or maintain a registry (listing) of low-income units in which lead-based paint hazards have been controlled (“lead-safe units”) as well as procedures for ensuring that these units are affirmatively marketed at turnover targeting low-income families with children less than six years of age.

c. Program Administration and Financial Management (2 points maximum). Applicants should describe how the program will be administered, including addressing oversight and financial management. Applicants should describe staff and procedures to ensure proper project oversight/monitoring, contract administration (routine monitoring of all sub-grantees and contractors to ensure conformity to the terms, conditions and specifications of contracts or other formal agreements), and how funding will flow from the grantee to those who will perform work under the proposed program.

d. Healthy Home Interventions (2 points maximum). Because of the growing prevalence of housing-related diseases and injuries (e.g., asthma, falls, fires, etc.), HUD is encouraging grantees to examine the benefits of incorporating healthy homes principles in remediation activities (see <http://www.hud.gov/offices/lead/healthyhomes/index.cfm> for more information). Applicants to the LBPHC Program only may request up to \$100,000 to assist in the promotion and development of State and local programs to address multiple housing-related health hazards simultaneously. The purpose of this funding will be to reduce significant health and safety hazards in the home done in conjunction with lead hazard control activities. Information about the application of Healthy Homes principles may be found at: <http://www.hud.gov/offices/lead/library/hhi/HealthyHousingReferenceManual.pdf> and <http://www.hud.gov/offices/lead/library/hhi/HealthyHomes7Steps.pdf>. The applicant is to specify the total amount requested for this effort, including the amount in the total budget request and forms (Form HUD424CBW) and narrative justification. Applicants should identify the number of units that will have multiple-housing-related hazards addressed and provide a description of the technical approach and associated costs for addressing housing-related health hazards in addition to lead hazard control measures provided in units.

e. Economic Opportunity (1 point maximum). Applicants should describe how newly created employment, training, and contracting opportunities to Section 3 residents and Section 3 businesses will be provided within the target area, in compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) and HUD’s implementing rules at 24 CFR Part 135. Applicants should describe how Section 3 requirements will be accomplished by identifying the number of new jobs, contracts, and training opportunities that your project will generate; strategies for targeting Section 3 residents and businesses for such economic

opportunities, the schedule for delivering said training for low and very low-income persons living within your jurisdiction, and how trained individuals will be linked to new employment opportunities with covered contractors, and how efforts will be made to ensure that 10 percent of the total dollar amount of construction contracts will be awarded to businesses owned by and/or employing low and very-low-income persons living within your jurisdiction. Note that, while contractors, subcontractors or sub-grantees receiving contracts under the grant totalling less than \$100,000 need not meet the Section 3 requirements as a regulatory mandate (see section III.C.2.g of this NOFA), all grantees that receive awards exceeding \$200,000 are required to comply with Section 3. Additional information regarding all Section 3 requirements can be found in Section III.C.5.d of the **General Section**.

f. Lead Hazard Control Outreach (3 points maximum – each subpart below is 1 point maximum).

(1) Applicants should describe involvement in collaborative agreements or arrangements with state or local health, housing, and code enforcement agencies, and community and/or faith based organizations for the target area(s) for performing outreach activities including affirmative marketing. If this information is detailed in letters of commitments, MOAs, or MOUs that are included in the application, it can be briefly summarized in this section. If these collaborative agreements or arrangements are not yet made, address plans to develop these agreements if applicable.

(2) Applicants should discuss proposed outreach activities and expected outcomes, as it relates to unit enrolment or reducing childhood lead poisoning in the target area. Applicants should describe how the intended education program(s) will be culturally sensitive, targeted, and linguistically appropriate and identify the means available to supply the educational materials in other languages (identify all that apply) common to the community. (For more information on obligations with respect to outreach activities involving Limited English Proficient (LEP) persons, see section III.C.5.c of the **General Section**) Applicants should include the estimated number of individuals to receive the intended education and the estimated number of events to be delivered.

(3) Affirmatively Furthering Fair Housing. Applicants should describe strategies and methodologies to affirmatively further fair housing (see section III.C.5.b of the FY2010 **General Section**) and to increase access to lead-safe housing for all segments of the population: homeowners, owners of rental properties, and tenants. These strategies may include, but are not limited to: expanded fair housing choice by affording greater opportunities for families in obtaining affordable, lead-safe and sustainable housing in a revitalized area, creation of lead-safe housing for individuals least likely to know of, or apply for, housing opportunities in the revitalized area, and that lead-safe housing will be available to families with young children for the greatest possible length of time. Applicants should identify how to ensure that the program will continue to affirmatively market and match treated units with low-income families with children less than six years of age in the future. Applicants will not receive full points for this subfactor if the applicant does not include a narrative response to the affirmatively further fair housing requirements in the **General Section**, section III.C.5.b.

g. Data Collection and other Program Support Activities (1 point maximum). Applicants should identify and discuss the methods that will be used to document activities, progress, and program effectiveness. Applicants should explain necessary changes will be made to improve program performance.

h. Budget Proposal (1 point maximum).

(1) Applicants should thoroughly estimate all applicable costs (direct, indirect, and administrative), and presented it in a clear and coherent format in accordance with the requirements listed in the FY2010 **General Section**. HUD is not required to approve or fund all proposed activities. Applicants should thoroughly document and justify all budget categories and costs (Form HUD424CBW) and all major tasks, the applicant organization, sub-recipients, major sub-contractors, joint venture participants, or others contributing resources to the project. A separate budget must be provided for each partner who is proposed to receive more than 10 percent of the federal budget request. Applicants will be evaluated on the extent to which resources are appropriate for the scope of the proposed project.

(2) Applicants should submit the budget narrative justification associated with these budgeted costs as part of the Total Budget (Federal Share, Matching and Leveraging). Separate narrative justifications should be submitted for partners that are submitting separate budgets. Applicants should clearly identify the funding or cash equivalent amounts being provided as match and leveraged resources. These funds should reflect the numbers and contributions provided in response to Rating Factor 4, Leveraging Resources.

i. Implementing HUD’s Strategic Framework and Demonstrating Results (2 points maximum). In FY2010, HUD’s Policy Priorities reflect the emphasis on sustainability, using housing as a platform for improving other outcomes which improve the health, safety and economic well-being of community residents, promote energy-efficient, environmentally friendly construction and rehabilitation in our communities, and increase capacity and knowledge sharing to improve outcomes and track improvements made in the areas of housing, health, safety, self-sufficiency, transportation and the living environment. For further information on HUD’s FY2010-2015 Strategic Plan and FY2010 Policy Priorities see section V.B.1 of the **General Section**. To receive points for these policy priorities applicants must address the policy priorities described in items in paragraphs (1) and (2) below.

(1) Sustainability (up to 1 point). *Improve residents’ health and safety, particularly that of children and other vulnerable populations, by promoting green and healthy design, construction, rehabilitation, and maintenance of housing and communities (HUD Strategic Plan Subgoal 4B).* To receive points under this policy priority, applicants must identify in their application specific projects and activities that will improve the health and safety of children and vulnerable populations in the community. Examples of approaches for such work are included in paragraphs (a) and (b) below.

Specific measures of success or performance for this policy priority include the number of housing units rehabilitated to meet recognized green building standards, and the number of children living in living in such housing units.

(a) Incorporation of green and healthy design features that meet or exceed the mandatory requirements identified in a green building standard such as the Enterprise Green Communities “Healthy Living Environment” criteria (Category 7) or similar requirements under national or locally recognized green rating programs. For more information on Enterprise’s criteria, applicants should visit <http://www.greencommunitiesonline.org>. For more information on mitigating housing-related health hazards, applicants should review HUD’s Healthy Homes Strategic Plan, (http://www.hud.gov/offices/lead/library/hhi/hh_strategic_plan.pdf), and the Healthy Homes Reference Manual (<http://www.hud.gov/offices/lead/library/hhi/HealthyHousingReferenceManual.pdf>).

(b) Partnering with State or local programs, non profit organizations, or community-based or faith-based organizations, to rehab units that will meet the green building standard criteria above upon completion of the grant.

(2) Utilize Housing as a Platform for Improving Quality of Life (up to 1 point). *Promote housing management practices that protect the health of residents (for example, smoking cessation, pest management, and green cleaning) (HUD's Strategic Plan Subgoal 3B).* To receive points under this policy priority, applicants must identify in their application specific projects and activities that will ensure that housing-related health hazards in addition to lead-based paint hazards, such as allergen triggers, pests, poor indoor air quality, and harmful chemicals, are mitigated. Applicants should describe the extent to which this effort will be based on, or integrated into, existing social, educational or health systems and operations, or, if the applicable system or operation(s) do(es) not exist, explain why creating the new system(s) or operations are required. (HUD expects that, in most cases, this grant program should build on existing systems and operations; linking the grant activities to them.) Examples of approaches for such work may include activities describes in paragraphs (a) and (b) below.

Specific measures of success or performance for this policy priority include the number of housing units created that mitigate non-lead-based paint-related housing-related health hazards using healthy housing techniques and practices in the Healthy Homes Reference Manual, the number of housing management practices that incorporate healthy housing techniques and practices, and the number of referrals for hazard remediation.

(a) Establishing and implementing a routine process for assessing multiple housing-related hazards simultaneously, prioritizing these hazards based on the occupants, and establishing a schedule to remediate the priority hazards.

(b) Establishing and implementing a process for offering referrals of children 6 – 17 years old who have been identified through blood lead testing as having blood lead levels that would be elevated blood levels as identified by the CDC for children under age 6 to health care systems, support service providers or social service agencies.

4. Rating Factor 4: Leveraging Resources. (10 points maximum)

This rating factor addresses the ability to obtain additional community and private sector resources that can be combined with HUD's program resources to increase the effectiveness of the proposed program activities. Applicants will be given points based on the amount of net match and leveraged resources greater than the required match amount as required under the grant program you are applying. Match and leveraged resources must be shown to be specifically dedicated to and integrated into supporting program activities. See Section III.B, Cost Sharing or Matching, for additional information on match and leveraged resources.

a. Match and Leveraged Resources. Applicants will be given points based on the amount of total match and leveraged resources in accordance with the table below (10 points). In awarding points, fractional percentages will be rounded down to whole number percentages, and will not be rounded up (e.g., a Lead-Based Paint Hazard Control application providing 14.99% match and leveraged resources will be treated as 14% and receive 4 points).

**Lead-Based Paint Hazard Control and Lead Hazard
Reduction Demonstration (with match waiver) Grant
Programs**

Match and Leveraged Resources Point Table

Match and Leveraged Resources as Percent of Requested Federal Amount	Points Awarded
11 percent	1
12 percent	2
13 percent	3
14 percent	4
15 percent	5
16 - 18 percent	6
19 - 21 percent	7
22 - 24 percent	8
25 percent or greater	9

**Lead Hazard Reduction Demonstration Grant Program
(without match waiver)**

Match and Leveraged Resources Point Table

Match and Leveraged Resources as Percent of Requested Federal Amount	Points Awarded
26 percent	1
27 percent	2
28 percent	3
29 percent	4
30 percent	5
31 percent	6
32 percent	7
33 percent	8
34 percent or greater	9

b. Evidence of commitment for match and leveraging (1 point). Applicants must use Form_HUD96015 to document each match and leveraged resource. While applicants are not required to submit evidence of a firm commitment for each match and leveraged resource from any organization, 1 point will be awarded for evidence of commitment of all of match and leveraged sources by letters of firm commitment, Memoranda of Understanding, or other signed agreements from those entities identified as partners in the application, and 0.5 points if only a portion of match and/or leveraging is supported by evidence of commitment. Matching

contributions must be shown to be used specifically for allowable program costs. The signature of the authorized official on the SF424 commits matching resources of your organization and from other sources. If all of the match and leveraging is committed to come from your organization (i.e., none from other sources), 1 point will be awarded for the documentary evidence provided by the signature of the authorized official on the SF424. All match resources shall be tracked and verifiable according to OMB and program requirements. Contributions required of rental property owners may be included as part of your match and leveraged resources (See Section III.B, Cost Sharing or Matching).

c. Application Consistency. Applicants should ensure that:

(1) the same total match amount is shown in the SF424_Application_for_Federal_Assistance, Form_HUD424CBW_HUD_Detailed_Budget_Worksheet, HUD96015_Documenting_Leveraging_and_Matching_Resources, and the narrative response to Rating Factor 4;

(2) the total match amount shown is the sum of the individual components of the total match;

(3) the same total leveraging amount is shown in each of the four documents above; and

(4) the total leveraging amount shown is the sum of the individual components of the total leveraging.

5. Rating Factor 5: Achieving Results and Program Evaluation (15 points maximum).

This rating factor reflects HUD's goal to embrace high standards of ethics, management, and accountability.

a. Applicants should describe program activities, outputs and yearly outcomes for the entire period of performance. (5 points)

(1) Applicants should state clearly the project goals ("benchmarks") and activities (e.g., outreach, training, enrollment, housing evaluations, housing unit production, etc.) to achieve these goals.

(2) Applicants should identify the procedures that will be followed to make adjustments to the work plan to improve performance if benchmarks are not met within established timeframes.

b. Logic Model (10 points). In FY2010, HUD will use the Matrix in Appendix 1 of the FY2010 **General Section** to rate the quality of the Logic Model. The matrix provides for a sliding scale of up to 10 points based upon the quality of the submission.

(1) Applicants must submit Form_HUD96010. HUD is using an electronic Logic Model with dropdown menus from which you can select needs, activities, and outcomes appropriate to the program. See section V.A.1.c of the FY2010 **General Section** for detailed information on the use of the Logic Model. HUD is requiring grantees to use program-specific questions to self-evaluate the management and performance of their program. Training on HUD's logic model and the reporting requirements for addressing the Management questions will be provided via satellite broadcast. Applicants are strongly encouraged to view this training. In evaluating Rating Factor 5, HUD will consider how you have described the benefits and outcome measures of the program. HUD will also consider the evaluation plan, to ensure the project is on schedule and within budget.

(2) Performance indicators should be objectively quantifiable and should measure actual achievements against anticipated achievements:

Step 1. The planning component of the logic model should identify the problem or need and develop a plan.

Step 2. The intervention component of the logic model should identify the kinds of services, activities, and outputs projected.

Step 3. The impact component of the logic model should identify the projected outcomes.

Step 4. The accountability (phase one) component of the logic model should include data sources, measurement, and reporting tools.

Step 5. The accountability (phase two) component of the logic model should include the evaluation methodology or the evaluation process.

As a planning tool, the logic model can provide the statement of need and also provide the rationale for the proposed service or activity. For goals or benchmarks, the logic model can provide a set of quantifiable goals including timeframes. These goals allow you and HUD to monitor and assess the progress in achieving the program work plan. The process for the achievement of outcome goals should include identifying the expected outcome and the estimated number needed to achieve the goal or the expected outcome in terms of the community impact or changes in economic and social status. Some examples of measurement-reporting tools are survey instruments; attendance logs; case report; pre-post tests; or waiting lists. Applicants should describe where/how data are maintained, for example, central databases; individual case records; specialized access databases, tax assessor databases; and local precinct. Also, identify the location where the database is maintained, updated, etc., for example, on-site, subcontractor, or other site (specify what it is).

6. Bonus Points (2 points maximum)

Applicants are eligible for two bonus points if the application includes a valid Form HUD2990 certifying that the proposed activities/projects in the application are consistent with the strategic plan for an empowerment zone (EZ) designated by HUD or the U.S. Department of Agriculture (USDA), the tax incentive utilization plan for an urban or rural renewal community designated by HUD (RC), or the strategic plan for an enterprise community designated in round II by USDA (EC-II), and that the proposed activities/projects will be located within the RC/EZ/EC-II identified above and are intended to serve the residents. HUD will verify whether the certification is consistent with data on www.hud.gov/cr and/or www.rurdev.usda.gov/rbs/ezec/index.html for the awarding of the bonus points.

B. Reviews and Selection Process

1. Rating and Ranking. Please refer to the FY2010 **General Section**.

- a. Applications that meet all of the threshold requirements will be eligible to receive an award.
- b. Applications will be scored and ranked, based on the total number of points allocated for each of the rating factors described in Section V.A of this NOFA.
- c. Remaining Funds. Refer to the FY2010 **General Section** for HUD's procedures if funds remain after all selections have been made within a category.
- d. The maximum number of points to be awarded is 102. This maximum includes two bonus points as described in the FY2010 **General Section** and above.
- e. The factors for rating and ranking eligible applicants under all categories, and the maximum points for each factor are stated below:

Rating Factors	Maximum Points
1. Capacity of the Applicant and Relevant Organizational Experience	20
2. Need/Extent of the Problem	15
3. Soundness of Approach	40
4. Matching and Leveraging Resources	10
5 Achieving Results and Program Evaluation	15
Empowerment Zone, Renewal Zones and Enterprise Community (II) Bonus Points	2
Total	102

VI. Award Administration Information

A. Award Notices

1. Applicants Selected for Award.

a. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control providing details regarding the effective start date of the grant agreement and any conditions, additional data and information to be submitted to execute the grant. Applicants will then participate in negotiations to determine the specific terms of the grant agreement, budget, work plan, Logic Model, or other requirements. Should HUD not be able to successfully conclude negotiations with a selected applicant within a period determined by HUD, an award will not be made. If you accept the terms and conditions of the grant agreement, you must return a signed grant agreement by the date specified. Instructions on how to have the grant agreement account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will be provided. In accordance with OMB Circular A-133 (Audits of States, Local Governments and Nonprofit Organizations), if you expend \$500,000 in federal funds in a single year, you must follow the requirements of the Single Audit Act and must submit your completed audit-reporting package along with the Data Collection Form (SF-SAC) to the Single Audit Clearinghouse. The address can be obtained from their website. The SF-SAC can be downloaded at: <http://harvester.census.gov/sac/>.

2. Debriefing. Refer to the FY2010 **General Section** for additional details.

3. Negotiation. Refer to the FY2010 **General Section** for additional details.

4. Adjustments to Funding. Refer to the FY2010 **General Section** for additional details.

B. Administrative and National Policy Requirements. Refer to the FY2010 **General Section** for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. National Historic Preservation Act. The National Historic Preservation Act of 1966 (16 U.S.C. § 470) and the regulations at 36 CFR Part 800 apply to the lead-hazard control or rehabilitation activities that are undertaken pursuant to this NOFA.
2. Davis-Bacon wage rates. The Davis-Bacon wage rates are not applicable to these programs. However, if you use grant funds in conjunction with other federal programs, Davis-Bacon requirements may apply to the extent required under the other federal programs.
3. Procurement of Recovered Materials. See the FY2010 **General Section** for information concerning this requirement.

C. Reporting: Reports shall comply with the FY2010 **General Section** and specific program reporting requirements as described below.

1. Successful applicants will be required to submit applicable quarterly, annual, and final program and financial reports according to the requirements of the OHHLHC. Specific guidance and additional details will be provided to successful applicants in the grant agreement. Grant recipients must include a completed Logic Model (Form_HUD96010) (identifying output and outcome achievements), completed benchmark spreadsheet (Form_HUD96008 or Form_HUD96009, as applicable) that uses the benchmarks and milestones identified in the Logic Model Form, and Form_HUD27061 (to report racial and ethnic data) based on the reporting schedule in the grant agreement.
2. All grant recipients must comply with reporting requirements of subpart E (Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. §1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR Part 135) (See section III.C.2.g).
3. Grant recipients who purchase X-ray fluorescence (XRF) analyzers or other equipment in excess of \$5,000 apiece must complete the General Services Administration's annual Tangible Personal Property Report, if and after that report receives OMB approval under the Paperwork Reduction Act of 1995 (see 75 Federal Register 14441-14442; March 25, 2010). This report has four components: the Annual Report, the Final (Award Closeout) Report, the Disposition Report/Request, and, if needed, the Supplemental Sheet (see http://www.whitehouse.gov/omb/grants_standard_report_forms/). Generally, the average estimated time to complete each of these components is 0.5 hours; it is likely to be less for this grant program.
4. Applicants selected for funding should also be aware that they will be required to report sub-award information within 30 days of making a sub-award in an amount of \$25,000 or greater as required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282). The Federal Funding Accountability and Transparency Act of 2006 calls for the

establishment of a central web site that makes available to the public full disclosure of all entities receiving federal funds. Applicants should be aware that the law requires the information provided on the federal Web site to include the following elements related to all sub-award transactions of \$25,000 or greater.

- a. The name of the entity receiving the award;
- b. The amount of the award;
- c. Information on the award, including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;
- d. The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country;
- e. A unique identifier (DUNS number) of the entity receiving award and of the parent entity of the recipient (DUNS number of the parent entity) should the entity be owned by another entity;
- f. Federal parent award number and sub-award grant number;
- g. The tier level the sub-award was made at; and
- h. Any other relevant information specified by OMB.

There are exceptions for sub-awards less than \$25,000 made to individuals or to an entity whose annual expenditures are less than \$300,000.

Applicants should also be aware that the sub-award provision carries to all tiers (e.g., a direct award is made by HUD to an organization that in turn makes an award to another organization that then makes another award and so on). Collection of the tier level at which the award is made as well as federal parent award number can help in tracing the sub-award data as it tiers down several levels. Sub-award reporting requirements to meet the Federal Funding Accountability Transparency Act of 2006 requirements will be provided in your grant award. The award may also include reporting requirements for compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), referred to as “Section 872”.

VII. Agency Contact(s):

For programmatic questions, you may contact: Michelle Miller, Director, Programs Division, Office of Healthy Homes and Lead Hazard Control: Department of Housing and Urban Development; 451 Seventh Street, SW, Room 8236, Washington, DC 20410-3000; telephone 202-402-5769 (this is not a toll-free number); facsimile 202-755-1000; e-mail:

Michelle.M.Miller@hud.gov. For administrative questions, you may contact Curtissa L.

Coleman, Director, Grants Services Division, at the address above or by telephone at 202-402-7580 (this is not a toll-free number); facsimile 202-755-1000; email:

Curtissa.L.Coleman@hud.gov If you are a hearing- or speech-impaired person, you may reach the above telephone numbers via TTY by calling the toll-free Federal Relay Service at 1-800-877-8339.

VIII. Other Information:

A. General. For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: <http://www.hud.gov/offices/lead/>.

B. Authority. Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992), Section 1011, as amended:

“Section 1011. Grants for Lead-Based Paint Hazard Reduction in Target Housing.

“(a) General Authority. The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing that meets the following criteria—

“(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;”

“(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting.”

C. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501–3520) and assigned OMB control number 2539-0015. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours to prepare the application, 16 hours to finalize the grant agreement, and 32 hours per annum for grant administration (progress reporting) per respondent. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly reports, and final report. The information will be used for awardee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

D. Environmental. A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFA in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the FONSI must be scheduled by calling the Regulations Division at (202) 708-3055 (this is not a toll-free number).

Division at (202) 708-3815. (This is not a toll-free number.) HUD employees who have specific program questions should contact the appropriate field office counsel or Headquarters counsel for the program to which the question pertains.

C. Paperwork Reduction Act Statement. The information collection requirements contained in this document are currently approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2502-0267. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 4 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Dated: AUG 11 2010



David H. Stevens,
Assistant Secretary for Housing—
Federal Housing Commissioner

[FR-5390-N-01]