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The purpose of this chapter is to provide guidance on how the Lead-Safe Pilot Program Agency, hereafter known as “the Agency”, should implement and monitor the grants for lead abatement.

All Agencies must adhere to the N.J.A.C 5:17, New Jersey’s Lead Hazard Evaluation and Abatement Code. It can be found at

http://www.state.nj.us/dca/divisions/codes/codreg/pdf_regs/njac_5_17.pdf

1. Eligibility

a. *Abatement Eligibility*

The following are additional eligibility criteria that an applicant must meet that would result in the Agency utilizing its allocated funding specifically for lead abatement grants:

- An elevated blood lead level has been identified in a child under the age of six (6) OR in a pregnant woman
- Local Health Department issues an “Order to Abate”/ “Notice of Violation” that requires full lead abatement activities.

Please note that these requirements do not replace those eligibility requirements found in Chapter 1. The above noted requirements are additional criteria needing to be met.

b. *Ineligible*

These lead abatement grants are not to be used for lead abatement work previously done, or work that is in progress and unpaid for at time of application. This program does not provide reimbursement services for those that have already completed lead abatement work as a result of the Order to Abate. At the time of application, there must still be a pending need for lead abatement work.

c. *Mixed Lead Abatement and Lead Remediation Projects*

For two family properties which only have a Notice of Violation for only one unit, the other unit that does not have the Notice of Violation can be provided lead remediation services from EPA RRP certified contractors. The unit that has the Notice of Violation must be provided lead abatement via a NJDCA Certified Lead Abatement Contractor. Each unit must have its own Lead-Safe Pilot Application.

In this case, the unit that has the Notice of Violation may receive up to \$20,000 in lead abatement services, and the other unit, receiving lead remediation, may receive up to \$12,000. If the \$12,000 is exceeded, the Lead-Safe Pilot Agency must adhere to the policy set forth in Lead-Safe Pilot Program Guidelines Chapter 3, Section 3.9 “Exceeding Maximum Allowable Cost per Unit”.

2. Lead Abatement Definition HUD Guidance Chapter 12 and 13

The U.S. Department of Housing and Urban Development (HUD) in their “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition)” specifically

state the methods of Lead Abatement in Chapters 12 and 13. Those methods include the following types of abatement methods:

- Building component replacement
- Enclosure
- Paint removal
- Encapsulation.

The following are links to the HUD Guidance for Chapter 12 and 13 respectively:

https://portal.hud.gov/hudportal/documents/huddoc?id=ch12_abatement_121212.pdf

<https://portal.hud.gov/hudportal/documents/huddoc?id=lbph-15.pdf>

3. Lead Hazard Evaluation and Abatement Code N.J.A.C. 5:17

a. *DCA Certified Lead Abatement Contractor*

In accordance with New Jersey's Lead Hazard Evaluation and Abatement Code (N.J.A.C. 5:17) any company offering to perform lead hazard evaluation or lead abatement in New Jersey must be certified by the New Jersey Department of Community Affairs (DCA). N.J.A.C. 5:17. To comply with NJAC 5:17, the Agency is **required** to procure and utilize a DCA Certified Lead Abatement Contractor to conduct lead abatement work on a property. A list of DCA Certified Lead Abatement Contractors can be found at http://www.state.nj.us/dca/divisions/codes/publications/pdf_lead/ld_abat_c.pdf Lead Remediation Contractors that are not certified by DCA are prohibited from working on a lead abatement project that requires lead abatement measures.

b. *Duties of the Contractor*

The Agency must ensure that the procured DCA Certified Lead Abatement Contractor adheres to section 5.1 "Duties of the Contractor" of NJAC 5:17. This section provides explicit directions as to the required notifications to DCA that the lead abatement contractor needs to adhere to.

c. *Permits Required*

As stated in NJAC 5:17- 5.2 "Permits Required", "Effective January 1, 1996, a permit under the Uniform Construction Code (UCC) shall be obtained for any work intended to abate lead hazards. Additionally, a permit under the UCC shall be obtained for any related construction work requiring a permit."

4. Lead Abatement Project Implementation/Work Flow

- Client applies for Lead-Safe Pilot Program at Designated Agency
- In addition to the required documentation stated in Chapter 1 Section 1.1 "Required Documentation", the client also is required to submit documentation that requires the unit to undergo Lead Abatement work
 - A Notice of Violation or Order to Abate must be provided by Client from the local Health Department classifying unit as a Lead Abatement case.

- Agency's Intake Employee uses the File Content and Compliance Checklist to ensure all intake documents are on file for client and enters all intake information into Hancock Energy Software for the Weatherization Assistance Program (HESWAP).
- The client is determined eligible based on the guidelines in Lead-Safe Pilot Program Policy Manual, Chapter 1, Eligibility and Documentation as well as the criteria in this Chapter 5- Lead Abatement Grants.
- The Agency sends a DCA Certified Lead Evaluator to conduct a complete Lead Risk Assessment, and produces a scope of work and cost estimation.
 - If the Lead Evaluation with the Scope of Work has already been completed by local Department of Health, the Agency must ensure that the Lead Evaluation done by the local Department of Health is current, which means that the evaluation was done less than 1 year ago.

If the local Health Department conducted the Lead Evaluation more than 1 year ago, the Agency is required to send the procured DCA Certified Lead Evaluator to the home, conduct a new lead evaluation and then proceed to the next step.

- After the lead evaluation has been completed, the Agency must complete the "Environmental Review Checklist" and certify that the project does not have any substantial environmental impact.
- The Agency is to determine the need for temporary relocation depending on the results of the Scope of Work.
 - If temporary relocation is required, the Agency must create a Temporary Relocation Plan for the occupants. The Temporary Relocation Plan is a detailed logistical plan that tells the occupants where they will be relocated and for how long or how much the household will be compensated to provide their own means of relocation during the work period, based on the Federal Per Diem Rates. More guidance can be found in Chapter 3 Section 3.13 "Temporary Relocation". This Temporary Relocation Plan needs to be agreed upon by the occupants that need to be temporarily relocated.
 - If temporary relocation is unfeasible due to practical reasons, a Variation Request should be submitted to DCA Division of Codes and Standards, Lead and Asbestos Unit to seek a variation to allow the specific occupant to remain at the property during the period in which work is being conducted. Variance Requests that are submitted on the basis of financial reasons will not be considered.
 - If no temporary relocation plan is required, proceed to next step.
- The Agency must determine if the Lead Abatement Project will fall within the eligible maximum allowable cost of \$20,000 per property
 - If the cost of the project exceeds \$20,000, other funding sources are required to be used (i.e. landlord contribution, local funding, etc.) or the project is deferred.

- The measures produced from the Scope of Work are entered into HESWAP to create a work order. This is used by the WAP Agency when working with the DCA Certified Lead Abatement Contractor when lead abatement work is contracted out.
- The Agency will utilize their procured DCA Certified Lead Abatement Contractor for the Lead Abatement Work.
 - If the Agency has a qualified pool of DCA Certified Lead Abatement Contractors via the Request for Qualifications (RFQ) method, the Agency must request quotes from the pool and select the lowest responsible bidder.
- After the lead abatement activities are complete, the DCA Certified Lead Evaluator should perform a Lead Clearance Exam of the property (In accordance with the stipulations set forth in NJAC 5:17).
- Agency is required to conduct a final visual inspection utilizing final Inspection Form generated in HESWAP.
- Once the unit passes Final Inspection by the Agency, it is entered onto an invoice in HESWAP and submitted to DCA for State Monitor Review.

5. Lead Abatement Grants Maximum & Deferral

The maximum for Lead Abatement Grant work will be \$20,000 per property. The Agency is not permitted to exceed \$20,000 in work per property for Lead Abatement Grants. If the project costs are to exceed the maximum allowable cost of \$20,000 for the property, the Agency shall find other funds to supplement the cost of lead abatement work on the property or defer the unit. The Agency has the option to discuss the option of landlord contribution with the homeowner or seek local funding sources.

6. Program Support for Lead Abatement Grants

The Program Support for the main Lead Remediation Grant can be spent down as Lead Abatement Grant Units are being completed. For program support purposes, the units that are completed as Lead Abatement Projects can be charged in the same way as Lead Remediation units/projects. Agencies cannot deduct program support from the \$20,000 maximum for lead abatement projects. If a lead abatement project costs less than \$20,000 for the project, the difference shall be allocated for lead abatement grants or reallocated for lead remediation projects.