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This Chapter provides guidance on establishing the application intake process, eligibility, and documentation requirements for participants in the Lead Assistance Programs. Dwelling units are to be determined to be eligible for lead assistance based on the amount of household income (income eligibility) or source of household income (categorical eligibility) and presence of lead-based paint hazards.

**1. Application Intake**

The homeowner or tenant (referred to as the “Applicant”) submits an Application Package to the Lead Assistance Program Agency (hereafter referred to as “Agency”). If the Applicant is the tenant, the property’s homeowner is required to be the signatory on all documents.

Prior to the Applicant filling out and submitting the Application Package, The Agency should ensure that the applicant meets all of the eligibility requirements Applicant must meet the following criteria:

- Reside in a one to four family residential property
- Meet the Low to Moderate Income (LMI) limits for the county;
- Property has presence of lead-based paint hazards;

**1.1. Required Documentation**

The following are the forms and documents required in an Application Package:

- “Lead Assistance Program Application”**
- “Right of Entry Permit and Release of Information Form”**
- “Confirmation of Receipt of Lead Pamphlet”**
- Proof of Income
- Copy of Social Security Number/Card or Equivalent Documentation (Homeowner Only)- See Section 1.1.2 below
  - For HUD Program Only- Copies of Social Security Number/Card is required for all household members
- Proof of Residence at property for occupants over the age of 18
- Proof of Ownership (copy of mortgage deed, or rental agreement, or county tax record)
  - [https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?menu=index&ms\\_user=monm&passwd=data&district=1301&mode=11](https://tax1.co.monmouth.nj.us/cgi-bin/prc6.cgi?menu=index&ms_user=monm&passwd=data&district=1301&mode=11)

### 1.1.1. Social Security Number or Equivalent Documentation

All applicants that come to the Lead Assistance Program will be required to submit social security numbers (SSNs) of the homeowner. For HUD Programs, the applicants are required to submit SSNs for all household members. A copy of the documentation must be retained in the client file.

Acceptable documentation of a social security number includes:

- an original SSN card issued by the Social Security Administration (SSA)
- an original SSA issued document which contains the name and SSN of the client, or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.
- Medicare card (with SSN on it)

If a member of the household/ the homeowner does not have an SSN, the household member or guardian (if household member is a minor) must sign a Certification of No Social Security Number. The original signed certification must be retained in the client file at the Lead Assistance Program Agency.

If a member of the applicant household/ the homeowner has an Individual Taxpayer Identification Number (ITIN) issued by the IRS. Documentation of the household member's/ homeowner's ITIN must be included in the client file as well as a completed and executed Certification of No Social Security Number.

If an applicant does not have an SSN or an ITIN, s/he shall provide one of the following: Green card, birth certificate, driver's license, or I-688 work approval. A copy of such documentation must be included in client file.

The Certification of No Social Security Number can be found in the Appendix.

### 1.1.2. SSN Requirements due to Bill S1147

On June 24, 2021, Bill S1147 passed the assembly to require lead-based paint inspections prior to tenant turnover. In section C.52:27D-437.18 of Bill S1147, it states that "the department shall not request or require that a property owner disclose the social security number of any person renting the property or otherwise associated with the inspected property other than the property owner."

To comply with the bill, New Jersey State funded lead assistance programs will no longer require SSN for all household members and to only require SSN for the landlord/property owner.

The contents of this bill do not affect the HUD Lead-Based Paint Hazard Reduction Program as it is federally funded and has its own set of requirements.

## 1.2. Zero Income Documentation

Applicants that apply for Lead Assistance Programs are required to submit income documentation. If an Applicant applies for Lead Assistance Programs and states that there is no income, the agency must review all the information submitted with the application to make a reasonable assumption regarding the accuracy of the statement. For example, if the household has paid current rent, utility bills, and property taxes, it is reasonable to assume that the household has income.

Lead Assistance Program Agencies cannot accept an affidavit of zero income without requiring a household to document that they have no income. A household must provide a notarized “**Affidavit of No Income**” form. If a household member over 18 also has no income, he or she must fill out an “Affidavit of No Income for Member of Household” form. Each applicant and/or member of household over the age of 18 that does not receive income must also provide a “Certification of No Income Tax for Applicant” form or a, “Certification of No Income Tax for Member of Household” form. A household can certify that they have no income by obtaining an income printout from the unemployment office. Other proof of unemployment can be found in the unemployment section of this Chapter on page 1-8.

If the household is living on savings, interest from those savings is considered income and must be reported to the IRS. The household must submit a copy of the most recent income tax return or a tax return transcript (for more information on this see Section 2.2 “Income Verification”) showing the reported interest and signature of filer. If the household is unwilling to cooperate in establishing eligibility for the Lead Assistance Programs, they cannot be served. Lead Assistance Program Agency must submit all zero income for review to the Department.

All zero income clients must be sent to the department’s income verification. Please email name, address, and full social security number for all zero income clients to [income-verification@dca.nj.gov](mailto:income-verification@dca.nj.gov). Income verification email requests that do not contain the full social security number will not be accepted. E-mails should be sent with a “read receipt” request to verify receipt by the Department. The Department shall respond via e-mail with verification of income for each household member, excluding the social security number. The Department shall delete the original email sent upon income verification confirmed. A copy of this e-mail shall be printed and placed in the applicant household file.

The Affidavit of No Income can be found in the Appendix. This affidavit must be notarized.

### 1.3. Notice according to NJ State Relocation Act

Agency sends out a Notification to tenants according to the NJ State Relocation Act (NJAC 5:11) once Application Package has been received. The first notification is called the “**General Information Notice**”. The notice informs the tenants of the property that due to the nature of the work; tenants may be temporarily displaced by the work to be done. The notice also ensures tenants that the displacement is temporary, and they will be able to return to the property.

The Agency, after receiving the application package, can proceed with determination of application. These include, but are not limited to, verification of income, and application checklist review and verification.

#### 1.4. Significant Time Spent

HUD Program and Abatement Units for Lead-Safe and Single-Family Program

Eligibility may also be determined based on a child spending at least 60 hours per year in a unit that has received a notice of violation due to the presence of lead-based paint.

## 2. **Determination of Application**

### 2.1. Income Eligibility

A household must meet income eligibility criteria of 80% of Area Median Income (AMI) for the county of residence as defined by HUD Income Guidelines.

The Income Guidelines can be found:

[https://www.nj.gov/dca/divisions/dhcr/offices/docs/wap/LEAD/Lead\\_Pilot\\_Income\\_Guidelines.pdf](https://www.nj.gov/dca/divisions/dhcr/offices/docs/wap/LEAD/Lead_Pilot_Income_Guidelines.pdf)

#### 2.1.1. COVID 19-Benefits as Income

Due to COVID-19, as a part of the Federal stimulus package, COVID-19 Unemployment and Stimulus Check (\$1,200) were provided to those who qualified. The following shows how those new monetary amounts factor into the calculation of income for this program:

- COVID-19 Unemployment
  - o COVID-19 Unemployment differs from the standard Unemployment. COVID-19 Unemployment is an amount that is in addition to standard unemployment if the client lost his/her job due to COVID-19.
  - o COVID-19 Unemployment amounts shall **not** be calculated as a part of the total household income.
- Non-Reoccurring Stimulus Check Amount of \$1,200
  - o As a part of the federal stimulus check, single checks of \$1,200 were provided to taxpayers. This amount may differ depending on the filing status and the number of persons in the household, etc.
  - o The pandemic stimulus check/checks amount does **not** count towards a household's income for this program.

#### 2.1.2. Child Stimulus Benefits Not as Income

For all State Lead Programs (Lead-Safe and Single Family) as well as HUD Lead Programs, child stimulus payments should not be counted towards a household's income for eligibility purposes.

### 2.2 Income Exclusions

Income calculated for the purpose of determining program eligibility excludes the following:

- capital gains;
- any assets drawn down as withdrawals from a bank;

- money received from the sale of property, a house, or a car;
- one-time payments from a welfare agency to a family or person who is in temporary financial difficulty;
- tax refunds, gifts, loans, lump-sum inheritances, college scholarships, one-time insurance payments, or compensation for injury (compensation for lost wages related to an injury are included in income);
- noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner occupied non-farm or farm housing, depreciation for farm or business assets.
- Federal noncash benefit programs such as Medicare, Medicaid, Food Stamps, school lunches, and housing assistance.
- Child support payments whether received by the Payee or paid by the Payor. Where an applicant pays child support, he or she may not deduct said assistance for the purpose of determining eligibility.
- Combat zone pay to the military.
- Payment for care of foster children.
- Reverse mortgages.
- Adoption Subsidies

### 2.3 Income Verification

The Agency shall obtain proof of income eligibility from all applicants. Agency is required to maintain such proof in the client files. The original documentation verifying income may include:

- Paystubs
- W-2 forms
- Tax returns (for applicants who are self-employed)
- Financial statements
- Compensation award letters
- Other documentation verifying income

The Agency must also verify information related to the applicant's self-employment. The original documentation verifying income for self-employed applicants may include:

- Tax returns
- Financial statements

The Department shall maintain the right to request or obtain third-party verification of income for any applicant. Moreover, the Agency may, at its discretion, request a copy of an applicant's most recent Federal Income Tax Return, including all schedules if there is any question as to the eligibility of the applicant based on other forms of documentation concerning income eligibility. If an applicant does not have a copy of their Federal Income Tax Return, or if there are irregularities on the Federal Income Tax Return submitted, the Agency shall require the submission of a Tax Return Transcript for the current year. (Irregularities include but are not limited to missing pages, evidence of alterations, and

other evidence that the Federal Income Tax Return submitted is not an exact duplicate of what was filed with the Internal Revenue Service.) Tax return transcripts do not reflect changes made after the return was filed. To order a tax return transcript free of charge, applicant may use IRS Form 4506T or call 1-800-829-1040. If the applicant does not file Federal Income Tax Returns, s/he must sign the Certification of No Federal Income Tax Return Filed. The Affidavit of No Income Tax Filing can be found at the appendix of Chapter 1. In lieu of IRS 4506, any government income verification form is acceptable.

Any applicant household member over the age of 18 with zero income, or rental income, shall be reviewed by the Department prior to the applicant being determined to be income eligible for assistance. Members of the household over the age of 18 with zero income, with proof that they are enrolled as full-time students do not require prior approval of the Department. Files for applicant households with zero income or rental income shall contain a copy of the e-mail from the Department which verifies that the household is eligible.

Any applicant household member over the age of 18 who does not file a Federal Income Tax Return shall seek verification from the IRS that no tax return was filed by filing IRS Form 4506T or call 1-800-829-1040 with the IRS. Files for applicants that do not file Federal Income Tax Returns shall contain verification from the IRS that no Federal Income Tax Return was filed.

Prior to June 30 of any given year, the prior year's Federal Income Tax Return may be considered the more reliable verification of income, and subsequent to June 30 of any year, other income verification that contains year to date payment information may be considered more reliable. Where the various sources of income verification are not consistent, (i.e., paystubs versus Federal Income Tax Returns) the Agency shall document any changed circumstances and include this documentation in the client file.

Any file for which the Agency believes to demonstrate a risk of fraud or abuse shall be provided to the State Monitor assigned for review. The assigned State Monitor will review client file and determine referral to Program Integrity and Compliance Unit (PIC) for further review. Upon that referral, Office of Low-Income Energy Conservation (OLIEC) Supervisor will request review by PIC. Upon receipt, the Department will review the file documentation for compliance with all applicable Federal and State authority. Written correspondence on PIC review will be sent to the Agency for further action if needed. Copy of written correspondence must be retained in client file. No payment for units completed will be approved until such time that the proper income verification documentation is in the client file.

#### *2.3.1. Earned Income Documentation:*

For applicants who report earned income:

The Lead Assistance Program Agency shall collect 4 of the most recent 5 weeks' worth of pay stubs to establish annual income provided the paystubs show year to date (YTD) earnings representing at least 3 months of earnings.



In cases where the paystub does not show year to date earnings or the YTD earnings shown represent less than three months' pay, the agency must collect additional pay stubs to verify a total of 3 months income; or if paystubs are not available, an original signed letter from the applicant's employer on employer letterhead must be obtained by the Lead Assistance Program Agency directly from the employer. This letter is not to be hand delivered to the Lead Assistance Program Agency by the applicant, but must be mailed, faxed, or sent as an e-mail attachment to the Lead Assistance Program Agency by the employer. *The self-certification of income is not acceptable in this program.*

### 2.3.2 *Net Rental Income*

Net rental income is the difference between gross rental receipts and building operating expenses.

Applicants must submit a "Net Rental Income Calculation" form if there are 2 or more units on the property and the landlord occupies one of the units.

Building operating expenses include mortgage interest, property taxes, utilities (paid by the landlord/applicant), insurance premiums, and maintenance expenses. For those landlord/applicants who reside in a unit within the building which provides the rental income, the building operating expenses must be prorated before being deducted from the gross rental receipts. For example, if the landlord/applicant resides in one unit of a two-unit building, then only ½ of the building's operating expenses can be deducted from the gross rental receipts when calculating net rental income.

### 2.3.3 *Other Income Documentation:*

For all applicants who report any source of income other than earned income, the following documentation shall be considered acceptable verification documentation for non-earned income.

<b>TYPE</b>	<b>ACCEPTABLE DOCUMENTATION</b>
Alimony	Court Order, pertinent pages of separation agreement or divorce decree that identify client and amount of alimony. (If court ordered payments are not being received by the client, a notarized statement to this effect will be accepted)
Annuities	Statement dated within 60 days of certification from issuing organization
Dividends and Interest, as regular source of income	Statement dated within 60 days of certification from bank or brokerage firm
Estates and trusts, as regular source of income	Fiduciary statement or current statement from bank or brokerage firm
Insurance proceeds or dividends, as	Statement from insurance company



regular source of income	
Pensions, government or private	Award letter; a letter from administrative agency
Rents	Income tax form rent receipts; notarized statement from applicant listing each apartment and the rent received per month, as well as the description and amount of deductible expenses. When the tenant is a family member and is paying no rent to the owner, a notarized statement should be received from the tenant and signed by the owner stating that no rents are being collected.
Royalties	Income tax return; current statement from company issuing checks
Self-employment Income	Most recent Federal Tax return for the Business including all Schedules, whether sole proprietorship, Limited Liability, S or C Corporation. Business records for three months prior to the date of application; notarized statement of gross adjusted income, including list of deductions and amounts, for previous three months
Social Security Benefits	SSA Benefit Verification letter; SSA-1099 Social Security Benefit Statement; or SSA form 2458 (Report of Confidential Social Security Benefit Information)
Strike Benefits	Award letter; copy of checks; letter from appropriate administrative agency
TANF Award Printout	Work First NJ (NJ's Temporary Assistance for Needy Families) award printout issued by the County's Welfare Agency.
Unemployment	Unemployment Income Statement issued by the New Jersey Department of Labor and Workforce Development, or a comparable statement issued by an agency or department of another State or Territory responsible for administration of unemployment benefits. Other forms of supporting documentation proving unemployment may include the following: 1099-G, bank statements showing their unemployment deposits or confirmation from the DOL database showing their unemployment disbursements.
Veteran's Benefits	Award letter from Veterans Administration or DOD.
Worker's Compensation	Award letter from Workers Compensation Board; current check

#### 2.4 Target Service Areas:

Lead Assistance Program Agencies are limited to their designated target service area(s) as per their grant agreement with NJDCA for their specific lead program or programs.

### 3. **Categorical Eligibility**

#### 3.1. **TANF, Food Stamps, Adoption Subsidy**

Categorical eligibility means that households are determined to be eligible despite a total household income which may exceed the income guidelines. Categorical

eligibility exists when any member of the household receives cash assistance payments from any of the following programs:

1. TANF
2. Food Stamps
3. Adoption Subsidy

A complete application is required for all categorically eligible households. Income verification documentation required in Section 2.2 of this chapter is not required for households that are determined to be categorically eligible. However, income documentation must be collected by the agency for the purpose of collecting required demographic information, such as total household income.

Valid documents to support categorical eligible include benefit letter, program acceptance letter and statement of benefits.

### **3.2. Supplemental Security Income (SSI)**

“SSI” refers to payments issued by authority of Title XVI of the Social Security Act for retirement or disability purposes. The Social Security system provides disability and retirement benefits based on two criteria: economic contribution and economic need. When individuals apply for Social Security benefits, an analysis of their contributions into the system determines their benefit level. If this benefit level is sufficiently low, a second analysis of their entire economic situation is conducted (including consideration of all income sources, personal assets, net worth, etc.) and a second benefit, SSI, is also issued. SSI benefits may also be issued to an individual who never worked for wages and therefore receives no regular Social Security benefits. Recipients of SSI payments are categorically eligible, though recipients of regular social security payments are not automatically categorically eligible.

### **3.3. Pandemic EBT (P-EBT)**

For the State Lead Program Only: Households who receive Pandemic-EBT (P-EBT), shall be categorically eligible for New Jersey State Lead programs only. Federal HUD Program clients will have to qualify based on income.

P-EBT is a program to help purchase food for your school-age child(ren) in kindergarten - 12 grade who were eligible for free or reduced-price school meals at a school that participates in the National School Lunch Program (NSLP), but whose schools closed or operated with reduced attendance or hours for five consecutive days due to COVID-19.

## **4. Determination of Property Eligibility**

After an applicant is deemed eligible from a documentation standpoint, Agency shall physically go out to the field and conduct preliminary testing for lead hazards. The Agency should use Lead Testing Kits/Swabs to detect for the presence of lead-based paint hazards in the unit or units. While the Agency is at the property for lead testing, they should take pictures of the exterior front for identification purposes.

#### 4.1. Non-Eligible Properties

The following would result in the Applicant's property to be deemed non-eligible for services:

- Property contains 5 or more units;
- Property that is being occupied by more families than its legal occupant capacity (i.e., a property classified as a two-unit property via local municipality's building codes division, but is being utilized as a three-family home);
- Property in Foreclosure;
- Property Listed for Sale;
- Building structure is not safe or structurally sound;
- Building Scheduled for Demolition;
- Sewage system has failed and requires correction prior to lead assistance measures;
- Building with other sanitary factors that are present that may prohibit the timely and efficient reduction of lead assistance measures.
- Required corrective work is beyond the scope of the Lead Assistance Program
- Illegal activities are being conducted in the dwelling unit
- The client is uncooperative (abusive or threatening Agency personnel, lead evaluators, contractors, etc.) who must work on or visit the property

#### 4.2. Vacant/Unoccupied Units

##### 4.2.1. Utilizing Income Eligibility Across Property

A vacant/unoccupied unit of a property may be provided lead remediation/abatement services if at least 50% (for 2-unit properties) or 66% of the property's units are income eligible. The amount of assistance that the Lead Assistance Program Agencies can provide is based on the number of eligible units. For example, in a 2-unit property where one is occupied and the other is vacant, the occupied unit must meet income eligibility criteria. Because the occupied unit fulfills the requirement for 50 % (for 2-unit properties) or 66% eligibility, the vacant unit can receive services. The amount of funding that the Lead Assistance Program Agency can provide for both units is \$13,000 without an Over Expenditure Approval.

##### 4.2.2. Vacant Unit to be Occupied by Program Eligible Household

As of February 1, 2023, vacant units will now be potentially eligible for lead-based paint hazard reduction either through lead remediation or lead abatement if the grantee ensures that the vacant/unoccupied unit/units become eligible dwelling units occupied by households of the eligibility criteria within 180 calendar days of the lead clearance exam.

The Property Owner must complete, sign, and notarize the "Vacant/Unoccupied Unit Certification Form".

Property Owners with vacant/unoccupied units that are income eligible must be prioritized for lead-based paint hazard reduction services.

#### 4.3. Property Classification with Local Municipality Division of Building Codes

The number of legal dwelling units on a property is to be determined only by the local municipality's Division of Building Codes. The number of units potentially identified on the Property Tax Record is not sufficiently able to determine the number of legal dwelling units.

4.4. Unit and Property Eligibility

The Lead Assistance Program Agency may provide lead assistance services to a single unit on a 1-4-unit property if that unit is determined to be eligible based on the criteria in this chapter (income, documentation, and property eligibility). The Lead Assistance Program Agency must complete work in the common area and exterior.

**5. Lead Risk Assessment**

5.1. Lead Evaluation

The Statewide Outreach and Coordination of Lead Evaluation Services Agency, requests for a Lead Evaluator to provide a Lead Inspection/Risk Assessment (LIRA) of the property. See Flowchart in Appendix.

In the projects where not all units on a property are being provided lead assistance services, the LIRA must identify hazards in the common areas and the exterior of the property.

5.2. Cost Estimation and Scope of Work

Once the Lead Evaluator completes the Lead Inspection/Risk Assessment, a scope of work and cost estimation of scope of work will be produced.

5.3. Validity of Lead Evaluation

The Lead Inspection Risk Assessment is valid for the program up to 6 months after the date in which it was conducted for a grantee to provide lead remediation/abatement services.

If after 6 months, the grantee has not completed work, a reassessment of the unit is required for additional lead-based paint hazards and ancillary work that may have arisen during that time frame.

**6. Relocation Planning and Maximum Time Allowable for Temporary Relocation**

The Lead Assistance Program Agency and LCM will then have to review the scope of work produced by the contracted Lead Evaluator. The Lead Assistance Program Agency and LCM must determine whether or not the work scope will require the occupants to be temporarily relocated.

If the occupants must be temporarily relocated, the Lead Assistance Program Agency must produce a temporary relocation plan for the occupants (where will the occupants be temporarily housed, for how long, etc.) and estimate costs of 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.

## **7. Cost Consideration**

Before approving an applicant for the program, the Agency shall calculate any foreseeable costs related to the project. The average cost per unit is expected to be **\$13,000** for **lead remediation** projects and **\$25,000** for **lead abatement** projects.

Lead Remediation projects with costs of up to \$20,000 per unit may be undertaken with Prior Approval from NJDCA and the Lead Assistance Program Agency must submit a Request to Exceed for those units that they expect to be over \$13,000 but under \$20,000.

If the costs related to that project are expected to be above \$20,000, the Lead Assistance Program Agency may have to identify additional funding sources or to defer the client due work beyond scope of program.

### **7.1. Landlord Contribution and Other Sources**

Landlord Contributions are not required for the Lead Assistance Program. If the lead remediation project exceeds \$20,000 then the Lead Assistance Agency may have to identify additional funding sources, which may include Landlord Contribution.

Logistically, the Landlord Contribution should be provided from the Landlord/Homeowner to the Lead Assistance Agency directly. No contributions are to be made to the contractor directly from the Landlord/Homeowner. There is no contract between the contractor and the Landlord/Homeowner, but there is a contract between the Lead Assistance Agency and the Contractor.

## **8. Applicant is Eligible**

If applicant's project cost falls within the allowable cost per unit, and Lead Assistance Program Agency approves to proceed, the Lead Assistance Program Agency shall send the Applicant a letter stating that Applicant is eligible for lead assistance services.

## **9. "Owner's Permission for Lead Assistance" Form**

After the Applicant has been determined to be eligible, the Lead Assistance Program Agency must transfer the general measures of the scope of work to the "Owner's Permission for Lead Assistance" form. The Lead Assistance Program Agency must go over the lead assistance measures with the Owner and obtain the Owner's signature as authorization for the Lead Assistance Program Agency to install or sub-contract the lead measures to the property. The Owner's signature also certifies that the property is not in foreclosure or scheduled for demolition within the 12 months from the date of work.

## **10. "Landlord/Tenant Lead Assistance Agreement" Form**

For properties that are occupied by a tenant(s), the Lead Assistance Program Agency is required to obtain and execute the "Landlord/Tenant Lead Assistance Agreement". This form is required to be filled out and signed individually for each tenant. This Landlord/Tenant Agreement ensures that the rights of tenants, as well as the Lead Assistance Program's

investment are protected, and that the benefits of lead assistance accrue to the low- and moderate- income persons that the program intends to serve. Signed copies of this document are provided to both the Tenant and the Landlord. The document is enforceable by the tenant(s). Copy of document must be maintained in the file.

If the property is owner-occupied and does not have any tenants residing in the unit(s), the Landlord/Tenant Form would be non-applicable (NA).

### **11. Expired Client Record**

If a client has not been served within one (1) calendar year, the application will expire, and the client would have to complete a new application and to recertify income and other requirements. The client record in HESWAP will also automatically lock and require recertification of the client record. The Lead Assistance Program Agency must update the certification field on the Client Information Screen to reflect the new recertification date.

### **12. Provision of Service to Agency Employees, Volunteers, Board Members, and their Relatives**

If the lead assistance program applicant is connected to the Lead Assistance Program Agency in some way, i.e. applicant is an agency employee, board member or volunteer; or is related to someone who is an agency employee, board member or volunteer is a tenant residing in a building which is owned or managed by someone connected to the Lead Assistance Program Agency, provided that these persons are eligible for service based on the contractual eligibility criteria, s/he may receive service per standard procedures, as augmented by the additional steps required below. When serving a connected applicant, all lead assistance program personnel must be alert to the potential for an appearance of favoritism which could harm the public reputation of the Lead Assistance Program Agency and the program. The appearance of favoritism will be avoided through a policy consisting of three parts: DISCLOSE DELEGATE and DOCUMENT Lead Assistance Program Agency actions.

1) DISCLOSE - Whenever a "connected" applicant is identified, written notification should be made by the person who recognizes the connection. This notification should be addressed to the Lead Assistance Program Agency Executive Director and routed to him/her through the agency chain-of-command. If the applicant is connected to the Executive Director, this notification should be addressed to the Chairperson of the agency's Board of Directors and copied to the agency Executive Director. In addition, the Lead Assistance Program Manager will inform the OLIEC in writing of the identification at the time of application. These notifications must state:

- a) How the applicant (or the occupant's landlord/building manager) is connected to the Lead Assistance Agency.
- b) At what point during the weatherization process did the identification take place.

2) DELEGATE - The decision to proceed with service to a connected applicant must be delegated to the Lead Assistance Program Agency's Board of Directors. The Lead Assistance Program Agency Board of Directors must grant written authorization to proceed with the provision of service. The Lead Assistance Program Agency Board of Directors should meet



in Executive Session when considering the authorization of service to a connected applicant in order to preserve client confidentiality. This authorization must explicitly certify that the applicant will not receive any extra benefits as a result of his/her connection. These benefits may include, but are not necessarily limited to, the position of the dwelling unit on the agency's waiting list and the amount and/or type of services provided (undue or excessive enhancement). In addition, the various activities involved in providing lead assistance program service (verifying eligibility, conducting pre- and post-weatherization inspections, etc.) should also be delegated to someone who is not personally involved with the connected individual. An estimator who is an applicant for lead assistance program, for example, should not inspect his own residence. In all such cases, the Lead Assistance Program Manager should provide very close supervision to prevent inappropriate benefits from accruing to the connected applicant. 3) DOCUMENT - The purpose of the client file contents is to provide a clear and accurate history of the client's involvement with the lead assistance program. This is especially important whenever there is a potential for the appearance of favoritism. At a minimum, the written notifications to the OLIEC and the Lead Assistance Program Agency's Executive Director (or Board Chairperson) that a connected applicant has been identified and the Board's authorization/certification to proceed with the provision of services must become part of the client file. Contemporaneous documentation of Lead Assistance Program Agency actions within the client file provides a much more convincing explanation of agency decisions than after-the-fact assertions.

Failure to follow the procedure described above may result in a decision by the OLIEC to disallow the costs of providing assistance to a property owned or occupied by a connected applicant.

A mandatory state inspection will be performed on all units under this category.

### **13. Personal Identifiable Information (PII)**

Lead Assistance Agencies agrees to comply with the Privacy Act of 1974 and HUD rules and regulations related to the protection of personal identifiable information. Lead Assistance Agencies shall provide and require all staff, consultants, contractors, and sub-contractors to sign a Non-Disclosure Agreement to protect any personal identifiable information necessary to complete its scope of work. If Lead Assistance Agency is procured for the design, development, or operation of a system of records on individuals, it shall do so in compliance with 48 CFR 24.102, et seq.