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**1. General Information:**

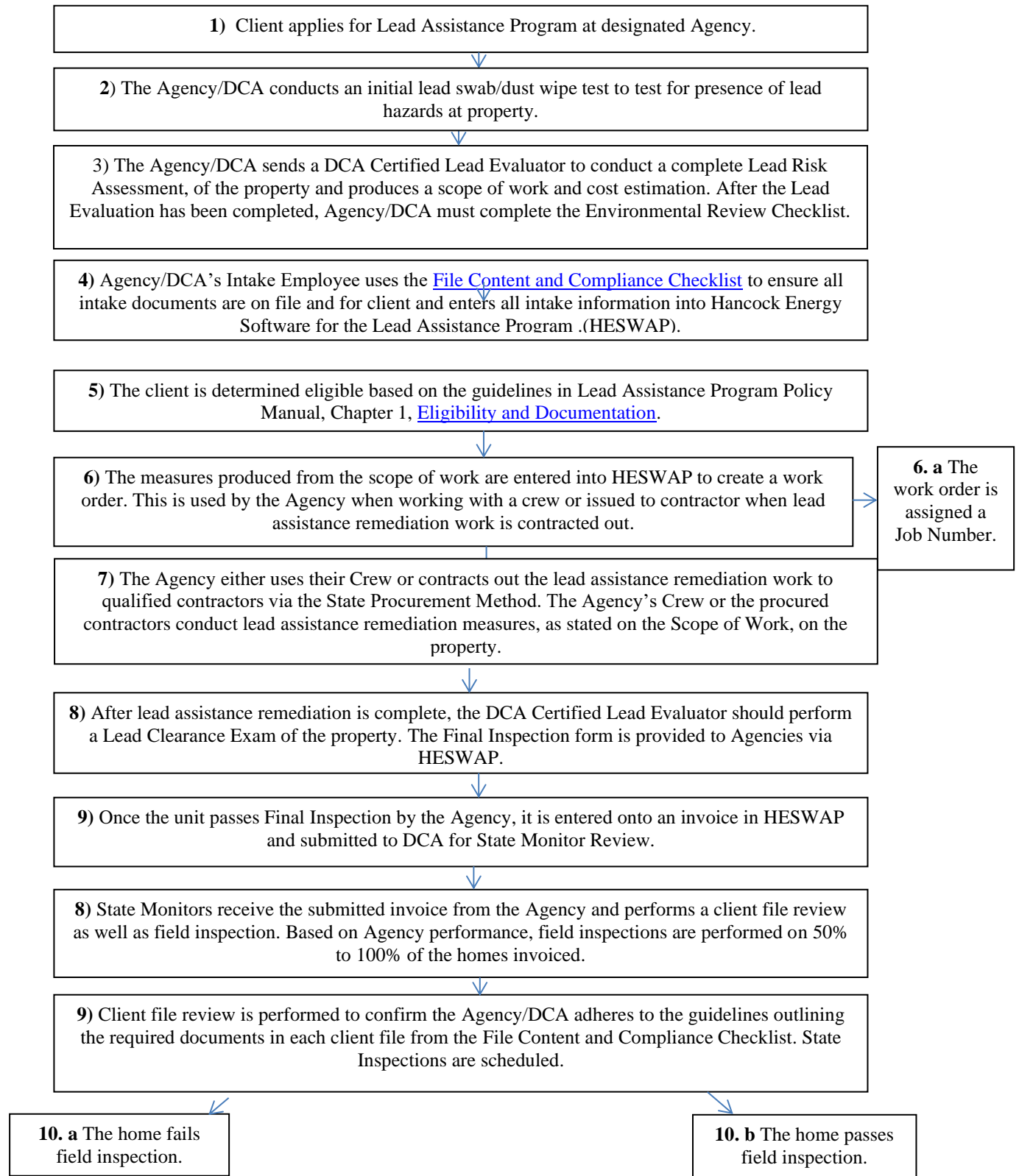
The DHCR's Office of Low-Income Energy Conservation (OLIEC) contracts non-profit organizations to identify and remediate lead-based paint hazards in income eligible households via interim controls to prevent elevated blood lead levels in children and pregnant women. Lead Assistance Program Agencies will be selected to provide lead assistance remediation/abatement services based on responses to a competitive Request for Proposals (RFP). Successful RFP respondents will receive contracts which carry a term dependent on their grant agreement.

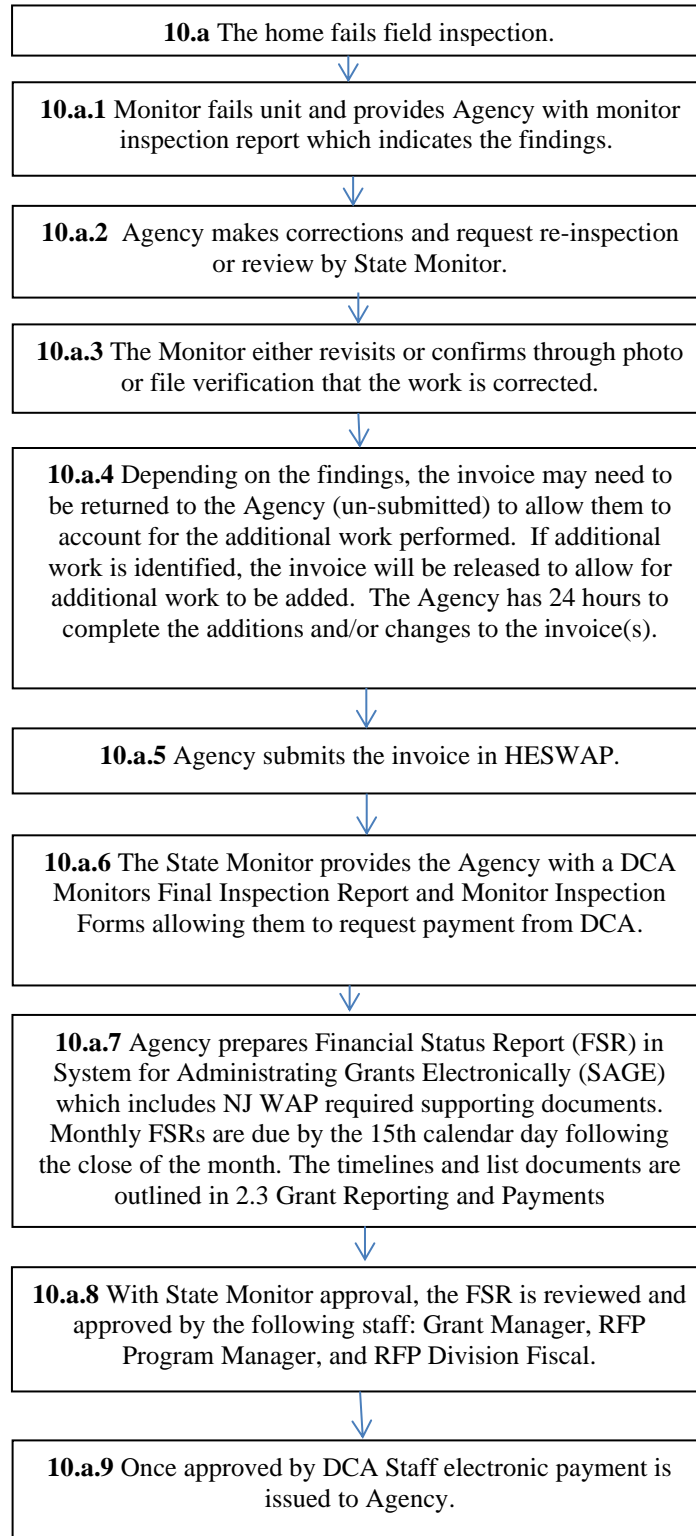
**1.1. Lead Assistance Program Agency Qualification and Requirements**

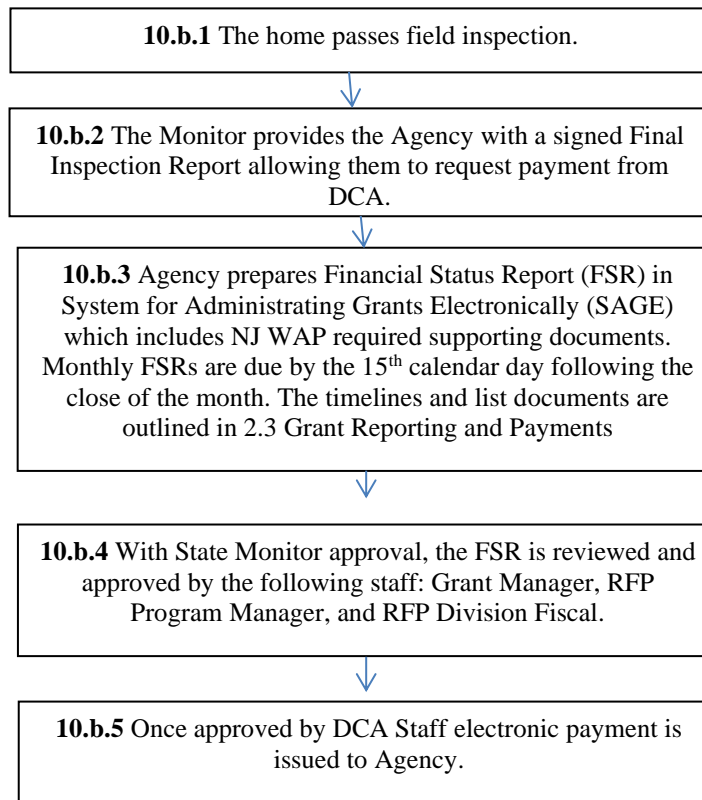
Successful applicants must have working knowledge of and the capacity to accomplish the following:

- Community outreach;
- Application intake and processing;
- Coordination of a combined Lead Inspection/Risk Assessment through a certified Lead Evaluation contractor, in accordance with N.J.A.C. 5:17 Lead Hazard Evaluation and Abatement Code;
- Oversight of formal bidding, contractor selection, and contract award activities;
- Relocation and case management of relocated occupants as per Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended;
- Monitoring non-abatement project, insuring project completion and project close-out;
- Compliance with proper waste disposal methods; and
- Compliance with Federal Fair Housing, Non-Discrimination and Equal Opportunity.
- Complete and undertake the program activities as reflected in the Lead Assistance Program Workflow Process chart.
- Demonstrate the ability to accept payment on a reimbursable basis and in accordance with Grant Payments Policy.
- Demonstrate past experience in administering lead hazard control and/or weatherization assistance programs
- Be certified as an RRP firm with the U.S. Environmental Protection Agency at the time of application.

**1.2. Lead Assistance Remediation/abatement Work Flow**







### 1.3 Service Areas

The service area for this RFP is statewide. Each Lead Assistance Agency has been provided their own target service area or areas which is outlined in their Grant Contract with NJDCA. The Lead Assistance Agencies must only provide services in their target service area/areas outlined in their Grant Contract.

## 2. Grant Management Requirements

### 2.1. Grant Conditions and Stipulations

Applicants selected through the competitive RFP process must adhere to and comply with grant conditions and stipulations stated in Sections A, B, C and D of the grant agreement. Production goals must be met in accordance with Section C. Full spend-down of grant funds is required. Section C will provide targeted percentage required on spend down and production goals to be met. There are benchmarks indicated in Section C that will be utilized to measure and determine grant performance throughout the grant period. Additional benchmarks may be identified during the grant period as determined by OLIEC.

## **2.2. Single Audits**

Consistent with the requirements of the Single Audit Act of 1984, Agency which receives DCA/OLIEC grants are required to have a single Agency-wide annual audit which complies with the Standards for Audits of Governmental Organizations, Programs, Activities and Functions (Yellow Book) issued by the U.S. General Accounting Office.

Agency is required to submit a copy of the single audit directly to the Department of Community Affairs, Office of Auditing, at the time the audit is submitted to the cognizant Agency.

## **2.3. Grant Reporting and Payments**

This section is intended to provide guidance on the required and supplementary documentation to be submitted with Fiscal Monitoring and or Program Monitoring.

### **2.3.1. Advance Payment**

As stated in Section A of the DCA Grant Agreement signed and executed by the Agency, 25% advance payment may be processed upon execution of the grant agreement. After the 25% advance has been fully expended, another 25% advance payment will be processed for the Agency, thus making the total advance payment available for the grant 50%.

Unless otherwise stipulated by the Grant Agreement, a grant recipient that receives an advance payment must expense the advanced funds and submit a Fiscal Status Report (FSR) certifying the expensing of the advance payment before receiving reimbursement for expenses incurred. If it has been determined that the grantee is allowed to submit a FSR for reimbursement and did not apply available cash on hand, then the department, at its discretion, can decide the amount of cash on hand to apply. Such requirements shall be reflected in all Grant Agreements executed by the Department.

### **2.3.2. Method of Payment**

Succeeding payments will be made on a bi-monthly reimbursement and contingent upon full expenditure of advance. No payment will be processed if the advance is not fully expended and reported on SAGE unless Agency has obtained a waiver from the OLIEC.

If Agency is facing cash flow problems more frequent reimbursement requests (FSRs) can be submitted to assure cash flow for continual program operations and production.

FSR may not be submitted on the DCA SAGE without an approved DCA Unit Inspection Report and Lead Clearance Report for specified units. DCA Monitor will provide the Agency with a signed Monitor's Inspection Report and HESWAP Monitor Inspection Form providing approval to submit the FSR on the DCA SAGE System. Any reports submitted on the DCA SAGE without the approval of the DCA Monitor will be automatically rejected.

DCA SAGE Payment Vouchers will be signed electronically. DCA SAGE will accept electronic signatures on a Payment Vouchers from anyone authorized by the Agency (Grantee) with the status of Grant Administrator or Financial Officer.

Agency can still view, save and print both the FSR and Payment Voucher including the electronic signature, in PDF format.

### **2.3.3. Submission Timelines**

Production invoices must be submitted in HESWAP the 10<sup>th</sup> business day of the month for completed units to be acknowledged on bi-monthly production goals.

FSRs must be submitted on DCA SAGE within 15 business days of receipt of the signed State Monitor's Final Inspection Report.

### **2.3.4. Required Documents**

When submitting an FSR, Agency must upload the following backup documentation on DCA SAGE in the "Summary" link of the Payment Voucher:

- Signed HESWAP Request for Payment and Statistical Report
- Signed DCA Monitor Inspection Report and HESWAP Monitor Inspection Form for failed units.
- If FSR includes charges for Insurance and or Financial Audit, copies of paid invoices must be uploaded.
- General Ledger reflecting expenditures reported on the FSR
- Check Register reflecting payables on expenditures reported on the FSR.
  - Check Registry must also show the payments for all original invoices for reimbursement expenses.
- Original Invoices for all reimbursement expenses

### **2.3.5. SAGE Guidance on Document Limitations**

SAGE has a file size limit for any upload (attachment) in the system which is equal or less than 5MB (5,000 KB). To work around this limitation, try any of the following steps to assist with FSR documentation:



- i. Compressing(zipping) the File
  1. Google Search “How to compress a file”
  2. [https://support.microsoft.com/en-us/windows/zip-and-unzip-files-8d28fa72-f2f9-712f-67df-f80cf89fd4e5#:~:text=To%20zip%20\(compress\)%20a%20file,created%20in%20the%20same%20location.](https://support.microsoft.com/en-us/windows/zip-and-unzip-files-8d28fa72-f2f9-712f-67df-f80cf89fd4e5#:~:text=To%20zip%20(compress)%20a%20file,created%20in%20the%20same%20location.)
- ii. Removing excess information/documentation
  1. General Ledger/Check Registry - Limiting to only the time period of the FSR
  2. Removing any of the Accounting Software Export instructions on another tab
  3. HESWAP Invoices - Only upload the first summary pages and the last signature page
  4. Any other documentation - Remove any other information that is not required
- iii. Lower Resolution for Scans
  1. Lower the scanner resolution for any physical documents scanned but still ensure that it is legible.

#### **2.3.6. Benchmark and or Other Reports**

Optional interim reports can be requested by the OLIEC. The request for these reports does not relieve the Agency from its contractual obligation to submit required reports.

#### **2.3.7. HESWAP and DCA SAGE Databases**

Agencies are required to have executed all budget revisions and amendments on DCA SAGE prior to requesting budget updates on the HESWAP system. Agencies must ensure that budget balances on both DCA SAGE and HESWAP are reconciled monthly.

#### **2.3.8. Final Report**

A final report which demonstrates that all production has been completed and all funds have been expended must be submitted no later than 30 days following the final monthly period.

### **2.4 Grant Amendments/Revisions**

As stated in the GENERAL TERMS AND CONDITIONS FOR ADMINISTERING A GRANT/LOAN, budget revisions and or amendments are permitted and must be requested by the Recipient and approved by the Department in writing when there is reason to believe a change will be necessary in the budget and/or agreement for any of the following reasons:

1. An increase or decrease in grant funding.

2. Direct and indirect budget line-item transfers.
3. Budget category transfers.
4. Need to modify the period of availability of funds.
5. Changes in the project scope of services or objectives.
6. Changes in key personnel.
7. Need to sub grant, contract out or obtain the services of a third party to perform activities which are central to the purpose of the award.

The request including a justification must clearly indicate the activities and/or budget categories affected by the request for the proposed changes. Should the Department decide changes to the agreement are necessary, including any increase or decrease in the amount of compensation, a formal written amendment to the agreement will be executed between the Department and the Recipient. Once the amendment is executed, a copy must be attached to the original Grant/Loan Agreement.

### **2.5 Requests for Additional Funding**

If additional funding is available from DCA, DCA will consider those Lead Assistance Program Agencies' request for additional funding only if all of the following conditions are met:

- Lead Assistance Program Agency has completed and reported 75% of their production goal in HESWAP and in SAGE.
- Lead Assistance Program Agency demonstrates the capacity to spend down the additional funds within the time period allowed and approved.

When additional funds are requested, the Lead Assistance Program Agency has the ability to request additional time to spend the additional funds. The duration of the additional time and extension will be based on the Lead Assistance Program Agency's current progress and speed of completed units.

Requests must indicate amount requested, number of additional units and justification on Agency Letterhead.

## **3. Program Operations**

### **3.1. Adequacy of Staff**

Effective administration of the Lead Assistance Home Remediation/abatement Grant Program at the local implementation level requires considerable skill and knowledge in a wide variety of subject areas. There are numerous methods available to meet these needs.

Agency may maintain direct hire work crews (employees) or may hire sub-contractors to complete all or part of the grant activities.

Whatever methods are used, it is the responsibility of the Agency to ensure that sufficient expertise is available to operate the Lead Assistance Program effectively. The number of full-time staff required for effective implementation is proportional to the size of the individual program. OLIEC may provide cross-training opportunities to facilitate the skills development of all Lead Assistance Program personnel (State and Local Agency).

OLIEC encourages an ongoing program of staff development to expand the abilities of everyone involved with the program at all levels. Operational duties currently beyond the abilities of regular full-time staff should be delegated to others (through sub-contracting, job-sharing, etc.) while the missing expertise is developed.

### **3.2. Client File Contents and Standardize File Format**

Agency must maintain clients' files that demonstrate eligibility, identified lead assistance remediation/abatement tactics, costs, final inspections, etc. All files presented to DCA State Monitors for review and approval must include documentation within every file for each client who receives lead assistance remediation/abatement services. Agency is required to certify that an Agency representative has viewed the file and can attest that all required documents are found within the file. The Client File Content and Compliance Checklist must be placed on the inside cover of the file for review by a DCA State Monitor. A DCA State Monitor will randomly pick 25% of the files for a full review. See Appendix for Client File Content and Compliance Check List.

Agency is required to maintain current information concerning the contents of a client, in a file folder that either has individual sections or place separation tabs to note the different sections for: INTAKE, FIELD PAPERWORK, and ADDITIONAL DOCUMENTS REQUIRED IN SPECIFIC CASES.

Agency must maintain adequate records for each individual or family served under its lead assistance remediation/abatement contracts. A separate client file must be maintained for each client who receives lead assistance remediation/abatement services. This file must always contain the following documents in ascending order (unless a specific exemption applies) and in the file section stated below. NJ Lead Assistance Program services issued forms can be found in the Appendix and are to be used by all participating Agencies, under each Agency's own letterhead. **These documents, other than the areas for Agency letterhead, are not to be altered and are required in all client files when applicable.**

#### ***Section 1: Intake***

This section must include documentation that will provide proof of eligibility and verification of income or categorical eligibility in accordance with Chapter 1 of this Policy Manual. Please refer to the Client File Content and Compliance Checklist found in the Appendix for required documents. The documents listed, required and found in the Appendix are inclusive of any additional documents deemed necessary or identified by the Agency.

Client application must be completed and verified with the Lead Assistance Program manager's (or the manager's designated agent's) signature. Eligibility will be calculated in the HESWAP database. Agency management must ensure that the data required to support priority status per Chapter 1 is properly entered into the database. If the file has been submitted to Program Integrity and Compliance Unit (PIC) formerly known as the Income Integrity Unit (IIU), copy of memorandum must be included.

Other listed documents are:

- ✓ Signed and Completed “Lead Assistance Program Application”
- ✓ “Right of Entry Permit and Release of Information Form”
- ✓ “Confirmation of Receipt of Lead Pamphlet”
- ✓ Proof of Income
- ✓ Proof of Residence at property
- ✓ For Lead Abatement Grants, an Order for Abatement from a Health Department is required.
- ✓ “Owner’s Permission for Lead Assistance” Form
- ✓ “Landlord/Tenant Lead Assistance Agreement” Form
- ✓ Copy of Social Security Card or Equivalent Documentation for Homeowner.
- ✓ If HUD program, copy of SSN card or Equivalent Docs for all members of Household
- ✓ Proof of Ownership (copy of mortgage deed, or rental agreement, or county tax record)
- ✓ State Historic Preservation Office Documentation (if applicable)

### ***Section 2: Field Paperwork***

The documentation required in this section of the Client File must demonstrate lead assistance remediation/abatement process and or workflow. See Section 1.2 of this Chapter for the Lead Assistance Remediation/abatement Work Flow. These documents will include the following:

- ✓ Results of Initial Lead Test Swabs/Dust Sample
- ✓ Lead Inspection/Risk Assessment Report by DCA Certified Lead Evaluator
- ✓ Scope of Work
- ✓ Contractor Bids/Quotes
- ✓ Lead Clearance Exam
- ✓ Pre and Post Pictures of Lead Remediation/abatement/Abatement Work
- ✓ Client Sign Off and Comments Form
- ✓ All Contractor Invoices
- ✓ Detailed Invoice from HESWAP (invoices must have work measures broken out by room)
- ✓ Temporary Relocation Documentation (if temporarily relocated, stipend, or waived)

### ***Section 3: Additional Documents Required in Specific Cases***

- ✓ OLIEC Approval for Re-Work and Documentation of Prior Work
- ✓ If applicable, OLIEC Supervisor approval for exceeding Maximum Allowable Cost Per Unit Form.

- ✓ Services for Connected Applicant Documentation
- ✓ Permits if required by Municipality (if applicable)

### 3.3. Unresponsive Client Exception

If the client is unresponsive to legitimate requests to visit the home in order to perform an Agency and or DCA final inspection, the Agency must document the number of attempts made with dates of attempts (minimum of three phone calls required). The final procedure for attempting to contact the client would be in a letter format requesting client's response within 7 business days, sent via certified mail. The copy of the certified mail receipt must be retained in the file. If the client is still unresponsive the final inspection may be waived upon State Monitor review and acknowledgement that process mentioned above was followed.

### 3.4. No Show/No Entry Fee Policy

In the "Right of Entry (ROE) Permit and Release of Information" (Chapter 1 Form), there is a section on No Show/No Entry Fees on page 2. The Agency should decide on the appropriate fee amount in instances where there is a No Show/No Entry. Please note that this No Show/No Entry Fee only applies to when the procured DCA certified Lead Evaluator is scheduled to conduct the Lead Evaluation of the property. This fee would not apply to scheduled technicians for initial dust wipe sampling.

### 3.5. Records Retention

Agencies must retain records for 3 years on site and 7 years in storage after submitting the final expenditure report. Records must be maintained until completion of action on all litigation, claims, negotiations, or audits. For property and equipment, the retention period starts upon disposition of the property/equipment. (10 CFR 600.153 and NJ Records Retention Schedule)

### 3.6. Deferral Policy

Agency must postpone work when problems occur that cannot be remedied within the scope of allowable measures identified in the Lead Assistance Program or other available grantee and Agency funds. Major building rehabilitation and hazard (other than lead) remediation/abatement/abatement work are beyond the scope of the program. Units must be deferred, if necessary, corrective work is beyond the scope of the program.

Clients must be notified in writing within 7 business days of the site visit wherein a determination was made to defer the project. The "**Deferral Notification Form**" can be found in the Appendix must include reason(s) for deferral, any testing results, and appeal rights. Agencies are expected to make reasonable efforts on behalf of their clients to find alternative assistance when Lead Assistance Program funds are unable to address conditions that lead to deferral. When possible, the notice shall include a

list of potential Agencies with funding designed to address the specific issue which precludes a client from participating.

Additional considerations that may lead to deferral shall include other good cause which includes any condition which may endanger the health and/or safety of the occupant, work crew, or subcontractor as determined by the DCA at its sole discretion (i.e., illegal activity, pets, animal waste, and hoarding).

Housing that is substandard, or has health and safety issues that require a capital-intensive investment is beyond the scope of the Lead Assistance Program. While this policy does not cover every scenario that may be encountered, it includes the most common issues that Agencies must address when making a decision to defer a unit.

Structural Deficiencies, includes but is not limited to the following: Foundation is compromised or roof deficiencies exceed minor repairs.

Health Hazards, includes but is not limited to the following: Sewage problems, lack of plumbing, insect or rodent infestation, asbestos flaking and severe moisture problems.

Safety/Code Violations: Faulty electrical wiring or other issues documented by a local code inspector or public utility technician.

Uncooperative Clients: The client is uncooperative, abusive or threatening to the crew, subcontractors, auditors, inspectors or others who must work on or visit the home.

### 3.7. Re-Work

The Agency must ensure to have obtained an approval on the “**Rework Approval Form**” prior to undertaking a Re-Work project. Re-work is allowed under the circumstances that lead assistance remediation/abatement has been done to a property via the Lead Assistance Program and has been cleared and determined to be lead-safe/lead-free, but during the follow up lead dust wipe sampling, the dust wipe samples have positive readings of lead. The Agency must have the DCA Certified Lead Evaluator conduct another Lead Risk Assessment of the property and the Agency must address those risk areas that are identified on the Lead Risk Assessment Report. If the Lead Risk Assessment is completed and there are no lead risk factors (i.e., no chipping/peeling paint), the Agency can conduct extensive cleaning with HEPA vacuum to remove the lead dust.

After the cleaning and/or the rework has been completed, the lead evaluator shall conduct a lead clearance exam.

**3.8. Average Cost per Unit**

The average cost per unit is \$13,000 per lead remediation unit and \$25,000 for lead abatement units. This cost excludes administrative expense, liability insurance, and financial audit.

**3.9. Exceeding Maximum Allowable Cost per Unit**

The Agency is responsible for tracking and ensuring that the program average costs are maintained. Any job with a total cost exceeding \$13,000 per lead remediation unit and \$25,000 for lead abatement units must be approved by the OLIEC Supervisor by submitting the “**Approval Form to Exceed Maximum Allowable Cost per Unit**”.

**Procedure:**

Approval form along with documents listed on the form must be submitted to the assigned State Monitor along with client file. State Monitor will be required to review client file for client eligibility. State Monitor will sign the “Approval Form to Exceed Maximum Allowable Cost per Unit” under Reviewed By, and provide the form and all supporting documentation to OLIEC for OLIEC approval.

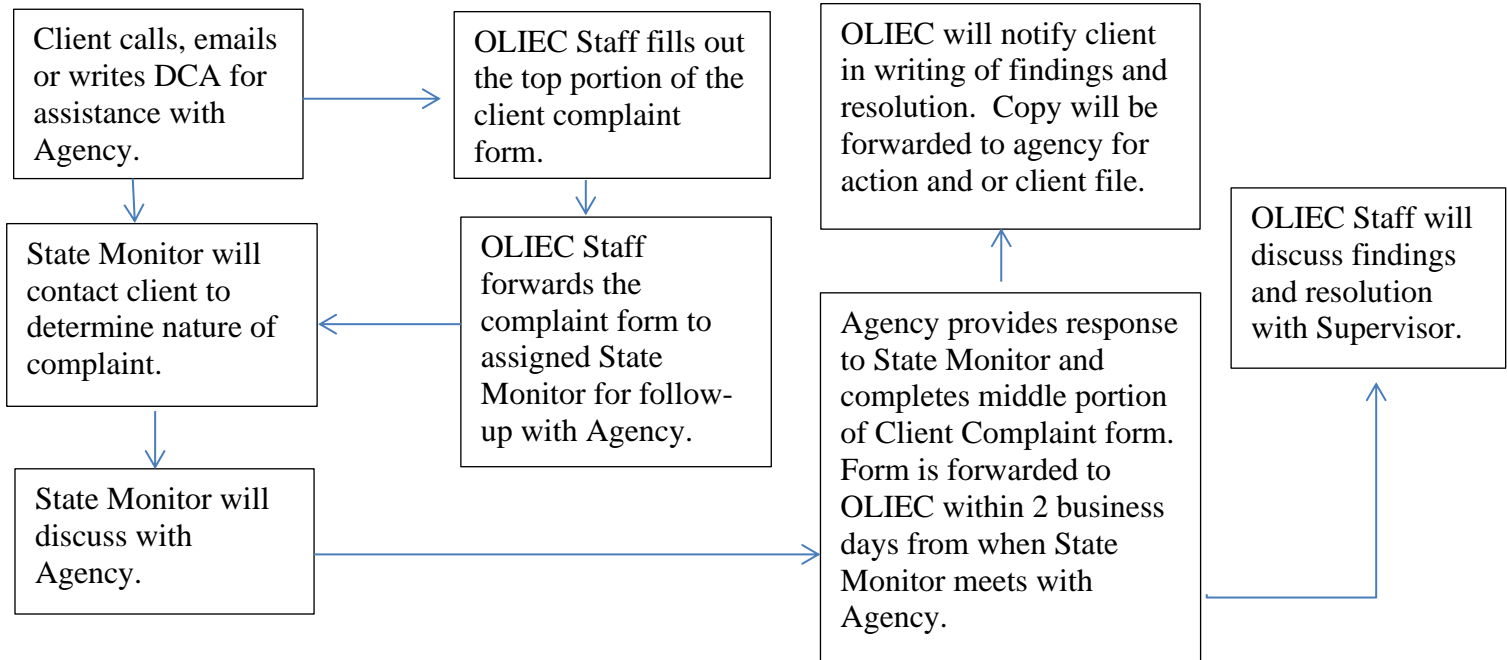
The Approval Form to “**Exceed Maximum Allowable Cost per Unit**” can be found in the Appendix under Chapter 3

**3.10. Appeals Process**

If a unit cannot be provided lead assistance remediation/abatement, the applicant must be notified in writing and given the option to reapply if the problem is corrected. The applicant may appeal the decision with the OLIEC. OLIEC will review the situation and advise the Agency and the applicant of the findings. If the deficiencies are corrected and the applicant re-applies, the Agency will provide services as soon as possible, i.e., the client is not placed on waiting list.

**3.11. Client Compliant Process**

Agencies must ensure that applicants are advised of their internal Compliant Process that will allow applicants to file formal complaints when necessary. Complaints can be filed with OLIEC when Agencies are unable to resolve the matter with clients. Complaints filed with OLIEC by applicants/clients will follow the process charted below:



### 3.12. Local Lead Assistance Program Closure Procedures

The following steps must be followed if the Agency is to close due to internal Agency decision or defunding decision by DCA:

1. Agency must officially, in writing, notify DCA of the Board's decision to close the Lead Assistance Program.
2. Any advances not accounted for must be returned to DCA. Check must be made payable to the Treasurer, State of New Jersey within 10 business days of notifying DCA of program closure.
3. If there is an available balance remaining in grant(s), Agency will process amendments on SAGE for closeout.
4. OLIEC will reconcile HESWAP and SAGE to ensure all funds are accounted for.
5. Agency must maintain clients in storage for a period of 7 years after the program end date. After seven years, the files can be destroyed.
8. Any open or not processed, client applications must be transferred to Lead Assistance Program Agency in the target area. If there are applications that are pending but not reflected in HESWAP, then those applications must be sent to OLIEC.



**3.13. Temporary Relocation**

The Lead Assistance Program is a State funded program, and thus must follow State regulations regarding temporary relocation set forth at N.J.A.C 5:11-3.4 “Temporary Relocation”.

NJAC 5:11 defines temporary relocation as “when a lawful tenant is required to move from a dwelling that is undergoing rehabilitation and, upon completion of the rehabilitation, may return”. Under NJAC 5:11-3.4, the Agency must ensure that the client is able to return to the dwelling unit within and not to exceed 12 months. There is no monetary maximum for temporary relocation expenses but Agencies must document in the client file that the most cost reasonable temporary housing was selected after soliciting quotes from local hotel/motel establishments.

There are two processes that Agencies can choose from regarding temporarily relocating the occupants of the unit in the event that occupants are required to temporarily relocate due to the work scope. Those two processes are the Stipend/Compensation Process and the Physical Relocation Process. In either process, NJ DCA does not approve any temporary relocation plans or stipend plans. It is the Lead Assistance Program Agency’s responsibility to ensure that the rates are within the allowable per diem rates. Any additional costs exceeding the allowable rates will be disallowed by NJDCA.

**3.13.1. Stipend/Compensation Process**

In this Stipend/Compensation Process, the Agency must determine how much the household will be compensated to provide their own means of relocation and meals during the work period, based on the Federal Per Diem Rates. In this process, the Agency will be directly compensating the household(s) to stay with family, friends, or find other means of temporary housing during the lead remediation/abatement/lead abatement process. The stipend/compensation that the households are provided are for both temporary relocation per diem and the stipend for meals.

The Agency is to utilize the General Service Administration’s (GSA) Federal Per Diem Rates for the applicant’s municipality. This can be found at the following link: <https://www.gsa.gov/perdiem>

### 3.13.2. Physical Relocation Process

The Physical Relocation Process requires that the Agency provides temporary descent, safe, and sanitary (DSS) accommodations for the household(s) at or below the GSA's Federal Per Diem Rates for the specified applicant's municipality. The allowed DSS accommodation's pre-tax rate should not exceed the GSA's Federal Per Diem Rate. In addition to the Agency providing DSS accommodations for the household, the Agency must also provide a stipend for meals that are not already provided by the DSS accommodation per household member. For example, if the DSS temporary housing provided does provide free breakfast, then the compensation per household member would only reflect lunch and dinner. The compensation for meals must follow the Federal GSA Per Diem Rates, which can be found at <https://www.gsa.gov/perdiem>. The Agency must utilize the correct per diem rate for the specific municipality. The per diem for meals is reflected as Meal and Incidental Expenses (M&IE), which shows a dollar amount. The M&IE is the cap dollar amount for meals per day. Because the M&IE ranges from \$51 to \$74 per day, the designated amount for the specific municipality must be used. Those breakdowns of breakfast, lunch, dinner and incidentals can be found at <https://gsa.gov/portal/content/101518>

### 3.13.3. Maximum Time Allowable for Temporary Relocation

If occupants must be temporarily relocated, the maximum time allowable for them to be temporarily relocated is 15 calendar days. If more time is needed, then requests for a waiver must be submitted to NJDCA via email explaining the circumstances in which the occupant(s) need to be temporarily relocated for longer than the allowed time frame.

## **3.14. Resident Protection and Worksite Preparation**

Many forms of paint-disturbing work, including renovation, maintenance, and rehabilitation, as well as lead hazard controls, generate varying amounts of lead dust, paint chips, and other lead-contaminated materials. The Agency must ensure that while lead remediation/abatement work is performed on unit that the resident protection and worksite preparation guidelines are followed. The *HUD Guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition)*, "Chapter 8 Resident Protection and Worksite Preparation" details the preparation measures that a lead remediation/abatement contractor or Agency crew should take in order to protect the residents of the unit. Not only do these protects help protect the residents, but it also protects the resident's belongings and expedites the clean-up process after completion of work.

The following hyperlink will direct the Agency to the guidelines:

- [HUD Guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing \(2012 Edition\), “Chapter 8 Resident Protection and Worksite Preparation”](#)

### **3.15. Disposal of Lead Waste**

Agencies are to follow guidelines from the EPA regarding the disposal of the garbage/lead waste that is generated by the contractors while conducting lead remediation/abatement work. As per the EPA guidance, it states that “EPA’s policy statement allows contractor-generated LBP waste to be disposed of as household waste”.

The following hyperlink will direct the Agencies to the guidance:

- [Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households \(August 2000\)](#)

### **3.16. HESWAP**

#### **3.16.1. Additional Measures**

Any request to add a lead assistance remediation/abatement measure in HESWAP must be submitted in writing to DCA with the approval of your assigned State Monitor.

#### **3.16.2. Training Requests**

Lead Assistance Program Agencies seeking training on HESWAP must complete the HESWAP Training Request form located on Lead Assistance Program webpage.

#### **3.16.3. Duplicate Client from WAP**

If a client has applied and/or received assistance from WAP, the Lead Assistance Program Agency is required to request that DCA unlock the duplicated client prior to building the client file in HESWAP.

For those Lead Assistance Program Agencies that are not the WAP Agency for the county, DCA shall ensure that any weatherization work is to be completed prior to releasing the client to the Lead Assistance Program Agency.

The Lead Assistance Program Agency should first enter the client in HESWAP with all of the information in the “Client Information Page”. Once the Lead Assistance Program Agency attempts to proceed to the next

page, a message will appear notifying the Lead Assistance Program Agency that this client is a duplicate. The Lead Assistance Program Agency must click “Ok”. Once the Lead Assistance Program Agency clicks “Ok”, an email should be sent to the [LeadSafeProgram@dca.nj.gov](mailto:LeadSafeProgram@dca.nj.gov) with the client ID, client name, and address to request that this duplicate client be unlocked. DCA will unlock the client for the Agency and the Agency can continue to enter the information in HESWAP.

#### 3.16.4. Expired Client

If a client has not been served within a calendar year, HESWAP will automatically lock the record requiring recertification of the client record. Lead Assistance Program Agency must update the certification field on the Client Information Screen to reflect the new recertification date.

### 3.17. **Billing Common Area Costs**

In properties that have more than one unit, it is highly important for the Lead Assistance Program Agency to have a complete understanding of how to bill the costs for “common areas”. Common areas can be, but are not limited to, the following:

- Hallways,
- Porches,
- Foyers,
- Property Exterior.

**REMEDATION ONLY PROJECTS:** In order to keep the average cost per unit at or below the allowed average cost per unit of \$13,000, the expenses for the lead remediation measures completed in the common areas can be split evenly among the eligible units receiving work.

In the event that one unit requires extensive work and exceeds \$20,000 if the common area expenses were split evenly, the costs in excess of \$20,000 may be charged to the other unit(s) not to exceed \$20,000. Lead Assistance Program Agencies should also keep in mind that any unit(s) that exceed \$13,000 must be submitted to NJDCA for prior approval to exceed maximum allowable cost per unit.

**LEAD ABATEMENT ONLY PROJECTS:** Properties that have more than one unit but has an Order of Abatement from the local Department of Health for all units on the property, shall charge each unit according to its individual scope of work provided by the local Department of Health. If the common areas are not listed on

either one of the scopes of work from the local Department of Health, the Lead Assistance Program Agency may split the cost evenly between the units.

LEAD ABATEMENT AND LEAD REMEDIATION MIXED PROJECTS: For properties that contain at least one unit that has a Notice of Violation from the local Department of Health, if the specific common area(s) are listed specifically on scope of work for the Lead Abatement unit, it must be charged to the lead abatement unit. If the common areas are not specifically on the scope of work for the lead abatement unit, then the cost for the common areas may be split among all the units.

If any of the common areas are not a part of the Lead Abatement Scope of Work, and splitting the common areas would result in a deferral for the entire project, then the costs of the common area can be charged to the lesser of the two units.

### **3.18. Lead Remediation of Soil**

Remediation of lead hazards in soil which are cost reasonable will be considered on a case-by-case basis. Lead Assistance Program Agencies are to submit requests in writing to DCA and provide the costs of the lead soil remediation measure and costs of the entire of the project.

### **3.19. Lead Remediation/abatement and Abatement of Non-Living Spaces**

Non-living spaces can be, but are not limited to, the following:

- Unfinished attics without play areas
- Unfinished basements without laundry rooms or play areas

These non-living spaces are areas in which any persons do not have normal access to. If there is a play area or a laundry room in any of these non-living areas, then the area needs to be evaluated by the DCA Certified Lead Evaluator as a part of their lead evaluation.

Lead Assistance Program Agencies may submit a waiver request in writing to DCA to not remediate the non-living areas in the unit and exclude it from the lead evaluation.

The following is required when submitting this waiver request:

- Photos of the non-living spaces
- Photos of the access to the non-living spaces
- Description of what is being stored in the non-living spaces and its usage
- Confirmation that there are no laundry appliance(s) and children's play area within the non-living space.

NOTE: For Lead Abatement Projects, if the non-living area is a part of the local Health Department Abatement Order's Scope of Work, it will not be allowed to be waived by DCA.

### **3.20. Lead Clearance Exam Paid by Lead Remediation/ Abatement Contractor**

Statewide Coordination of Lead Evaluation Services Agency will receive reimbursements for one initial lead clearance exam and the first re-clearance exam. Any clearance exams beyond that will be the responsibility of the Statewide Coordination of Lead Evaluation Services Agency or if the Statewide Coordination of Lead Evaluation Services Agency decides, can pass on the expense to the Lead Remediation or Lead Abatement Contractor.

When the Lead Remediation or Lead Abatement Contractor is paying for additional clearance exams not covered by the Lead Assistance Program, the Lead Remediation or Abatement Contractor must select a DCA Certified Lead Evaluation Company.

### **3.21. Window Energy Specifications (U-Value and Bathroom Window Required Specifications)**

When replacing windows, Lead Assistance Program Agencies are required to meet the required NJ DCA set window energy specifications. NJ DCA is requiring windows to have a maximum U-factor of 0.30.

When the bathroom window is being replaced, Lead Assistance Program Agencies are to ensure that the replacement bathroom windows are frosted windows.

### **3.22. Integration of State Funds for HUD Intact Measures**

Because the HUD Lead-Based Paint Hazard Reduction Program does not allow the usage of funds to be used on intact surfaces, NJDCA has to utilize other funding sources for the benefit and assistance of the household living in units with lead-based paint hazards. This set of protocols is only to be used when there are intact surface measures intended to be provided to units reported under the HUD Lead-Based Paint Hazard Reduction Program. The unit is only limited to the **abatement unit allocations** of the State Lead Assistance Programs. No funding amounts from the lead remediation allocations are to be used for this integration.

Intact surfaces with lead-based paint shall not be deteriorated or in poor condition for this specific protocol to be utilized. If lead-based paint surfaces were all deemed deteriorated, then the job would remain as a HUD Lead Abatement job without the need to utilize State Lead-Safe or Single-Family funding.

In order for State Lead-Safe or Single-Family funds to be used, the surface must be intact and be identified with lead-based paint under various potential layers of normal paint.

Utilization of State Lead-Safe or Single-Family Funds and Counting as Unit:

- While State Lead-Safe or Single-Family funds are being used for intact lead-based paint surfaces, there is the potential of the unit being counted as a unit under the State Lead-Safe or Single-Family Home Remediation Grant Program.
- If the intact lead-based paint surface measures total \$2,000 or more (materials and labor), then the unit can count towards the Lead-Safe/Single-Family Agencies' goal for the State Lead-Safe or Single-Family Home Remediation Grant Program only for the lead abatement unit goals.

**Logistic Implementation**

- Client Intake
  - o The client's information should be entered into the HESWAP system once (address, name, etc.)
- Lead Inspector Risk Assessor Documentation
  - o The Lead Inspector Risk Assessors Documentation needs to separate out clearly the intact surfaces vs the non-intact surfaces.
  - o Each unit's Scope of Work (SOW) should be separated into two Scopes of Work (one SOW for the HUD measures and another SOW for the intact surfaces measure to be billed to the State Lead-Safe or Single-Family Program)
- Job Creation
  - o When the jobs are being built, two separate jobs should be built in HESWAP.
  - o The Lead-Safe measures should be built under the job labeled for the appropriate State Lead-Safe or Single-Family Program
  - o The HUD Lead Abatement measures should be built under the job labeled for the HUD LBPHR Program.
- Unit Invoicing
  - o Agencies shall invoice the units normally according to their funding sources but to prevent confusion and to properly keep records, abatement units that used State Lead-Safe or Single-Family funding should be invoiced on their own and not mixed in with normal lead-safe remediation only units.

Program Support

- When drawing down on program support, the ACPU allowed for units is the difference between the job cost and the ACPU. All Program Support drawn

down should reflect actual costs expended and needs to be supported via the proper supporting documentation when submitting the FSR.

### **3.23. Dual Funded Lead Abatement Units**

For Lead Abatement Units that far exceed the limits of either the individual State Funded or HUD Funded allowed average costs, Lead Assistance Program Agencies will have the option of utilizing both the Lead Abatement Funding of the State Lead Program **and** the Abatement Funding of the HUD Program. The process is similar to the entire process outlined in Section 3.22 “Integration of State Funds for HUD Intact Measures” with the exception that there are additional precautions that must be followed.

When applying Dual Funding to a project, the Lead Assistance Agency must follow the stricter requirements of each of the two programs being utilized. Those requirements may include, but are not limited to, the following:

- Project time period requirements (i.e., HUD allows a maximum of 10 days from start to finish on a project, but State Funded Projects do not have any time requirements).
- Occupant requirements (HUD Program, homeowner units must be occupied by a child under the age of 6 versus the State Program does not have requirement of occupied child under the age of 6);
- Supporting Documentation;
- Dust Clearance Levels;
- Income limits.

The Program Support allowances and unit counting towards each program will follow the same outline as section 3.22 above.

For the purposes of tracking, Agencies must name these dual funded jobs different in the HESWAP System. Jobs that utilize the lead dual fund should always start their job numbers with “LD” which stands for “lead dual”.

### **3.24. Lead Abatement Units Properties and Maximum Costs Per Property**

For properties that have full lead abatement notice of violations for the entire property, not just partial units, the Lead Agency must follow the maximums below for the correct property type:

- 1-2 Unit Properties: \$25,000 per property maximum
- 3-4 Unit Properties: \$55,000 per property maximum