

Chapter 3: Program Management and Operations

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1. General Information

DCA's Office of Low-Income Energy Conservation contracts community action and local government agencies to identify and remediate lead-based paint hazards in income-eligible households built prior to 1978. Agencies must adhere to the guidelines outlined in this chapter when carrying out Lead Assistance Programs.

1.1. LRAP Agency 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
- 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
- Have RRP-certified staff

1.2. Lead Assistance Program Workflow

The [Lead Remediation and Abatement Program workflow](#) outlines the process of carrying out the program.

1.3. Service Areas

The service area for the program is statewide. Each Agency has been provided their own target service area or areas which is outlined in their Grant Contract with NJDCA. The Agencies must only provide services in their target service area/areas outlined in their Grant Contract. If an Agency is aware of or is approached by a potential client outside of their service area, the Agency staff must notify their Program Specialist to redirect the client to an Agency that services the area the client's household is located in.

2. Grant Management Requirements

2.1. Grant Conditions and Stipulations

Agencies selected for the program must adhere to and comply with grant conditions and stipulations as stated in Sections A, B, C, and D of their grant agreements. Production goals must be met in accordance with Section C. Full spend-down of grant funds is required. Section C provides targeted percentages required on spend-down and production goals to be met.

2.2. Single Audits

Consistent with the requirements of the Single Audit Act of 1984, an Agency which receives DCA grants is required to conduct 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 US General Accounting Office.

The Agency is required to submit a copy of the single audit directly to DCA's Office of Auditing at the time the audit is submitted to the cognizant Agency.

2.3. Grant Reporting and Payments

This section provides guidance on the required documentation to be submitted for Fiscal and/or Program Monitoring.

2.3.1. Optional Advance Payment

As stated in Section A of the DCA Grant Agreement signed and executed by the Agency, a 30% advance payment may be processed upon execution of the grant agreement. After the initial 30% advance has been fully expended, another 30% advance payment will be processed for the Agency. Upon expending the second 30% advance, a third and final 30% advance payment will be processed for the Agency, thus making the total advance payment available for the grant 90%.

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

2.3.2. Method of Payment

Agencies not utilizing advancements will be reimbursed upon submission of FSRs with the required supporting documentation. FSRs may not be submitted on the System for Administering Grants Electronically (SAGE) portal without an approved DCA State Monitor Final Inspection Report and Lead Clearance Report for the specified units. The State Monitor must provide the Agency with a signed Monitor's Final Inspection Report and HESWAP Monitor Inspection Form before the Agency can submit an FSR in SAGE. Any reports submitted in SAGE without the approval of the State Monitor will be automatically rejected unless a written waiver request was submitted and approved.

2.3.3. Supporting Documentation for Submitting FSRs in SAGE

2.3.3.a. Required Documentation

When submitting an FSR in SAGE, Agencies must upload the following supporting documentation in the "Summary Upload" section:

- General Ledger
- Check Register reflecting the paid expenses reported on the FSR
- Alternative Wage Reports

- Signed DCA Monitor Final Inspection Report (unless reporting indirect costs only)
- Signed HESWAP Request for Payment and Statistical Report

The following supporting documentation must be uploaded in the “Detail Upload” section of SAGE:

- Invoices for all expenditures reported on the FSR
- Travel Reimbursement Form

2.3.3.b. Guidance on SAGE Document Upload Limitations

Any document uploaded to SAGE has a file size limit which is equal or less than 5MB (5,000 KB). To work around this limitation, try any of the following:

- Compress (Zip) the File
 - Refer to [this Microsoft support page](#) for instructions on compressing/zipping files.
- Remove excess information
 - Limit General Ledgers and Check Registries to only the time period of the FSR.
 - Remove tabs with instructions or other unnecessary information from spreadsheets.
 - Upload only the first summary pages and last signature page on HESWAP Invoices.
 - Remove any pages or information from other documentation that is not required.
- Lower Resolution for Scans
 - Lower the scanner resolution for any physical documents scanned, but still ensure that it is legible.

2.3.4. Benchmark and Other Reports

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

2.3.5. HESWAP and SAGE Databases

Agencies are required to have executed all budget revisions and amendments in SAGE prior to requesting budget updates in the HESWAP system. Agencies must notify their Program Specialist if any discrepancies are found in order to ensure that budget balances match between SAGE and HESWAP.

2.3.6. 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 of the grant term.

2.4. Grant Amendments and Revisions

As stated in the General Terms and Conditions for Administering a Grant/Loan of the award contract, budget revisions and/or amendments are permitted and must be requested by the Agency and approved by DCA 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 grant term date
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 must include justification and clearly indicate the activities and/or budget categories that will be affected by the proposed changes. Should DCA 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 DCA and the Agency in SAGE.

2.5. Requests for Additional Funding

DCA will consider requests for additional funding if the requesting Agency demonstrates the capacity to spend down the additional funds within the time period allowed and if additional funding is available.

When additional funds are requested, the Agency has the ability to request additional time to spend down the additional funds. The length of the term extension will be based on the Agency's current production rate and applicability for the relevant grant.

3. Program Operations

3.1. Adequacy of Staff

Effective administration of the Lead Assistance 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.

The Agency may maintain direct hire work crews (employees) or hire sub-contractors to complete all or part of the grant activities. Whichever method is used, it is the responsibility of the Agency to ensure that sufficient expertise and work hours are available to carry out the Lead Assistance Program effectively. The number of full-time staff required for effective implementation is proportional to the size and need of the individual program. DCA may provide cross-training opportunities to facilitate the development of all Agency personnel.

DCA 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 must be delegated to others (through sub-contracting, job-sharing, etc.) while the missing expertise is developed.

3.2. Client File Contents and Standardized File Format

Agencies are required to maintain thorough records that demonstrate client eligibility, identified lead remediation or abatement strategies, costs, inspection results, and all applicable information related to each project. A separate client file must be maintained for each household that receives lead assistance services. The Client File Content and Compliance Checklist specifies the required documentation. The Lead Assistance Program forms to be utilized can be found in the [Appendix](#). A completed checklist

and all required documentation for each client file must be stored together in either digital or hard copy folders. Agencies must certify that all client files have been reviewed by Agency staff and all required documentation is present within the files. All client files must be submitted to the State Monitor, who will randomly select 25% of the files for a full review.

3.3. Unresponsive Client

If a client is unresponsive to legitimate requests to visit the home in order to perform a final inspection, the Agency must document the number of attempts made with the date of each attempt. The agency must make a minimum of three phone calls to the client. After this, the Agency must send written notice on Agency letterhead requiring the client to respond within 7 business days. A copy of the letter and the certified mail receipt must be included in the client file. If the client is still unresponsive, the final inspection may be waived upon the State Monitor's review that the 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 are required to retain records for 3 years on-site and 7 years in storage after submitting the final expenditure report. Information can be stored digitally the CRM portal or in hard copies. 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 or equipment (10 CFR 600.153 and NJ Records Retention Schedule).

3.6. Deferral Policy

Agencies 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. Units must be deferred if corrective work is beyond the scope of the program, such as remediation or abatement of hazards other than lead and major building rehabilitation.

Clients must be notified in writing on agency letterhead within 7 business days of the site visit wherein a determination was made to defer the project. The notice must include reason(s) for deferral, any testing results, and appeal rights (refer to Section 3.7 Appeals Process). A copy of this letter is required to be included in the client file. 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 in the Lead Assistance Program.

Additional considerations that may lead to deferral shall include other good cause, which includes any condition which prevent workers from freely accessing all parts of the property or may endanger the

health and/or safety of the occupant, crew worker, or subcontractor, as determined by DCA at its sole discretion. This includes but is not limited to

- structural deficiencies, including but not limited to damaged foundations and roofs exceeding minor repairs
- health hazards, including but not limited to sewage problems, lack of plumbing, insect or rodent infestations, asbestos flaking, severe moisture problems, animal waste, smoking or electronic cigarette vapor
- safety concerns, including but not limited to illegal activity, pets, hoarding, or code violations such as faulty electrical wiring
- clients who are abusive, threatening, or otherwise uncooperative to crew workers, subcontractors, auditors, inspectors, or others who must work on or visit the home

3.7. 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 DCA by writing to lrapp@dca.nj.gov or mailing a letter to

NJ Department of Community Affairs
Division of Housing & Community Resources
Office of Low Income Energy Conservation
Attn: Lead Assistance Program
101 South Broad St
PO Box 811
Trenton, NJ 08625-0811

DCA will review the appeal and notify the Agency and the applicant of its assessment. If the deficiencies are corrected and the applicant is considered eligible again, the Agency will provide services as soon as possible (i.e. the client is not placed on waiting list).

3.8. Re-Work

Re-work is allowed under the circumstances where a property has had remediation or abatement work done through the Lead Assistance Program and been cleared and determined to be lead-safe or lead-free, but a follow up lead dust wipe sampling shows positive results. Prior to undertaking a re-work project, the Agency must submit a “Re-Work Approval Form” to their Program Specialist and receive approval from DCA. The Agency must have a DCA-certified Lead Evaluator conduct another Lead Risk Assessment of the property and address all risk areas that are identified in the Lead Risk Assessment Report. If the Lead Risk Assessment is completed and there are no lead risk factors (i.e., no chipping or peeling paint), the Agency may conduct extensive cleaning with HEPA vacuum to remove the lead dust. After the re-work and/or cleaning has been completed, the lead evaluator must conduct a final lead clearance exam.

3.9. Project Costs

3.8.1 Average Cost per Unit

The average cost per unit (ACPU) is \$13,000 for remediations and \$25,000 for abatements. This cost excludes administrative, liability insurance, and financial audit expenses, unless prior written approval was granted.

3.8.2 Exceeding Maximum Allowable Cost per Unit

Any remediation job exceeding \$13,000 and any abatement job exceeding \$25,000 requires approval from the State Monitor and lead administrative staff through the submission of the “Approval Form to Exceed Maximum Allowable Cost Per Unit” form from the Appendix and required supporting documents. Failure to receive DCA approval on projects that exceed the ACPU can result in a portion or all of the costs to be ineligible for reimbursement. Agencies are responsible for tracking production and ensuring that the grant program’s overall ACPU does not exceed \$13,000 for remediations and \$25,000 for abatements.

Approval forms must be submitted to the State Monitor along with client file and all required documents as listed on the form. The State Monitor will review the client file for eligibility and the proposed Scope of Work. The State Monitor will sign the “Reviewed By” section on the approval form and send the form and all supporting documentation to DCA administrative staff for approval or denial. The Program Specialist will provide the Agency with a copy of the final form.

3.10. Client Complaint Process

Agencies must ensure that clients are advised of the process to file formal complaints with DCA when Agencies are unable to resolve issues with clients. Clients may submit their complaint to DCA by writing to lrp@dca.nj.gov or mailing a letter to

NJ Department of Community Affairs
Division of Housing & Community Resources
Office of Low Income Energy Conservation
Attn: Lead Assistance Program
101 South Broad St
PO Box 811
Trenton, NJ 08625-0811

DCA will coordinate with the State Monitor, Agency staff, and the client to determine the nature of the complaint and notify the Agency and the client of its assessment in writing. A copy of the client’s complaint and DCA’s response must be included in the client file.

3.11. Lead Assistance Program Closure Procedures

The following steps must be followed if an Agency is set to close its Lead Assistance Program due to either an internal Agency decision or a defunding decision by DCA:

1. The Agency must officially notify DCA in writing on agency letterhead of the decision to close the Lead Assistance Program, or DCA notifies the Agency in writing of the decision to close the Lead Assistance Program.

2. Any advance payments of grant funds not accounted for must be returned to DCA within 10 business days of notifying DCA or being notified by DCA of program closure. Agencies may return funds to DCA by sending a check made payable to the Treasurer, State of New Jersey or through an Electronic Funds Transfer (EFT). The agency must contact DCA for details on how to make an EFT payment.
3. If there is an available balance remaining, the Agency will process amendments to close out the grant(s) in SAGE within 10 business days of notifying DCA or being notified by DCA of program closure.
4. DCA will reconcile HESWAP and SAGE to ensure all grant funds are accounted for.
5. Any applications pending additional work must be sent to DCA to be transferred to another Lead Assistance Program Agency within the same target area. Additionally, if there are applications that are pending but not reflected in CRM and/or HESWAP, then those applications must be sent to DCA.
6. Agency must maintain client files in storage for a period of 7 years after the program end date. After seven years, the files can be securely destroyed.

3.12. Temporary Relocation

The Lead Assistance Programs 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, however, agencies must ensure that they are following the applicable per diem rates.

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, NJDCA 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 not be reimbursed by NJDCA.

3.12.1. Stipend/Compensation Process

In the 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. The Agency will directly compensate the household to stay with family, friends, or find other means of temporary housing during the lead remediation or abatement process. The stipend/compensation provided must include the per diem rates for both the temporary relocation and the meals for each member of the household.

The Agency is to utilize the [General Service Administration’s \(GSA\) Federal Per Diem Rates](#) for the applicant’s municipality.

3.12.2. Physical Relocation Process

The Physical Relocation Process requires the Agency to provide temporary decent, safe, and sanitary (DSS) accommodations for the household 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 provides 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](#). 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 \$68 to \$92 per day, the designated amount for the specific municipality as specified in the [Federal GSA M&IE Breakdown chart](#) must be used.

3.12.3. Maximum Time Allowable for Temporary Relocation

The maximum allowable time for a household to be temporarily relocated is 15 calendar days. If more time is needed, the Agency must submit a written request to the Program Specialist explaining the circumstances in which the household needs to be temporarily relocated for longer than 15 days.

3.13. Resident Protection and Worksite Preparation

Many forms of paint-disturbing work, including renovation, maintenance, rehabilitation, and lead hazard controls, generate varying amounts of lead dust, paint chips, and other lead-contaminated materials. The Agency must ensure that while lead remediation or abatement work is performed in a unit, the resident protection and worksite preparation guidelines are followed. Chapter 8 (Resident Protection and Worksite Preparation) of the [HUD Guidelines for Evaluation and Control of Lead-Based Paint Hazards in Housing \(2012 Edition\)](#) details the preparation measures that a lead remediation or abatement contractor or Agency crew worker should take in order to protect residents and their belongings and to expedite the clean-up process after completion of work.

3.14. Disposal of Lead Waste

Agencies must follow EPA guidelines regarding the disposal of the garbage and lead waste that is generated while conducting lead remediation or abatement work. The EPA's [Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households](#) states that "contractors can manage residential lead-based paint (LBP) waste as household waste."

3.15. HESWAP

The Lead Assistance Programs use the HESWAP software system to track production. All projects must be entered into HESWAP as soon as the Lead Inspection Risk Assessment results are received. Agencies must promptly update project details in HESWAP as they progress, through the final inspection and invoicing. Agencies seeking training on HESWAP must contact the State Monitor or Program Specialist for assistance.

3.15.1. Additional Measures

Any requests to add a lead remediation or abatement measure in HESWAP must be submitted in writing to the State Monitor. The State Monitor will review the request and notify the Program Specialist of their approval to add the measure to HESWAP.

3.15.2. Duplicate Clients

Agencies are required to check if a client was previously serviced under the Lead or Weatherization Assistance Programs prior to building the client file in HESWAP. This check for duplicate clients can be done by going into the “History” tab in HESWAP and searching the client’s name and address.

3.16. Billing Common Area Costs

In properties that have more than one unit, Agencies must use the guidelines in this section to appropriately allocate the costs for common areas. Common areas can be, but are not limited to

- hallways
- porches
- foyers
- property exterior

3.16.1. Remediation Only Projects

In order to keep costs at or below the ACPU of \$13,000 per unit, the expenses for the lead remediation measures completed in the common areas can be split evenly amongst the eligible units receiving work.

If one unit exceeds \$20,000 when the common area expenses are split evenly, the costs in excess of \$20,000 may be charged to the other unit(s) not to exceed \$20,000. Agencies should keep in mind that any remediation units that exceed \$13,000 must be submitted to DCA for approval as described in section 3.8.2 (Exceeding Maximum Allowable Cost per Unit).

Example:

Unit 1 Cost: \$18,000 **Unit 2 Cost:** \$14,000

Common Area Expenses: \$5,000

Unit 1 Final Cost: \$20,000 **Unit 2 Final Cost:** \$17,000

3.16.2. Lead Abatement Only Projects

Properties that have Notices of Violation (NOV) from the local Department of Health (DOH) for all units on the property, shall charge each unit according to its individual scope of work. If the common areas are not included in the scope of work for any of the units, the Agency may split the cost evenly amongst the units.

3.16.3. Lead Remediation and Abatement Mixed Projects:

If at least one unit has a NOV from the local DOH and the common area(s) are listed on the scope of work for the abatement unit(s), then the common area(s) must be charged to the lead abatement unit(s). If the common area(s) are not included in the scope of work for the lead abatement unit, then costs for the common area(s) may be split among all the units.

Common area(s) can be charged to the lower cost units, if splitting evenly would result in a deferral for the entire project.

3.17. Lead Remediation of Soil

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

3.18. Lead Remediation or Abatement of Non-Living Spaces

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

- 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. 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.

Agencies may submit a written request to DCA to exclude the non-living areas in the unit from the lead evaluation and remediation or abatement. For abatement projects, if the non-living area is a part of the local DOH's Scope of Work, it will not be allowed to be waived by DCA.

The following is required when submitting this waiver request:

- Photos of the non-living spaces including points of access
- Description of what is being stored in the non-living spaces and its usage
- Confirmation that there are no laundry appliances or children's play areas within the non-living space

3.19. Lead Clearance Exam Payment

The designated Statewide Coordination of Lead Evaluation (SCLE) Agency will receive reimbursements for the initial lead clearance exam and the first re-clearance exam. Any clearance exams beyond that will be the responsibility of the agency, who upon its discretion, can forward the expense to the lead remediation or abatement contractor.

When the lead remediation or abatement contractor is responsible for additional clearance exams not covered by the SCLE or the Agency, the contractor must ensure they select a DCA-certified lead evaluation company.

3.20. Window Energy Specifications

When replacing windows, Agencies are required to ensure that the new windows meet DCA's window energy specifications and have a maximum U-factor of 0.30.

When bathroom windows are being replaced, Agencies must ensure that the replacement bathroom windows are frosted.