



**LEAD HAZARD REDUCTION GRANT PROGRAM
and
MAINE LEAD PAINT HAZARD ABATEMENT
PROGRAM (N261)**

**LEAD
GUIDANCE AND PROCEDURES**

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INTRODUCTION

The Maine State Housing Authority Lead Hazard Reduction Grant Program (“Federal Lead”), Maine Lead Paint Hazard Abatement Program N261 (“State Lead”) and Healthy Homes Intervention Program (“Healthy Homes”) (collectively the “Lead Programs”) provide grants to assist single-family homeowners and owners of residential rental units to make their homes and apartments lead safe. The Lead Programs are administered by MaineHousing and three Community Action Agencies (CAAs), as defined herein, with each CAA being responsible for implementing the Lead Programs within a particular region of Maine.

This *Lead Programs Guidance and Procedures* (the “Lead Guide”) is designed to provide users with information about the Lead Programs’ rules, regulations, policies, and guidance for administering the Lead Programs. Unless specifically stated otherwise, the requirements set forth in this Lead Guide are applicable to Federal Lead, Healthy Homes and State Lead Programs.

NOTE: Unless specified otherwise, the requirements set forth in this Lead Guide are applicable to Federal Lead, Healthy Homes and State Lead Programs.

The Lead Guide has three sections:

Chapter A: Program Guidance, provides information about rules, policies and other guidance for the Lead Programs;

Chapter B: Program Procedures, provides procedural guidance on how to administer Lead Program projects; and

Chapter C: Program Contractors, provides instructions on securing MaineHousing approved Certified Abatement Contractors and/or licensed Healthy Homes Contractors.

The Lead Guide is a working tool and will be maintained by MaineHousing staff. When guidelines or clarifications are made to Lead Programs, MaineHousing will issue a notification and revised pages to be added or replaced in this Lead Guide. When income limits change, new charts will be issued for replacement and made available on MaineHousing’s website at <http://www.mainehousing.org/partners/partner-type/community-agencies>.

Every effort should be made to coordinate other programs administered by MaineHousing such as the Weatherization Assistance Program (WAP), Central Heating Improvement Program (CHIP), Low-Income Home Energy Assistance Program (LIHEAP), and Arsenic Remediation Program. Outside sources for additional funding may include, but are not limited to Rural Development and CDBG. The Lead Programs are designed to abate/reduce lead-based paint hazards, bring statewide focus to the hazards of lead-based paint poisoning, the importance of proper methods of identification of lead-based paint hazards, and lead-based paint hazard control.

CHAPTER A: PROGRAM GUIDANCE

SECTION A1: DEFINITIONS

As used in this Lead Guidance, the following terms shall have the following meanings:

Abatement	Any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by appropriate state and federal agencies. For purpose of this definition, “permanently” means for at least 20 years.
Accessible Surface	An interior or exterior surface painted with Lead-based Paint that a young child could mouth or chew.
Administration Contract	MaineHousing Lead Hazard Reduction Grant Program and/or Maine Lead Paint Hazard Abatement Program Administration Contract(s) entered into by and between MaineHousing and each CAA.
Applicant	Any individual or entity who has submitted a written <i>Application</i> for a Lead Program Grant, and any individual who is expected to live in an Eligible Residence.
Application	A completed Lead Programs Application submitted to a CAA by an Applicant, in the form required by MaineHousing and in accordance with the Lead Guide.
Building Permit	Any permit needed for proper rehabilitation or construction of a project under the Lead Programs.
CAA	Any one of the following three Community Action Agencies chosen by MaineHousing to administer the Lead Programs: <ul style="list-style-type: none"> • Aroostook Community Action Program • Community Concepts, Inc. • Penquis Community Action Program, Inc.
Certified Abatement Contractor	A contractor, inspector, or supervisor who has completed a lead-based paint abatement training program certified by the appropriate federal agency and has met all requirements for lead-based paint abatement certification or licensure established by the appropriate federal agency or who has been certified by the DEP under a Lead-based Paint abatement training program which has been found by such federal agency to be at least as rigorous as the federal certification program; and (B) workers or designers who have fully met training requirements established by the appropriate federal agency.
Co-Head of Household	Any household member who is not an Applicant but who is a co-head of household in a Living Unit for which an <i>Application</i> has been submitted.
Construction Contract	A contract among the CAA, owner of a single-family home or multi-family building, and contractor that governs the scope of work being paid with Lead Program funds.
DEP	Maine Department of Environmental Protection.
DEP Lead Management Regulations	DEP Maine Solid Waste Management Rules, Chapter 424, Lead Management Regulations
Deteriorated Paint	Any interior or exterior Lead-based Paint that is peeling, chipping, chalking or cracking or any Lead-based Paint located on an interior or exterior surface or fixture that is damaged or deteriorated.

Eligible Residence	<p><u>Single-Family</u>: A single-family home is a detached, stand-alone structure with its own lot, used as a single Living Unit. The Living Unit must have running water, heat, electrical service, cooking, sleeping, and separate bathroom facilities.</p> <p><u>Multi-Family</u>: Rented single-family homes and Living Units. in multi-family buildings. A multi-family building is any building containing two or more Living Units.</p> <p>Note: The Federal Lead program requires single-family homes and multi-family Living Units have at least one bedroom. The Federal Lead Program allows for zero-bedroom apartments occupied by a child under 6 years of age or a pregnant woman.</p>
Escrow Agreement	An agreement among the CAA, owner of a single-family home or multi-family building, and contractor that governs disbursements of Lead Program funds to pay lead hazard reduction construction costs or Healthy Homes Intervention costs, as applicable.
Essential Maintenance Plan	A prescribed program of routine maintenance activities, including worker training and work practice requirements, designed to prevent the creation or development of lead hazards.
Federal Lead Grant	MaineHousing's Lead Hazard Reduction Grant Program.
Grant Recipient	An owner who resides in a single-family home and/or owner of a multi-family dwelling that has been approved for a Lead Program Grant.
Gross Household Income	The total household annual income before taxes and deductions as computed in accordance with the requirements contained in the Lead Guide.
Healthy Homes Assessment	A comprehensive risk-based housing inspection that incorporates 29 areas of the housing environment.
Healthy Homes Intervention	An elimination of a hazard identified during a Healthy Homes Assessment.
Healthy Homes Rating System	An assessment system combining the likelihood of an occurrence and the probable severity of the outcome of that occurrence.
HETL	State of Maine Health and Environmental Testing Laboratory.
HUD	United States Department of Housing and Urban Development.
Interim Controls	A set of measures designed to temporarily reduce human exposure or likely exposure to Lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
Lead Contaminated Dust	Surface dust in Living Units that contains an area or mass concentration of lead in excess of levels determined by the appropriate State and/or federal agency that pose a threat of adverse health effects in pregnant women or young children.
Lead Contaminated Soil	Bare soil on residential real property that contains lead at or in excess of the levels determined to be hazardous by the appropriate State and/or federal agency.

Lead Design Plan	The lead hazard reduction design plan prepared for each property to be assisted with Lead Program Funds in accordance with the Lead Program rules and regulations.
Lead Guide	The <i>Lead Programs Guidance and Procedures</i> which provides instructions, guidelines, terms and conditions for Grants, including all amendments and supplements hereto, funded through HUD's Lead Hazard Reduction Program (including the Healthy Homes Intervention Program) and MaineHousing's Maine Lead Paint Hazard Abatement Program.
Lead Inspection	A surface-by-surface investigation to determine the presence of lead-based paint as provided in section 4822(c) of the Lead-Based Paint Poisoning Prevention Act, 42 USC §4821 <i>et seq.</i> , as may be amended.
Lead Inspector	A DEP certified and licensed individual who conducts lead inspections, lead determinations, clearance examinations, and lead safe evaluations.
Lead-based Paint	Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight, as provided in 24 CFR Part 35 §35.110 (definition of "Lead-based Paint").
Lead-based Paint Hazard	Any condition that causes exposure to lead from Lead Contaminated Dust, Lead Contaminated Soil, Deteriorated Paint, Accessible Surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate federal agency.
Lead Program	HUD's Lead Hazard Reduction Grant Program (including Healthy Homes Intervention Program) and MaineHousing's Maine Lead Paint Hazard Abatement Program.
Living Unit	A comprehensive residential dwelling containing cooking, sleeping, and separate bathroom facilities, including a single-family home or an apartment unit. Note: The Federal Lead program requires at least one bedroom in the Living Unit with an exception for zero-bedroom apartments occupied by a child under 6 years of age or a pregnant woman.
MaineHousing	Maine State Housing Authority.
MCLPPP	Maine Childhood Lead Poisoning Prevention Program.
MUBEC	The Maine Uniform Building and Energy Code, 10 MRSA §9721 <i>et seq.</i>
Occupant Protection Plan	The occupant protection plan required under Section 6.B(3) of the DEP Lead Management Regulations, which plan shall also include any temporary relocation assistance to be provided to an Applicant.
Owner	The individual or entity whose name is on the property deed as owner of the single-family and/or multi-family dwelling benefiting from receipt of Lead Program Grant(s).
Program Bulletins	Lead Program updates that MaineHousing may circulate from time to time.
Program Start Date	The date provided by MaineHousing after which Applications may be accepted by a CAA.
Qualified Contractors	Certified abatement contractors licensed by the DEP and/or licensed Healthy Homes contractors and approved by MaineHousing to participate in the Lead Program.

Renovation, Repair & Painting (RRP) Contractor	A contractor or individual who has successfully completed an accredited EPA lead course.
Risk Assessment	On-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in the Living Unit, in common areas and on the exterior through dust wipe samples, water testing and soil testing.
State	State of Maine.
State Lead	MaineHousing's Maine Lead Paint Hazard Abatement Program (N261)
VEBL	Venous elevated blood level.

SECTION A2: LEAD PROGRAMS OVERVIEW

A. Federal Lead Program Summary

1. Primary Purpose

The Federal Lead Program is a collaborative effort among Maine State Housing Authority (MaineHousing), the Childhood Lead Poisoning Prevention Fund, the Maine Center for Disease Control, and the Maine Department of Environmental Protection. The Federal Lead Program has four primary purposes:

- a. To reduce lead poisoning in housing occupied by income eligible households, reducing lead-based paint hazards.
- b. To develop improved identification of lead-based paint hazards.
- c. To develop cost effective lead-based paint hazard reduction activities.
- d. To implement a statewide training and education program on lead-based paint hazards.

2. Key Components

Key components of the Federal Lead Program are summarized as follows:

- a. Address lead-based paint hazards in 240 Living Units of low-income housing and any associated common and exterior areas.
- b. Perform 270 Lead Inspections.
- c. Perform Risk Assessments in Living Units with children under the age of 6 years old.
- d. Create greater public awareness of the dangers of Lead-based Paint.

B. Healthy Homes Intervention

1. Primary Purpose

The Healthy Homes Intervention Supplemental Funding (Healthy Homes) is part of HUD's comprehensive approach to address housing related health and safety hazards that are not lead-based paint hazards. Healthy Homes funding can only be used in homes where Federal Lead hazard control work (interim controls or abatement) is being conducted. Healthy Homes builds upon HUD's Lead Hazard Control Programs' 29 possible hazards to expand its efforts to address a variety of environmental health and safety concerns including: mold, lead, allergens, asthma, carbon monoxide, home safety, pesticides, and radon.

2. Key Components

Key components of Healthy Homes are summarized as follows:

- a. Only properties eligible for and participating in the Federal Lead Program can be considered for an additional Healthy Homes Grant.
- b. Healthy Homes work will be bid upon and completed by licensed contractors, in conjunction with the lead paint abatement work be performed on the property.
- c. Healthy Homes will address 29 possible hazards in 150 Healthy Homes Interventions.
- d. Perform 180 Healthy Homes Assessments.

C. State Lead Program Summary

1. Primary Purpose

The State Lead Program is designed to be used for lead abatement in housing occupied by income eligible households and may be used in conjunction with Federal Lead funds.

2. Key Components

Key components of the State Lead Program are summarized as follows:

- a. Conduct activities in eligible housing units or housing projects, whether the housing is owned by an individual or a for-profit or nonprofit entity.
- b. Priority for State Lead Program funds must be given to abatement projects for housing in which a child resides who has been determined to have lead poisoning, as defined in Title 22, section 1315, subsection 5-C, resides.
- c. An owner of housing that receives lead abatement assistance under the State Lead Program shall pay a portion of the abatement costs as follows:
 - i. Properties not under abatement order: 10% owner match.
 - ii. Properties under abatement order: 25% owner match.
- d. Federal Lead funds will be considered the primary funding source, for projects utilizing both Federal Lead and State Lead funds.

D. Federal Lead and State Lead Comparison

Program Component	State-Lead Program	Federal Lead Program
Dwellings Requirements	<ul style="list-style-type: none"> Single-family, owner-occupied homes. Owners of rental units assisted with State Lead Program funds commit for a four-year period to lease units to households with incomes at or below 100% AMI and to keeping rents affordable, not to exceed HUD's published <u>Fair Market Rents</u>. 	<ul style="list-style-type: none"> Single-family, owner-occupied homes. Owners of rental units assisted with Federal Lead Program funds commit for a three year period to rent at least 50% of units assisted with Federal Lead Program funds to households with incomes at or below 50% AMI and the remaining units to households with incomes at or below 80% AMI. Owners must prioritize renting to households with children under 6 years of age.
Income Eligibility	<ul style="list-style-type: none"> Income of households being served must be at or below <u>100% AMI</u>. 	<ul style="list-style-type: none"> <u>Owner-occupied, single-family homes:</u> households must have incomes at or below <u>80% AMI</u> <u>Multi-unit rental buildings:</u> 50% of the units being assisted with Program funds must consist of households with incomes at or below <u>50% AMI</u> and the remaining units to must consist of households with incomes at or below <u>80% AMI</u>.
Owner Match Requirements	<ul style="list-style-type: none"> At least 10% of the costs of abatement if not under abatement order; or At least 25% of the costs of abatement if the building is under abatement orders. 	<ul style="list-style-type: none"> No owner match requirement.
Grant Limits	<ul style="list-style-type: none"> Up to \$30,000 for an owner-occupied, single-family home; and Up to \$15,000 per unit for rental units, with no limit on the number of units that can be enrolled in the State Lead Program. Outbuildings needing to be addressed per a Lead Design Plan may receive up to an additional \$15,000 to abate or demolish. 	<ul style="list-style-type: none"> Up to \$16,000 for an owner-occupied, single-family home (including soil and outbuildings); and Up to \$10,000 per unit for rental units, up to 10 units per building enrolled in the Federal Lead Program. <u>Note:</u> units funded through the Federal Lead Program may be eligible to receive up to \$3,238 of Healthy Homes funding per unit to address a variety of health and safety issues, which may include lead-based paint hazards.
Funding available to reimburse landlords for the cost of materials to do their own lead abatement work	<ul style="list-style-type: none"> Owners who are licensed lead abatement contractors may seek pre-approval from MaineHousing for reimbursement of materials only. Note: Owners who are licensed lead abatement contractors must receive pre-approval from MaineHousing in order to seek reimbursement for costs related to materials for lead abatement projects. 	<ul style="list-style-type: none"> No funding is available to reimburse owners for materials or labor to do their own lead abatement work.

SECTION A3: SERVICE AREAS

CAAs are assigned specific geographical areas (by County) in which they will deliver Lead Program services:

Agency	Federal Lead	State Lead
Aroostook County Action Program	<ul style="list-style-type: none"> • Aroostook 	<ul style="list-style-type: none"> • Aroostook
Community Concepts, Inc.	<ul style="list-style-type: none"> • Androscoggin (excluding Lewiston and Auburn) • Franklin • Oxford • York 	<ul style="list-style-type: none"> • Androscoggin (including Lewiston and Auburn) • Cumberland • Franklin • Oxford • York
Penquis Community Action Program	<ul style="list-style-type: none"> • Hancock • Kennebec • Knox • Lincoln • Penobscot • Piscataquis • Sagadahoc • Somerset • Waldo • Washington 	<ul style="list-style-type: none"> • Hancock • Kennebec • Knox • Lincoln • Penobscot • Piscataquis • Sagadahoc • Somerset • Waldo • Washington

The following areas are not receiving Federal Lead services through the Lead Hazard Reduction Grant Program awarded to MaineHousing, but may be eligible for State Lead funding administered through MaineHousing:

Cumberland County is serviced by the City of Portland Maine through the HUD-funded Portland Lead Grant.

Biddeford in York County is serviced by the City of Biddeford through the HUD funded Biddeford Lead Grant.

Lewiston in Androscoggin County is serviced through the HUD-funded Lewiston Lead Grant.

SECTION A4: PRIORITY FOR ASSISTANCE

A. Project Priorities

The Lead Programs will focus on Living Units occupied by children under the age of 6 years (Priority 1-4). The CAA will receive and review *Applications* for assistance and will prioritize Living Units as detailed below.

Priority 1	Pre-1978 income-eligible Living Units occupied by one or more children under the age of 6 years with identified venous elevated blood levels (VEBLs) equal to or greater than 5 µg/dl.
Priority 2	Pre-1978 income-eligible Living Units occupied by one or more children under the age of 6 years with identified VEBLs less than 5 µg/dl.
Priority 3	Pre-1978 income-eligible Living Units occupied by one or more children under the age of 6 years where lead-based paint has been identified.
Priority 4	Pre-1978 income-eligible Living Units where lead-based paint has been identified.

B. Lead Production Tracking and Status Report

- (1) CAA must maintain the “Lead Production Tracking and Status Report” template (Appendix R4) and track all Lead Program Applications processed by the agency. The Tracking and Status Report template was provided to each CAA and is designed to capture information from each Application, including the following Applications statuses:
 - a. Application Pending
 - b. Application Denied
 - c. Active Abatement
 - d. Completed
- (2) CAAs must update all data on the Tracking and Status Report and submit to MaineHousing via ShareFile on the 1st of every month.

SECTION A5: ELIGIBILITY REQUIREMENTS

A. Dwelling Eligibility

1. In General

- a. Properties must be located in the target area and contain confirmed lead-based paint hazards.
- b. A single-family home is a detached, stand-alone structure with its own lot, used as a single Living Unit and containing at least one bedroom.
- c. Rented single-family homes and Living Units in multi-family buildings. Properties funded through the Federal Lead program must have a minimum of one bedroom to be eligible (exception is zero-bedroom apartment with a child under 6 years of age or a pregnant woman).
- d. A multi-family building is any building containing two or more Living Units.
- e. Vacant units may be enrolled in the Lead Program as a Priority 4 (*see* [Section A4, Priority for Assistance](#)) if there are no other Priorities 1-3 units on the CAA's Lead Production Tracking and Status Report, CAAs must receive written approval from MaineHousing prior to enrolling vacant units.

2. Single-Family

a. Owner Occupied

Pre-1978 owner occupied single-family homes with income eligible households, in which a child under six resides or spends a significant portion of time, located in the target area, and confirmed to contain lead-based paint hazards.

b. Rental

Pre-1978 renter occupied single-family home with income eligible households, in which a child under six resides or spends a significant portion of time, located in the target area, and confirmed to contain lead-based paint hazards.

3. Multi-Family

a. Federal Lead Projects

Pre-1978 dwelling in which at least half of the enrolled Living Units are occupied by tenants with household incomes at or below 50% of AMI and the remaining half of enrolled Living Units are occupied by tenants with household incomes at or below 80% of AMI.

b. State Lead Projects

- i. Pre-1978 dwelling in which all tenants have a household income at or below 100% AMI.
- ii. An owner-occupied Living Unit in a multi-family building is eligible if both the owner and tenant(s) meet these income limits

c. Owner-Occupied Multi-Family Unit

An owner-occupied Living Unit in a multi-family building is eligible if the owner meets the income limits for the respective Lead Program funding source.

4. **Outbuildings**

a. Federal Lead Projects

Outbuildings need to be addressed per the Lead Hazard Abatement Lead Design Plan (Lead Design Plan) when using Federal Lead funds.

b. State Lead Projects

An additional \$15,000 is available to abate or demolish outbuildings when using State Lead funds.

NOTE: \$15,000 in State Lead funds is available to abate/demolish outbuildings.

5. **Residential/Commercial Businesses**

a. Child Care Facilities

- i. **Federal Lead** funds may not be used for lead hazard control measures in commercial businesses, including but not limited to licensed day care facilities, or any other non-residential uses. The prohibition on enrolling licensed day care facilities does not include a single-family home in which a licensed day care facility is located, provided that household income is at or below 80% of AMI, the dwelling is under lead abatement order and a child under the age of 6 years permanently resides in the home or a child 6 years or younger spends a “significant amount” of time in the home. Please refer to and use *Children Under 6 Years Old Visiting Certification Form* (Appendix G).
- ii. **State Lead** funds may be used for lead hazard abatement measures in housing that serves as a childcare location for children under six years of age as long as the owner meets income eligibility requirements.

b. Homeless Shelters/Transitional Housing (State Lead Only)

Homeless shelters/transitional housing may be eligible for State Lead Program assistance. Please contact MaineHousing, as consideration will be made on a case by case basis.

c. Project Based Voucher Program Buildings (State Lead Only)

Buildings enrolled in the Project Based Voucher Program (PBVs) may be eligible for State Lead Program assistance and may enroll up to 10 PBV units per building.

B. Income Eligibility

Occupant Type	Federal Lead Income Level	State Lead Income Level
Owner (primary residence)	100% of owner-occupied units must be occupied by families at or below 80% AMI.	100% of owner-occupied units must be occupied by families at or below 100% AMI.
Renter	Household members in all Living Units must be at or below 80% AMI.	Household members in all Living Units must be at or below 100% AMI.
Multi-Family Renter (≥ 5 units in same property)	Household members in 50% of Living Units in same building must be at or below 50% AMI. and the remaining half of enrolled Living Units must be occupied by tenants with household incomes at or below 80% of AMI	Household members in 100% of Living Units in same building must be at or below 100% AMI.
Housing that serves as a child care location	Owner must have an annual income at or below 80% AMI.	Owner must have an annual income at or below 100% AMI.

EXCEPTION: Maine DHHS lead poisoning cases involving multigenerational households that are over income may be eligible for enrollment. All determinations will be made on a case by case basis.

C. CAA Employees

Employees of a CAA and MaineHousing are not eligible to apply for Lead Program funds within the CAA’s service area, unless otherwise approved by MaineHousing.

SECTION A6: GRANT AMOUNTS

A. In General

- (1) If the project cannot be completed within the Grant limits then the CAA shall issue a *Deferral of Service Notice* to the property owner (Appendix V). The *Deferral of Services Notice* must specify all the reasons that the project/job is being deferred and provide corrective action that would need to be taken in order for the job to receive services in the future.
- (2) MaineHousing reserves the right to waive the Grant cap. This determination will be made on a case by case basis and the CAA may request such a waiver by using the *Waiver Request* (Appendix K).

B. Federal Lead Funds

1. Single-Family Properties

- a. Single-family owner occupied homes are limited to a maximum Grant of **\$16,000** for lead hazard reduction (including soil and outbuildings).
- b. Single-family homes that are rented are limited to a maximum Grant of **\$10,000**.

2. Multi-Family Properties

- a. Multi-family buildings are limited to a maximum Grant of **\$10,000** per Living Unit, up to a maximum enrollment of ten Living Units per building. The **\$10,000** per Living Unit maximum includes costs of any lead hazard reduction work in common areas and on the building exterior (including the soil and outbuildings), pro-rated among the total number of Living Units. In the case of two or more multi-family buildings on the same lot or on contiguous lots owned by the same owner, the ten Living Unit maximum will apply to all such buildings in the aggregate.
- b. If costs exceed **\$10,000** per Living Unit, the owner of the multi-family building or the rented single-family home will be required to pay the difference from his/her own resources.

C. Healthy Homes Funds

Units funded through the Federal Lead Program may be eligible to receive up to **\$3,238** of Healthy Homes funding per unit to address a variety of health and safety issues, which may include lead-based paint hazards

D. State Lead Funds

Owners of housing that receive assistance through the State Lead Program must pay a portion of the lead abatement project costs:

- (1) If the housing is not under lead abatement orders, the owner must pay at least 10 percent of the abatement project cost; or
- (2) If the housing is under lead abatement orders, the owner must pay at least 25 percent of the abatement project cost.

1. Single-Family

- a. Single-family owner occupied homes are limited to a maximum Grant of **\$30,000** for lead hazard abatement.
- b. Single-family homes that are rented are limited to a maximum Grant of **\$15,000**.

2. Multi-Family

Multi-family buildings are limited to a Grant of **\$15,000** per Living Unit, with no maximum unit enrollment per building. The **\$15,000** per Living Unit maximum includes costs of any lead hazard abatement work in common areas and on the building exterior, pro-rated among the total number of Living Units.

3. Outbuildings

Outbuildings needing to be addressed per a Lead Design Plan may receive up to an additional **\$15,000** to abate or demolish.

E. **Owner Contribution/Match**

1. Federal Lead Projects

- a. The owner of a dwelling that receives lead abatement assistance under the Federal Lead Program is not required to pay a portion of the abatement costs funded by the Program Grant(s).
- b. It is understood that the CAA will not know the actual Grant amount until the Lead Inspection, Lead Design Plan, and contractor bidding tasks are completed. The CAA can estimate the Grant amount(s) up to Program maximum(s). Any amounts in excess of the Lead Program Grant maximum(s) needed to complete the work must be contributed by the owner.
- c. If the cost to mitigate all identified lead hazards on both internal and external surfaces exceeds \$10,000 per rental Living Unit or an owner-occupied unit in a multi-family building, the owner must pay the difference. If the owner does not pay the difference and/or leveraged funds cannot be obtained, the *Application* for Federal Lead Program assistance may be denied. MaineHousing reserves the right to review *Waiver Requests* on a case-by-case basis.

2. State Lead Projects

- a. The owner of a dwelling that receives lead abatement assistance under the State Lead Program shall pay a portion of the abatement costs as follows:
 - i. Properties not under abatement order: 10% owner match;
 - ii. Properties under abatement order: 25% owner match.
- b. If the cost to mitigate all identified lead hazards on both internal and external surfaces exceeds \$15,000 per rental Living Unit or an owner-occupied unit in a multi-family building, the owner must pay the difference. If the owner does not pay the difference and/or leveraged funds cannot be obtained, the *Application* for State Lead Program assistance may be denied. MaineHousing reserves the right to review *Waiver Requests* on a case-by-case basis.

F. Federal Lead and State Lead Grant Comparison

Occupant Type	Federal Lead Grant	State Lead Grant	Healthy Homes Grant
Single-Family Owner (primary residence)	\$16,000 (including soil and outbuildings).	\$30,000	\$3,238 (only available for projects funded with Federal Lead) <i>See Section A6(C) for clarification.</i>
Single-Family Renter	\$10,000 (including soil and outbuildings)	\$15,000	
Multi-Family Owner (primary residence)	\$10,000 (including soil and outbuildings)	\$15,000	
Multi-Family Renter	\$10,000 per Unit (up to a maximum enrollment of ten Units per building) <i>See Section A5(A)(2) for clarification.</i>	\$15,000 per Unit (no maximum enrollment limit) <i>See Section A5(A)(3) for clarification.</i>	
Outbuildings	Outbuildings need to be addressed per the Lead Design Plan	\$15,000 additional funds to abate or demolish	

SECTION A7: LEAD PROJECT FEES

IMPORTANT: For projects combining Federal Lead and State Lead funds, all fees will need to be charged to the Federal Lead Program.

A. Summary of Fees

The following chart summarizes the fees associated to funding projects with Federal Lead and/or State Lead grants.

		Federal Lead	State Lead
1.	<u>Standard Fees</u> : \$600 for each Lead Inspection/Risk Assessment of eligible Living Units.	X	X
2.	<u>Design Plan Fee</u> : \$600 for each Lead Design Plan.	X	X
3A.	<u>Federal Lead Grant Origination Costs</u> : The per Living Unit fee available to CAAs upon completion of the Federal Lead projects is determined by the Administration Contract.	X	
3B.	<u>State Lead Grant Origination Costs</u> : Determined by the Administration Contract with the CAA upon completion of the project.		X
4.	<u>CAA Travel</u> : At-cost reimbursement of travel expenses located 50 miles or more, one way, from CAA's office (up to a maximum of \$400 for projects funded with Federal Lead)	X	X
5.	<u>Relocation Costs</u> : At-cost reimbursement for relocation up to a maximum of \$1,250 per Living Unit	X	X
6.	<u>Laboratory Fees</u> : At cost reimbursement for laboratory analysis. <i>See</i> Section B4(B)(2)(b), Dust Wipes for exceptions.	X	X
7.	<u>Asbestos Fees</u> : At-cost reimbursement for asbestos inspection fees.		X
8.	<u>Registry Fees</u> : CAA will be reimbursed at cost for the Merchants Report and other required Registry fees.	X	X
9.	<u>Other</u> : CAAs will be reimbursed for the cost of inspection and design in the event that an Applicant does not proceed with the Lead Programs or if the Application is deemed not eligible.	X	X

B. Reimbursement for Cost of Materials

Owners who are licensed lead abatement contractors may apply for the State Lead program for reimbursement for the cost of materials needed to complete the lead abatement work as described in the Lead Design Plan generated for their property. Reimbursements for materials must be pre-approved by MaineHousing. Grants for material reimbursements are not subject to owner match requirements.

SECTION A8: USE OF FUNDS

The Lead Programs are expressly subject to state and federal regulations. These regulations require strict enforcement of certain conditions specified below. By participating in the Lead Programs, CAAs undertake the initial enforcement responsibility and are advised that MaineHousing cannot waive compliance with such conditions. Unless otherwise directed in the Administration Contract, the following requirements must be met:

- (1) Grant proceeds can only be used for lead hazard abatement/reduction in Living Units receiving lead hazard control measures.
- (2) All hazards identified in the Lead Inspection Report must be addressed in compliance with the DEP Lead Management Regulations.
- (3) The Gross Household Income of an Applicant and any Co-Applicant must be within the limits established under the Program, as set forth in this Lead Guide. *See* [Section A5\(B\), Income Eligibility](#).
- (4) The Living Unit requirements shall be within the limits established under the Program as set forth in this Lead Guide. *See* [Section A5\(A\), Dwelling Eligibility](#).
- (5) Eligible projects must be funded with Federal Lead funds available for lead abatement before leveraging the project costs with the State Lead funding.

SECTION A9: SCOPE OF WORK

REMINDER: All Lead Program requirements described in this Lead Guide and MaineHousing's *Lead Contractor Standards and Conditions* must be considered and adhered to when identifying the scope of work for a Lead Project.

A. Eligible Improvements

- (1) The proceeds of a Lead Program Grant shall be used to finance lead hazard abatement/reduction work in the subject Living Units, common areas, and exterior of the buildings (which includes the soil and outbuildings), as required by the *Lead Design Plan*.
- (2) When completing the initial building inspection, the CAA must evaluate the condition of the property, including all major systems (*i.e.*, heating and cooling, roof, foundation, electrical, etc.) to ensure the property is in suitable condition to enroll in the Lead Program.
- (3) Healthy Homes funds will be used to finance Healthy Homes Assessments and related Healthy Homes Intervention work in single-family homes and Living Units in multi-family buildings as approved by MaineHousing.
- (4) All work or construction completed with Lead Program funds must be in compliance with all applicable building and housing codes and standards as well as MaineHousing's *Lead Contractor Standards and Conditions*.
 - a. In areas that have local building code, these codes must be followed.
 - b. In areas without local code, all work or construction shall follow and meet applicable MUBEC requirements.
 - c. In the event any type of building or construction permit is required in connection with Program work, the contractor shall be responsible for ensuring that such permit(s) are received **prior** to any work beginning and are included in the Applicant's file.

NOTE: Owners who are licensed lead abatement contractors who complete lead abatement work on their own buildings are not eligible for funding through the Federal Lead Program. See HUD Program Guidance 2017-02 and 2017-04.

B. Ineligible Improvements

Improvements not directly related to the lead hazard abatement/control measures described in the applicable *Lead Design Plan*, are deemed ineligible improvements and shall not be paid or reimbursed with Program funds.

C. Special Flood Hazard Areas

1. Federal Lead Projects

The Federal Lead Program does not permit assistance for single-family homes or multi-family buildings located in a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA, which is indicated as Zone A or V on FEMA flood maps). Because projects located in a SFHA cannot be funded with Program funds, it is important to know from the outset whether or not a project site is located in a SFHA. As early as practicable, the CAA shall complete HUD's Flood Insurance Worksheet in accordance with the *Instructions for Completing Environmental Review Worksheets* available on the CAA Portal. See [Section B6\(A\), Environmental Review, Federal Lead Projects](#).

2. State Lead Projects

Not applicable.

D. Environment Reviews

1. Federal Lead Projects

Before any activity on a project funded with Federal Lead can commence, an environmental review of each property must be initiated by the CAA and HUD's Environmental Review Worksheets approved by MaineHousing. The Environmental Review Worksheets must be kept in the project file for each residential structure proposed for acquisition/rehabilitation/disposition. Refer to the *Instructions for Completing Environmental Review Worksheets*, which is available on MaineHousing's CAA Portal.

2. State Lead Projects

Not applicable.

E. Historical Preservation

The Lead Programs require that the Maine State Historic Preservation Office make the determination as to whether the dwelling is considered a historic property. If the dwelling is historic, then SHPO will make recommendations on how to proceed with the abatement, which must be considered by the CAA. See [Section B6\(C\), Historical Preservation](#).

SECTION A10: LEAD INSPECTIONS

A. Credentials

Lead Inspectors must be trained in applicable standards and complete training for Maine Uniform Building and Energy Code (MUBEC), accessibility standards and best practices, rehab standards, specification writing, job estimating, and general construction practices. CAA Lead Inspectors must complete the following training within 12 months from date of hire:

B. Inspection Requirements

- (1) All Living Units require a Lead Inspection/Risk Assessment in accordance with the standards set forth in the Lead Guide and MaineHousing's *Lead Contractor Standards and Conditions* (Exhibit C1).
- (2) All Lead Inspections, Risk Assessments and Lead Design Plans must comply with the DEP Lead Management Regulations and HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*, 2012 edition, as may be amended (the HUD Lead Guidelines).
- (3) Each Living Unit enrolled in the Lead Program must have a Lead Inspection/Risk Assessment that is not more than 12 months old. This 12 month period starts with the date listed on the completed Lead Inspection/Risk Assessment and concludes on the date the project is completed and passes final clearance.
- (4) CAAs shall perform Lead Inspections/Risk Assessments using HUD approved X-Ray florescent (XRF) equipment and dust wipe sampling as needed. In households where a VEHL greater than 5 µg/dl or a persistent elevated blood lead level (EBL) between 5 – 10 µg/dl is identified, the MCLPPP investigators will conduct the Lead Inspection unless the CAA is asked to perform the Lead Inspection on behalf of MCLPPP. CAAs must work with the MCLPPP to coordinate Lead Inspections and lead hazard remediation efforts in connection with housing where a child with a persistent EBL or a confirmed VEHL of 5 µg/dl or greater resides. CAAs will also cooperate with the DEP to complete Lead Inspections and related remediation efforts.
- (5) MaineHousing will pay CAAs \$600 for a Lead Inspection/Risk Assessment performed for each eligible Living Unit.

SECTION A11: DOCUMENT MANAGEMENT SYSTEMS

A. Electronic Submission of Documents

Lead Grant documents must be submitted to MaineHousing for review electronically via MaineHousing's ShareFile system. Electronic file submissions should **only** include required documents. CAAs should not submit documents intended to be housed in the CAA's internal project file. See [Chapter B16, Electronic Document Management Systems](#), for more information.

B. Program Forms and Spreadsheets

Project forms, spreadsheet and bundles are available on MaineHousing's website (CAA Portal): <http://www.mainehousing.org/partners/partner-type/community-agencies/maine-weatherization-programs>. See [Chapter B16, Electronic Document Management Systems](#), for more information.

C. Web Access ("CAA Portal")

MaineHousing has created a web portal exclusively for Maine Community Action Agencies (CAAs). Through this portal, CAA staff can access forms, manuals, spreadsheets, and other tools needed to administer programs. The site also includes access to technical support information, updates, and notices.

SECTION A12: APPLICABLE LAWS AND AMENDMENTS

A. Applicable Laws

Nothing in the Lead Guide shall be construed in such a manner as to conflict with, alter, or amend any federal or State laws or regulations applicable to the conduct of each CAA's business.

B. Amendments

The Lead Guide may be amended or supplemented from time to time by MaineHousing by publishing changed pages or Program Bulletins on MaineHousing's website/CAA Portal: <http://www.mainehousing.org/partners/partner-type/community-agencies/lead-hazard> In the event of any conflict between the provisions of the Administration Contract and this Lead Guide, the Administration Contract shall govern.

SECTION A13: DISPUTE RESOLUTION

Disputes arising between a Grant Recipient, a CAA, and/or a Certified Abatement Contractor (or a contractor performing Healthy Homes Intervention work (HHI Contractor) in connection with Federal Lead Program related work), shall be dealt with in accordance with the following dispute resolution process:

A. In General

CAAs are initially responsible for resolving any Program work related disputes. In those situations where a mutually satisfactory agreement cannot be reached between or among the parties, binding arbitration will be required.

B. Complaint Intake

- (1) Each CAA shall designate one or more individuals on its staff to log telephone calls from Grant Recipients voicing complaints.
- (2) All telephone or written complaints received by designated staff of the CAA shall be submitted to the CAA's housing coordinator or director within 24 hours of receipt of the complaint. Within 48 hours of receipt of a Grant Recipient's complaint, the housing coordinator or director or designee shall contact the Grant Recipient to assess the nature of the complaint. If the Grant Recipient has not already done so, the housing coordinator or director shall request the Grant Recipient to put the complaint in writing.
- (3) Within five working days of receipt of the telephone or written complaint, the CAA's housing coordinator or director or designee shall send MaineHousing a notice of the complaint and all information regarding the nature of the complaint with a copy to the Grant Recipient. If the complaint is immediately resolved (within the five working days), the CAA will still be responsible for reporting the complaint with all the information regarding its nature, and will note how the complaint was resolved.

C. Informal Conference

- (1) Within 15 working days from receipt of a complaint, the CAA shall organize an informal meeting with the Grant Recipient, the Certified Abatement Contractor or HHI Contractor, as applicable, the Lead Inspector and the housing coordinator or director to try and resolve the dispute.
- (2) The CAA shall notify MaineHousing and all interested parties of the informal conference giving reasonable consideration to the schedules of all parties and the severity of the dispute.
- (3) MaineHousing may attend the informal conference.
- (4) If the informal conference produces a resolution of the dispute, the CAA shall prepare a document

signed by all parties involved that plainly states the agreed upon resolution. A copy of this document shall be submitted to MaineHousing.

- (5) If the meeting does not result in a resolution, the CAA shall document the results of the meeting and where the parties disagree. The CAA shall submit a copy of these written minutes to MaineHousing.
- (6) A copy of all written resolutions and minutes must be kept in the Grant Recipient's file.

D. Binding Arbitration

- (1) If the parties to the Program related dispute cannot come to a resolution of the matter, then the issue must be resolved through binding arbitration. The Construction Contract will contain a binding arbitration clause. If all attempts fail to produce a resolution, the parties shall participate in a binding arbitration process as soon as possible after the informal conference.
- (2) Unless the CAA, Grant Recipient, and/or Certified Abatement Contractor or HHI Contractor otherwise agree, the arbitration shall be conducted in accordance with the Maine Uniform Arbitration Act by an arbitrator of MaineHousing's choosing. All disputes or claims shall be submitted to the arbitrator, regardless of the extent of completion of the Program related work. The award rendered by the arbitrator shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.
- (3) MaineHousing will pay the costs of the arbitrator. The parties involved in the dispute (i.e., the Certified Abatement Contractor or HHI Contractor, or Grant Recipient, and CAA) will each be responsible for paying their respective attorney's fees, if any.

E. Tracking

In addition to obligations of the CAA to provide the notifications and reports to MaineHousing set forth in this Section A13, the CAA shall maintain a log of all substantial disputes and provide MaineHousing with a copy of such log on a monthly basis. The dispute log must clearly document the nature of the dispute, contacts made with the parties involved, and actions taken to resolve the dispute. MaineHousing will monitor each CAA to ensure all disputes are resolved as quickly as possible.

CHAPTER B: PROGRAM PROCEDURES

SECTION B1: PROGRAM DOCUMENTS

A. In General

- (1) It is not uncommon for a CAA to decide on the funding source for a Lead project until after certain required documents have been processed. Therefore, MaineHousing has consolidated Lead Program forms to accommodate either Federal Lead or State Lead and either single-family or multi-family project types.

NOTE: Only projects that meet the Federal Lead eligibility requirements are candidates to leverage with State Lead funding.
- (2) Consolidated Lead Program forms make it easier for CAAs to administer Lead Programs and leverage funding for eligible jobs between Federal Lead and State Lead funding.
- (3) CAA staff should become familiar with MaineHousing’s required forms before proceeding with Lead Program jobs.
- (4) CAAs must use the Lead Program forms and bundles available on MaineHousing’s CAA Portal. Forms are pdf writable. See [Section B16\(C\), CAA Portal](#) for more information.
 - a. The CAA Portal contains all required Program forms and four Lead Program Bundles:
 - i. Single-Family Phase 1 Bundle
 - ii. Single-Family Phase 2 Bundle
 - iii. Multi-Family Phase 1 Bundle
 - iv. Multi-Family Phase 2 Bundle

NOTE: Refer to the Phase 1 and Phase 2 Document Checklists for a listing of documents that must be collected and retained by the CAA for each project
 - b. Download the applicable “Lead Bundle” and complete the bundle’s *Project Cover Sheet* to auto-populate the forms. Use Adobe’s bookmark navigation feature to view and/or print forms in the bundle.
 - c. Individual forms are also available to download, populate and print as needed.

B. Lead Forms and Reports (Alphabetic List)

The following chart provides an alphabetical list of Lead Program forms. All forms can be found on the CAA Portal and do not constitute a complete list of required documents for reach project.

SF	MF	Document	Source
	X	Annual Verification of Compliance for Multi-Family and Rental Properties (applicable to Multi-Family and Single-Family rentals)	Appendix R2
	X	Applicant Information (Multi-Family)	Appendix A1-MF
X		Applicant Information (Single-Family)	Appendix A1-SF
X	X	Application (Owner)	Appendix A
	X	Application (Tenant) (includes Tenant Information) (applicable to Multi-Family and Single-Family rentals)	Appendix B
X	X	Authorization to Release Information (Owner)	Appendix E
X	X	Blood Testing Release Form	Appendix D
X	X	Certificate of Final Inspection	Appendix Q
X	X	Change Order	Appendix N

SF	MF	Document	Source
X	X	Children Under 6 Years Old Visiting Certification	Appendix G
X	X	Construction Contract	Appendix C-A
X	X	Construction Escrow Agreement	Appendix C-B
X	X	Contractor Bid Tabulation Sheet	Appendix J
X	X	Contractor Certificate and Release of Liens	Appendix I-B
X	X	Contractor Payment Request	Appendix I-C
X	X	Contractor Refusal to Bid	Appendix Y
X	X	Declaration of Covenants and Restrictions	Appendix H
X	X	Deferral of Services Notice	Appendix V
	X	Document Checklist-Phase 1 (Multi-Family)	Appendix 1B-MF1
X		Document Checklist-Phase 1 (Single-Family)	Appendix 1B-SF1
	X	Document Checklist-Phase 2 (Multi-Family)	Appendix 1B-MF2
X		Document Checklist-Phase 2 (Single-Family)	Appendix 1B-SF2
X	X	Environmental Review Forms (Federal Lead Only)	MaineHousing
X	X	Grant Agreement	Appendix LD-2
X	X	Healthy Homes Compliance Agreement	Appendix HH6
X	X	HUD Section 3 Verification Data Form (applicable to Multi-Family and Single-Family rentals)	Appendix R3
	X	HUD Quarterly Report : Supplemental Information	Appendix R1
X	X	Income Recertification	Appendix F
X	X	Invoice	Appendix 1C
X	X	Lead Contractor Standards and Conditions	Exhibit C-1
X	X	Lead Design Plan Specifications	Exhibit C
X	X	Lead Paint Plus Essential Maintenance Practice Plan	Appendix R
	X	Letter of Lead Hazard Reduction Compliance	Appendix P
X	X	Lead Production Tracking and Status Report	Appendix R4
X	X	Notice of Preliminary Grant Approval	Appendix LD-1
X	X	Pre-Construction Report	Appendix M
	X	Project Summary Sheet - MF	Appendix 1A-MF
X		Project Summary Sheet - SF	Appendix 1A-SF
X	X	Relocation Assistance Acknowledgement	Appendix LD-C
X	X	State SHPO Form (State Lead Only)	SHPO
X	X	Waiver Request	Appendix K

C. Lead Form and Reports (by Category)

The following sections categorize the forms required for a project with an explanation of the form’s use and for which project type.

1. Application Documents

The following documents must be provided to an Applicant as the “Application package.”

Appendix	Document	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
A	<i>Owner Application</i>	Provides Applicant information needed to determine eligibility for the Lead Program. Must be completed and signed by the property owner. The Application also contains <i>MaineHousing’s Privacy Policy</i> (Appendix A-1), this section of the Owner Application is to be retained by the owner.	X	X
A1-SF A1-MF	<i>Applicant Information</i>	Provides the Applicant with a summary of Lead Program information, requirements and expectations.	X	X
B	<i>Tenant Application</i>	Provides tenant information needed to determine eligibility for the Lead Program. Must be completed and signed by each Tenant.		X
D	<i>Blood Testing Release</i>	The Applicant must complete the <i>Blood Testing Release Form</i> (Appendix D) if there are children under six in a Living Unit. The form is signed by the custodial parent and submitted with the applicable <i>Owner Application</i> and /or <i>Tenant Application</i> .		X
E	<i>Authorization to Release Information</i>	Signed by the Owner and submitted with the applicable <i>Owner Application</i> .	X	X
F	<i>Income Recertification</i>	Applicant and/or tenant(s) must complete and submit the <i>Income Recertification</i> if the Federal Lead Grant does not close within four (4) months of the <i>Application</i> date. Signed by all parties submitting income information on the <i>Owner Application</i> and/or <i>Tenant Application</i> .		X
G	<i>Children Under 6 Years Old Visiting Certification</i>	Signed by the occupant (if applicable) and must be submitted with the applicable <i>Owner Application</i> and /or <i>Tenant Application</i> .	X	X
H	<i>Declaration of Covenants and Restrictions</i>	Sets forth enforceable conditions for receiving Grant funds. Owners of multi-family rental properties must execute the <i>Declaration of Covenants and Restrictions</i> document at the time of Application, promising to abide by certain requirements. The CAA must file the Declaration with the Registry of Deeds.		X

2. Environmental Review and Historical Preservation Documents

Appendix	Document	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
F	<i>Environment Review</i>	Tier 2 Environmental Review Worksheets must be submitted to MaineHousing for approval prior to commencing any work or signing contractual documents for all projects funded with Federal Lead. Refer to the Instructions for Completing Environmental Review Worksheets before completing Environment Review Worksheets.	X	X
	<i>SHPO Form</i>	All projects must be reviewed by the Historic Preservation Commission to identify whether the dwelling would be subjected to historical measures. CAAs must submit the SHPO Form to the Historic Preservation Office for review prior to the commencement of work on the Living Unit. Note: CAAs must submit a completed SHPO Report for State Lead funded projects. Federal Lead Environmental Review Worksheets include a Historic Preservation Worksheet, requiring a SHPO Report.	X	X

3. Grant Award Documents

Appendix	Form	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
LD-1	<i>Notice of Preliminary Grant Approval</i>	The Notice is signed by a CAA representative and provides notice to the Applicant that the <i>Application</i> has been approved Grant funding and contains the date, time and place the Grant closing.	X	X
LD-2	<i>Grant Agreement</i>	The Agreement is signed by the Applicant and CAA representative and the formally awards the Grant funds to the Applicant, prescribing the amount, use and disbursement of Grant funds.	X	X
LD-C	<i>Relocation Assistance Acknowledgement</i>	The Acknowledgement is signed by the occupant of Living Units and CAA representative and sets forth the conditions for the occupants of a Living Unit to receive relocation assistance.	X	X

4. Contractor Documents

Appendix	Form	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
C-A	<i>Construction Contract</i>	A contract between the CAA, Applicant and contractor describing the work to be performed and upon which the Grant is based. The Contract is signed by the contractor, owner and CAA and prescribes requirements the contractor must adhere to as a condition of being awarded the work, including the program start and end dates.	X	X
C-B	<i>Construction Escrow Agreement</i>	Agreement among CAA, homeowner, and contractor which governs disbursements to construction funds on behalf of the owner and in accordance with program rules.	X	X
Exhibit C	<i>Lead Design Plan Specifications</i>	Completed by the CAA Lead Designer and details the scope of work and costs for lead hazard abatement/remediation work on the property.	X	X
Exhibit C-1	<i>Lead Contractor Standards and Conditions</i>	The “Standards and Conditions” set forth required standards, specifications and conditions for all contractors providing lead abatement/remediation work on Lead Program projects. Grant Recipients and Contractor must agree to adhere to the conditions set forth in the Standards and Conditions and attest to the receipt of these Standards and Conditions when signing the <i>Construction Contract</i> .	X	X
I-B	<i>Contractor Certificate and Release of Liens</i>	Signed by the Contractor and releases the owner from claims that may arise as a result of the lack of payment for the work performed.	X	X
I-C	<i>Contractor Payment Request</i>	The Contractor can request payment for completed and inspected work and must submit their request to the CAA with signed authorization from the Property owner.	X	X
J	<i>Contractor Bid Tabulation Sheet</i>	Provides a comparison of contractor bids submitted for a Lead project.	X	X
M	<i>Pre-Construction Conference Report</i>	Signed by the Applicant and Lead Designer, certifying that all parties understand the scope of work and responsibilities of each party involved in the Project	X	X
Q	<i>Certificate of Final Inspection</i>	Signed by the Contractor and Applicant certifying that Contractor has completed the lead hazard work outlined in the <i>Construction Contract</i> .	X	X
Y	<i>Contractor Refusal to Bid</i>	Provides documentation that a contractor solicited to bid on a project is not interested in bidding on the project.	X	X

5. Healthy Homes Documents

Appendix	Form	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
HH-6	<i>Healthy Homes Intervention Compliance Agreement</i>	Only available for Federal Lead projects.	X	X

6. Finance Documents

Appendix	Form	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
<i>1A-SF</i> <i>1A-MF</i>	<i>Project Summary Sheet</i>	Used to populate the form bundles as well as keep track of project cost information. Must be updated as needed and submitted with Phase 1 and Phase 2 CAA payment requests.		
<i>1C-SF</i> <i>1C-MF</i>	<i>Billing Invoices</i>	CAAs utilize the invoice to request payment for Phase 1, Change Orders, and Phase 2 reimbursement.	X	X
K	<i>Waiver Request</i>	The form necessary for CAAs to request exceptions to procedures. The Waiver Request must be completed/signed by the CAA and submitted to MaineHousing for approval.	X	X
N	<i>Change Order</i>	Request from the CAA to make changes to <i>Construction Contract</i> . The <i>Change Order</i> is signed by the Applicant and Contractor	X	X
<i>1B-SF</i> <i>1B-BF</i>	<i>Document Checklist</i>	Contains the list of documents required to be submitted with the Invoice for payment by MaineHousing. There are separate Checklists for Single-Family Phase 1 and Phase 2 and Multi-Family Phase 1 and Phase 2 submissions.	X	X

7. Inspection Documents

Appendix	Form	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
P	<i>Letter of Lead Hazard Reduction Compliance</i>	Prepared and signed by the Lead Inspector and sent to the Applicant. The Letter documents that the lead hazard control work outlined in the <i>Construction Contract</i> , as well as clearance sampling have been performed and meet clearance levels.	X	X
R	<i>Paint Plus Essential Maintenance Practice Plan</i>	Outlines the measures needed to ensure proper maintenance of all components addressed through the Lead Design Plan	X	X
V	<i>Deferral of Service</i>	The <i>Deferral of Services Notice</i> must specify <u>all</u> the reasons that the project/job is being deferred and provide corrective action that would need to be taken in order for the job to receive services in the future.	X	X

8. Reporting Documents

Appendix	Form	Explanation	Owner-occupied Single-Family	Multi-Family and Single-Family Rentals
R1	<i>HUD Quarterly Report : Supplemental Information</i>	CAAs must complete for individual completed units and submit the report for each Lead project that must be included in Phase 2 packets. This report is available on the CAA Portal.	X	X
R2	<i>Annual Verification of Compliance for Multi-Family and Rental Properties</i>	Provides owner self-certification verifying that the owner is complying with the ongoing maintenance and property marketing condition requirements.		X
R3	<i>HUD Section 3 Verification Data Form</i>	Federal regulation requires that contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 covered projects and/or activities are required to comply with Section 3 regulations.	X	X
R4	<i>Lead Production Tracking and Status Report</i>	The Lead Production Tracking and Status Report (Appendix R4) is submitted to MaineHousing monthly and provides project information regarding inspections and other Program requirements.	X	X

D. Electronic Signatures

All MaineHousing Adobe pdf writable forms are set up for electronic signature. CAAs can email pdf writable forms to Applicants and contractors for populating and signing. It is up to the CAA's agency policy regarding the distribution method for populating forms and/or electronic signatures.

SECTION B2: APPLICANT INTAKE

A. Unit Identification and Prioritization

CAAs will be responsible for identifying eligible residences not already identified by the Maine Childhood Lead Poisoning Prevention Program (MCLPPP). CAAs will accept Applications and process them under the priority ranking system identified in [Section A4](#).

REMINDER: Households identified as having a child under the age of 6 years with a VEHL greater than 5 µg/dl will be the first priority of the Lead Program.

B. Pre-Screen Potential Applicants

CAAs shall pre-screen potential Applicants to assess eligibility. When a potential Applicant contacts a CAA, a trained staff member will briefly describe the Lead Programs and eligibility criteria, including income guidelines and ownership and occupancy of the property to be improved.

NOTE: Employees of a CAA are not eligible to apply for Program funds within the CAA's service area, unless otherwise approved by MaineHousing

1. Eligible Applicants

If the potential Applicant appears eligible for the Lead Programs, the CAA will provide the person with the appropriate Application forms and request required documentation. See [Section B1\(B\), Application Documents](#).

2. Ineligible Applicants

- a. If the potential Applicant is clearly ineligible for the Lead Programs, the CAA will refer him/her to other appropriate resources.
- b. Ineligible Applicants must be added to the Lead Production Tracking sheet listing the reason for ineligibility.

REMINDER: CAAs may not charge an *Application* fee.

C. Provide Applicant with Application Package

The CAA should provide the Applicant with the documents identified in subsections 1 and/or 2 below. CAA may choose to stagger the submission of these forms to Applicants to minimize confusion in completing or obtaining necessary documents.

SUGGESTION: Pre-populate the applicable bundle with known information about the Applicant (*e.g.*, name, address, etc.) to simplify completing the *Application* package for the Applicant.

1. Single-Family Homeowner

- a. *Owner Application*, (Appendix A), which includes *Applicant Information* (Appendix A-1)
- b. *Children Under 6 Years Old Visiting Form* (Appendix G)
- c. *Blood Testing Release Form* (Appendix D)

- d. *Authorization to Release Information* (Appendix E)
- e. CAA shall request of owner a property deed to prove ownership
- f. CAA shall request a copy of homeowner's property and liability insurance
- g. For projects funded with Federal Lead: CAA shall request copies of IRS tax returns from the most recent year available for self-employed Applicants.
- h. CAA shall provide a copy of MaineHousing's *Lead Contractor Standards and Conditions* (Exhibit C-1). Contractors and owners will be required to certify receipt of this document.

2. Multi-Family/Rental Property Owner

a. *Applicant Documents*

- i. *Owner Application* (Appendix A), which includes *Applicant Information* (Appendix A-1)
- ii. *Authorization to Release Information* (Appendix E)
- iii. *Declaration of Covenants and Restrictions* (Appendix H)
- iv. CAA shall request of owner a property deed to prove ownership.
- v. CAA shall request property owner to submit a copy of owner's property and liability insurance.
- vi. For projects funded with Federal Lead: CAA shall request copies of IRS tax returns from the most recent year available for self-employed Applicants.
- vii. CAA shall provide a copy of MaineHousing's *Lead Contractor Standards and Conditions* (Exhibit C-1). Contractors and owners will be required to certify receipt of this document on several forms.

b. *Tenant Documents*

- i. *Tenant Application* (Appendix B), which includes *Tenant Information* (Appendix B-1)
- ii. *Blood Testing Release Form* (Appendix D)
- iii. CAA shall request property owner to obtain tenant income documents such as pay stubs and/or tax returns.

D. In-Person Interviews

CAA must schedule an in-person interview with potential Applicants. During this interview, staff person trained to conduct interviews for the Lead Program shall:

IMPORTANT: CAAs must take all steps necessary to ensure that Applicants fully understand the contents of Program documents.

1. Review

Review the *Application* and accompany documents with the Applicant. Applicants need to fully understand the contents of the documents and CAA should not move forward with a Grant until the CAA is confident that the Applicant understands all the information and the responsibilities of the Grant. Most forms require the Applicant's signature at the time of closing as proof of the Applicant's understanding.

2. Complete

Complete any missing section on the *Application* based on information provided by the Applicant.

3. **Obtain**

Obtain *Authorization to Release Information* (Appendix E) from the property owner to obtain a *Merchants Report* to verify property ownership and encumbrances, if any.

4. **Inform**

Inform Applicant of HUD's requirements to inspect and mitigate lead-based paint hazards in pre-1978 Living Units. Inform Applicant that the family (or tenants in rental properties) will have to be temporarily relocated during the interior lead hazard reduction work.

E. Verify Need for Blood Level Testing

It is recommended that all children under six years of age have their blood lead level tested prior to hazard control work in the home. If children in the dwelling have not received a blood test in the past **three (3) months**, CAAs encourage Applicants to contact the child's primary health care provider or the local health department to arrange for a test. The Applicant must include the *Blood Testing Release Form* (Appendix D) with the Application if there are children under six in a Living Unit.

F. Explain Declaration of Covenants and Restrictions

Owners of multi-family and single-family rental properties should fully understand that the *Declaration of Covenants and Restrictions* (Appendix H) sets forth enforceable conditions for receiving Grant funds. Owners of multi-family rental properties must execute the Declaration at the time of Grant closing, promising to abide by the requirements contained in the Declaration. The CAA must file the Declaration with the applicable Registry of Deeds.

G. Establish Project File

CAA shall establish a project file to keep all documentation pertaining to the project. The file shall contain the required documents described in [Section B1, Program Documents](#). The Phase 1 and Phase 2 Document Checklists provide a listing of required documentation that must be retained by the CAA and available for review by MaineHousing. MaineHousing is asking that files be organized as follows:

File Section	Category	Contains
1	Owner	Owner Application, proof of ownership, etc.
2	Finance and Tenant	MaineHousing Invoices, checklists, waivers, tenant information
3	Contractor	Construction Contract, Contractor invoices, payment requests, etc.
4	Lead Design	Reports, designs and plans
5	Compliance	Federal and state compliance documents
6	Miscellaneous	Photos, correspondence, etc.

SECTION B3: APPLICATION REVIEW/VERIFICATION

A. Determine Applicant’s Eligibility

Refer to Section A6, Eligibility Requirements. The CAA shall calculate AMI based on the Applicant’s income and household size provided in the Application(s) and supporting documents.

The following Chart provides an overview of income eligibility requirements:

Occupant Type	Income Level		Child Occupant < 6 years old	
	Federal Lead	State Lead	Federal Lead	State Lead
Owner (primary residence)	100% of owner-occupied units must be occupied by families with less than 80% AMI	100% of owner-occupied units must be occupied by families at or below 100% AMI.	<ol style="list-style-type: none"> 1. At least 90% of total number of owner-occupied units assisted must have: <ol style="list-style-type: none"> a. A child under 6 years old in residence, or b. A child under 6 years old spends a “significant amount of time, or c. A pregnant woman 2. Less than 10% of total number of units assisted may be occupied by families without a child 	Not required to receive assistance
Renter	At least 50% units must be less than 50% AMI, and Remaining units (<50%) must be less than 80% AMI	All units must be at or below 100% AMI.	Not required to receive assistance Property owner must give priority to families with child under 6 years old for at least 3 years	Not required to receive assistance Property owner must give priority to families with child under 6 years old for at least 4 years
Multi-Family Renter (≥ 5 units in same property)	<ol style="list-style-type: none"> 1. 20% of total number of units in same building may exceed 80% AMI 2. Remaining units must meet renter income requirements above 	100% of total number of units in same building must be at or below 100% AMI.	Not required to receive assistance Property owner must give priority to families with child under 6 years old for a least 3 years	Not required to receive assistance Property owner must give priority to families with child under 6 years old for at least 4 years

B. Verify Property Ownership and Insurance Coverage

Verify property ownership by reviewing a copy of the Applicant's property deed/life lease, latest tax bill and any other documents that prove ownership.

1. Merchant Report

CAAs must obtain a copy of the property deed and a Merchants Report to verify ownership.

- a. CAA shall order a Merchants Report at the time the Application is submitted to determine any potential liens and judgments against the property. Special attention shall be paid to tax or other liens, including but not limited to any prior recorded mortgages, judgments, bankruptcies, foreclosures, or deeds in lieu of foreclosure within the last 3 years from the date of the Application. CAAs must notify MaineHousing in the event that a *Merchant Report* reveals encumbrances.
- b. MaineHousing will review the Merchants Report as part of Phase 1 review to determine if the Applicant can be enrolled into the Program. If there is sufficient justification provided on behalf of the Applicant, in MaineHousing's judgment, MaineHousing will not deny enrollment into the Program, provided that other Program eligibility requirements are met.
- c. The Merchants Report fee can be paid out-of-pocket by the Applicant at the time the Application is submitted or rolled into the Grant amount at the time of closing.
- d. The Merchants Report cannot be older than 120 business days from the date of Phase 1 review submission to MaineHousing.

NOTE: *The Merchants Report must not be older than 120 business days from the time of submission to MaineHousing for review.*

2. Owner Insurance

CAA must obtain a copy of the property and liability insurance for each property being assisted with Program funds. The insurance binder must be current and in affect at the time of Application.

C. Determine Applicant's Gross Household Income

Applicant's annual gross household income must not exceed income limits for the respective Lead Program funding the project. See [Section A5\(B\), Income Eligibility](#).

1. Income Information

The following sources of income should be considered when calculating annual gross income:

- a. Wages (gross monthly) from employment
- b. Additional monthly income from:
 - i. Overtime
 - ii. Part-Time Employment
 - iii. Pensions
 - iv. Veteran's Administration Compensation
 - v. Net Rental Income
 - vi. Self Employment
 - vii. Child Support

NOTE: *Applicants must provide original documents. The CAA should make copies of original documents for the project file and return the originals to the Applicant. Date of receipt of documents and other forms must be date/time stamped by the CAA.*

- viii. Public Assistance (TANF/WIC/GA)
- ix. Social Security Benefits
- x. Unemployment Compensation

2. **Irregular Income**

If the Applicant has regularly earned overtime, bonuses, shift differentials or commissions, they must be included in income even when the employer does not guarantee their continuation.

D. **Verify Income**

1. **State Lead Projects**

Self-certification of Gross Household Income as stated on the *Owner Application* and/or *Tenant Application* will be accepted by the CAA. Any future increases in income resulting from such things as pay raises or job changes that are known at the time the *Application* is submitted must be taken into consideration in determining eligibility. Decreases in income may also be taken into consideration.

2. **Federal Lead Projects**

a. In General

- i. Verified income is used to determine income eligibility.
- ii. Gross Household Income stated on the *Owner Application* and/or *Tenant Application* must be verified.
- iii. CAA must verify annual gross household income using standard employment verification forms, including employment deposits and/or pay stubs. Paystubs must be recent, consecutive and depict the Applicant's projected income.
- iv. Documents establishing eligibility are only valid for 120 days from the date the Phase 1 packet is submitted to MaineHousing for review.
- v. Future increases in income resulting from such things as pay raises or job changes that are known at the date of *Application* or occur within 30 days of the date of the *Application* must be taken into consideration in determining eligibility.
- vi. Future decreases in income may be taken into consideration if the employer provides satisfactory explanation of the change. (*e.g.*, that the decrease is permanent and affects other employees in addition to the Applicant)

b. Income Documentation

- i. The CAA shall verify the Applicant's and/or Tenant's income by obtaining copies of IRS tax returns from the most recent year available, copies of wages from current payroll stubs, or signed employer certifications.
- ii. Certifications of income from non-payroll sources such as unemployment, disability compensation (such as Social Security Disability Insurance or Supplemental Security Income), Temporary Assistance for Needy Families (TANF), Women Infants and Children (WIC), or retirement or pension benefits are also required when applicable.
- iii. CAAs must follow income verification document review hierarchy in all cases:
 - (a) Third Party (online or hard copy).
 - (b) Verbal Third Party (documented by the CAA).
 - (c) *Tenant/Landlord Income Declaration* (Appendix H) signed by tenant and/or landlord.

3. Verification Complete

Once the CAA determines that the Applicant meets Lead Program requirements, the Applicant's Gross Household Income must be calculated in accordance with the requirements contained in Section B3(C) below.

4. Annual Verification

Inform the Applicant that MaineHousing conducts an annual owner self-certification to verify that the owner is complying with the ongoing maintenance and property marketing conditions in the documents executed by the owner in connection with the Lead Program Grant(s).

E. Calculate Applicant's Gross Household Income

1. Gross Monthly Income

Gross Household Income shall be calculated as follows:

- a. Gross monthly income is the sum of monthly gross pay, any additional income from overtime, part-time employment, bonuses, dividends, interest, royalties, pensions, Veterans Affairs (VA) compensation, net rental income, alimony, child support, public assistance, sick pay, Social Security disability or retirement benefits, unemployment compensation, income received from trusts, and income received from business activities or investments, as further described below.
- b. If the Applicant's income is irregular, unstable, seasonal or temporary, gross monthly income is calculated by taking the average of the actual monthly employment earnings over the previous 12 months or the period of time the Applicant has been engaged in that field of employment, whichever is shorter.

NOTE: CAAs must verified income used to determine income eligibility for Applicants receiving Federal Lead Program funds. See Section B3(E).

2. Annualized Gross Income

Gross household income is gross monthly income multiplied by 12.

3. Foregone Income

If during the six-month period ending on the date of Application, any Applicant and/or Co-Head of Household has taken a temporary leave of absence, a temporary voluntary reduction in hours normally worked, or has temporarily resigned from employment, the income foregone by such act or acts shall be included in computing Gross Household Income.

5. Temporary Unemployment

If during the three-month period ending on the date of Application any Applicant and/or Co-Head of Household has commenced a temporary or indefinite layoff, has become unemployed, except for permanent retirement, or has ceased employment as a self-employed individual without gaining substitute employment, Gross Household Income shall include the rate of pay immediately prior to such event. This provision shall not apply if the Applicant and/or Co-Head of Household does not expect to return to work in the foreseeable future.

6. Income Determination

The income calculation must be done at the time of Application to determine Gross Household Income for purposes of income eligibility. The following additional guidelines shall be followed in completing the Gross Household Income calculation:

7. Alimony and Child Support

Include in Gross Household Income the amount specified in a divorce settlement or separation agreement or separation decree unless the Applicant and/or Co-Head of Household certifies that the income has not been received and that he/she has made reasonable efforts within the past 12 months to collect the amounts due. Reasonable efforts include filing with courts or agencies responsible for enforcing payments.

8. Miscellaneous Income

Include in Gross Household Income the amount of lottery winnings paid in periodic payments. The following items are not included in Gross Household Income:

- a. casual, sporadic or irregular gifts;
- b. lump-sum additions to assets, such as inheritances, insurance payments, capital gains and settlements for personal or property losses;
- c. hazardous duty pay to a member of the Armed Forces away from home and exposed to hostile fire; and
- d. lump-sum payments caused by delays in processing periodic benefits such as welfare, unemployment and social security.

9. Self-Employment

- a. Where the Applicant and/or Co-Head of Household is self-employed or is one of the principal owners of a business, include in Gross Household Income the net income from operation of the business or profession including salaries paid to, or other cash or assets withdrawn by, the Applicant and/or Co-Head of Household except to the extent that the withdrawal represents repayment of cash or assets the Applicant and/or Co-Head of Household has invested in the business.
- b. Applicant shall provide the most recent 2 years of federal income tax returns AND all tax schedules including Part II of Schedule C (Profit or Loss from Business) attached to IRS Form 1040.
- c. When computing net income from self-employment, the Applicant and Co-Head of Household may not deduct depreciation or other non-cash expenses, principal payments on loans, expenses for business expansion, or outlays for capital improvements. Business expenses and interest payments on loans may be deducted.

10. Rental Income

Net rental income from owner occupied multi-family buildings must be calculated as part of the owner's Gross Household Income if the owner's Living Unit is to receive assistance. The owner must have total income at or less than

- a. 80% of AMI if using Federal Lead funds; or
- b. 100% of AMI if using State Lead funds in order for his/her Living Unit to qualify for assistance.

11. Interest

Include in Gross Household Income the interest and earnings on the Applicant's and/or Co-Head of Household's savings and other investments. Do not include interest earned on trusts, IRAs, Keoghs, 401K plans or other retirement accounts that are not available or paid to the Applicant and/or Co-Head of Household.

12. Foster Care Payments

Do not include in Gross Household Income any amounts received from, or under the direction of, any public or private nonprofit placement agency for the care and maintenance of one or more persons who are under eighteen years of age or disabled and have been placed in the household by such agency.

12. Educational Scholarships

Do not include in Gross Household Income any amounts received as a scholarship or a fellowship grant which is used for tuition, fees, books, supplies or equipment required for enrollment or attendance in courses of instruction by candidates for a degree at an eligible education organization. An educational organization is eligible if it normally maintains a regular faculty and curriculum and normally has a regularly enrolled student body in attendance at the place where its educational activities are regularly carried on.

13. Medical Cost and Work Related Reimbursements

Do not include in Gross Household Income any amounts received through accident or health insurance for personal injuries or sickness that are paid as a reimbursement for expenses incurred for medical care, except in the case of amounts attributable to deductions allowed for medical expenses for any prior tax year. Do not include in Gross Household Income amounts paid by an employer as direct reimbursement for travel or other work-related expenses.

14. Housing Allowances

For persons serving in the military, the following allowances are included in Gross Household Income: Basic Quarters, Variable Housing, Rations, Clothing, and Basis Subsistence. Housing allowances paid to clergy are included in Gross Household Income.

15. Other Amounts

Any other amounts not specifically addressed in this Section shall be included in Gross Household Income to the extent they are included in gross income under the Internal Revenue Code of 1986, as amended from time to time.

F. Income Recertification

CAAs must ask owner occupants and/or tenant(s) to complete and submit the *Income Recertification* (Appendix F) if the Lead Grant does not close within four (4) months of the *Application* date.

SECTION B4: PROPERTY INSPECTION

If an *Application* for assistance with Lead Program funds is reviewed and deemed eligible, the CAA shall move forward with the Lead Inspection, and Healthy Homes Assessment(s) and environmental review, if applicable.

A. Initial Inspection

- (1) Each Lead Inspection report will be prepared by the licensed Lead Inspector/Risk Assessor conducting the field testing. All testing must be conducted in accordance with the HUD Lead Guidelines and DEP Lead Management Regulations.
- (2) CAAs will perform the initial Lead Inspection and will provide a written report of findings in accordance with the DEP Lead Management Regulations on the following items:
 - a. Identification, quantification, and determination of the existence of Lead-based Paint on surfaces and building components within the applicable Living Unit and all of the associated interior common areas and exterior areas. If the Lead Inspection identifies the presence of lead in or on windows, the windows must be replaced
 - b. Inspection of all components and all surfaces, including those coated with paint, varnish, shellac, stain, or other coatings (e.g., wallpaper) in each room in each of the applicable Living Units, and all of the associated interior common areas and exterior areas, as well as any associated laboratory results. In lieu of inspecting all components and all surfaces, Lead Inspectors may use Testing Combinations, as detailed in the DEP Lead Management Regulations.
 - c. Representative or random testing of applicable Living Units as described in Chapter 7 of the HUD Lead Guidelines is prohibited unless otherwise specified in the HUD Lead Guidelines.

B. Dust Wipes

1. Dust Wipe Sampling Protocols

CAA will be responsible for collecting dust wipe samples in accordance with federal and State sampling protocols and the requirements of this Lead Guide. CAA will be required to follow established procedures for submitting all lead paint dust samples to the HETL or such other laboratory facility approved by MaineHousing. In the event a CAA uses the HETL for testing purposes, all dust wipe samples and questions should be directed to: Maine State Health and Environmental Testing Laboratory, State House Station # 12, Augusta, Maine 04333.

2. Dust Wipe Sampling and Testing

a. *Maine State Health and Environmental Testing Laboratory*

- i. Maine State Health and Environmental Testing Laboratory (HETL) is able provide Lead Program related testing services on a 24 hour return basis and to supply CAA with individually wrapped lead-free dust wipes, 50 ml centrifuge tubes, mailing containers, chain-of-custody sheets, latex gloves, and postage labels.
- ii. Though each CAA is encouraged to use the HETL for necessary Program testing services, a CAA may use another laboratory facility for such services provided that the CAA makes a showing satisfactory to MaineHousing that such laboratory is certified in all necessary respects to perform such services.
- iii. Each CAA choosing to use the HETL shall establish a direct account. CAA shall submit wipe kits containing data samples to the HETL via the U.S. Postal Service with a unique sample number and project number and referencing the CAA's billing code.

- iv. An analysis will be completed according to American Industrial Hygiene Association guidelines and methodology with a Tier I and Tier II review of the data.
- v. The preliminary results will be faxed to the CAA and final results will be mailed via the U.S. Postal Service to the CAA.
- vi. HETL will bill the CAA directly for the cost of analyzing and processing the dust wipes.
- vii. The CAA shall be reimbursed by MaineHousing for the cost of the dust wipes once documentation is submitted.

b. Other Laboratory Facility

In the event a CAA chooses to use a laboratory facility other than the HETL, MaineHousing will reimburse up to \$18.00 to the CAA for each dust wipe kit submitted to such laboratory with such reimbursement to be paid only upon the CAA's receipt of certified testing results from the non-HETL laboratory for each dust wipe submitted.

SECTION B5: RISK ASSESSEMENTS

Once the Lead Designer receives test sample results, a targeted risk assessment is required in single-family homes and rentals and multi-family rental units. The Lead Designer must return to the Property to conduct XRF scans and produce the risk assessment report.

A. XRF Sampling Data

Interpretation of XRF sampling data and corrections for substrate contributions shall be performed in accordance with the HUD Lead Guidelines. In situations where the Corrected Lead Concentration (as defined in the HUD Lead Guidelines) readings are inconclusive, the Lead Inspector/Risk Assessor shall follow the rules as described in the HUD Lead Guidelines governing such inconclusive readings.

B. Water and Soil Testing

1. State Lead Projects

State Lead funds are not available to address lead contamination in water.

2. Federal Lead Projects

- a. Lead contamination in the water supply is rare but costly and not considered an efficient use of Lead Program funds. CAAs should consult with MaineHousing in the event that a project involves water remediation.
- b. There are two methods of soil remediation, as follows:
 - i. Cover the contaminated soil with concrete or asphalt.
 - ii. Remove contaminated soil and replace with clean soil.

NOTE: State Lead funds are not available to address lead contamination in water.

C. Asbestos Inspections (State Lead Projects Only)

- (1) Outbuildings that are built prior to 1981 and are being recommended for demolition as part of lead abatement work must be inspected by a licensed asbestos inspector.
- (2) CAAs must secure the services of a licensed asbestos inspector to inspect outbuildings on multi-unit properties.
- (3) If asbestos inspectors identify asbestos, the contractor secured to do the demolition must be licensed to handle and dispose of asbestos.

D. Healthy Homes-Assessment (Federal Lead Projects Only)

- (1) A Healthy Homes Assessment must be performed on all single-family homes and multi-family Living Units that are receiving lead hazard reduction work.
- (2) Healthy Homes funding may be available to address hazards identified through the Healthy Homes Assessment, up to a maximum amount of \$3,238 per Living Unit. Waivers (Appendix K) may be submitted to MaineHousing by the CAA for consideration when the estimated work exceeds \$3,238.
- (3) The funding for Healthy Homes work on multi-family buildings or rented single-family homes, provided from a Healthy Homes Grant is in addition to the funds provided from the Federal Lead Grant that finances the lead hazard reduction work.

E. Lead Inspection/Risk Assessment Report

Lead inspections/risk assessments must be completed in accordance with HUD and Maine DEP regulations. Risk Assessments must include dust wipes in all Units, including common areas, a first draw water test in Living Units supplied with public water supply, a first draw water test and flush water test in Living Units supplied with private water supply, and soil testing where there is bare soil and/or a child play area.

The CAA Lead Designer is responsible for interpreting the XRF scan and dust wipe results and creating the Lead Inspection Report detailing the issues identified and provide a copy of the Report to each Grant Recipient and each Tenant of a Living Unit receiving Program funds.

SECTION B6: SITE ASSESSMENT

A. Environmental Reviews

1. Federal Lead Projects

- a. HUD recently underwent a renovation of the Environmental Review process. As a result, CAAs (Partners) are required to complete and provide documentation specified in certain HUD Tier 2 Partner Worksheets as part of the environmental reviews of properties for which Lead Grant funds will be used. MaineHousing has combined the applicable Tier 2 HUD Worksheets into one [Environmental Review Worksheets Bundle](#) for use with Federal Lead projects. Individual HUD Tier 2 Worksheets are available at <https://www.hudexchange.info/resource/5119/environmental-review-record-related-federal-laws-and-authorities-partner-worksheets/>.

IMPORTANT: *Not all Worksheet listed on HUDs website are required for environmental reviews of Maine Federal Lead projects. CAAs only need to complete the HUD Tier 2 Worksheets contained in MaineHousing's Environmental Review Worksheets Bundle posted on the CAA Portal. These are HUD's forms; please do not make any changes to the form or use any other form for environmental reviews of properties to be assisted with Federal Lead funds.*

- b. CAA shall complete a Tier 2 environmental review of the proposed project using HUD's Tier 2 Worksheets, in accordance with the *Instructions for Completing the Environmental Review Worksheets*. Environmental review documents are available on the CAA Portal.
 - i. CAA must submit the Environmental Review Worksheets Bundle, with all required supporting documentation, including Design Plan to MaineHousing via ShareFile.
 - ii. MaineHousing will complete Tier 1 and certain Tier 2 activities as noted in the *Instructions for Completing the Environmental Review Worksheets*, and notify the CAA with the results of MaineHousing's review.
 - iii. Once the environmental review for the property is approved by MaineHousing, CAAs may proceed with the project.
- c. A CAA must not enter into any binding contracts or agreements with Applicants, contractors or any other person or entity relating to the project, solicit bids for any project work, perform any work or take any other physical action on a property for which an Application for assistance with Program funds has been submitted, or close a Grant until the CAA receives an environmental review acceptance notification from MaineHousing.

2. State Lead Projects

An environmental review is not required for projects funded with State Lead.

B. Special Flood Hazard Areas

1. Federal Lead Projects

- a. CAAs identify whether a property is in a flood zone through the environmental review process, by completing HUD's Flood Insurance Worksheet, contained in the Environment Review Worksheets Bundle in accordance with the *Instructions for Completing the Environmental Review Worksheets*, available on the CAA Portal.
- b. If the property is not located in a flood zone containing the letter "A" or "V", the CAA shall notify and provide to MaineHousing for review the supporting documentation required by HUD's Flood Insurance Worksheet.
- c. If the property is located in a flood zone containing the letter "A" or "V", the CAA shall

notify MaineHousing and cease further work on completing the remaining Environmental Review Worksheets.

2. **State Lead Projects**

Not required for projects funded with State Lead.

C. **Historic Preservation**

- (1) CAAs must engage with the Maine State Historic Preservation Commission for all Lead Program projects.
 - a. Submit the SHPO Form to the State Historic Preservation Office (SHPO). The most current SHPO Form is available on the CAA Portal.
 - b. SHPO Form and any other required materials must be submitted in hard copy to Kirk F. Mohny, Director, Maine Historic Preservation Commission, 55 Capitol Street, 65 State House Station, Augusta, ME, 04333-0065.
- (2) The State Historic Preservation Commission will:
 - a. Identify historic properties in the project area and determine their eligibility for the National Register of Historic Places, consider the effect of their projects on historic properties, and suggest ways to avoid or reduce adverse effects to historic properties
 - b. Respond to requests for review within thirty (30) days of receipt of notice with either a request for additional information, or a finding of how the undertaking or project will affect historic properties.
- (3) CAAs must provide a copy of the State Historic Preservation Commission's written results to MaineHousing, with a written explanation of how the CAA intends to address suggestions provided by State Historic Preservation Commission (if any).
- (4) CAAs must not enter into any binding contracts or agreements with Applicants, contractors or any other person or entity relating to the project, solicit bids for any project work, perform any work or take any other physical action on a property for which an *Application* for assistance with Lead Program funds has been submitted until the Historic Preservation Commission has a chance to provided comments.

SECTION B7: LEAD DESIGN PLAN

- (1) CAA must prepare a *Lead Design Plan* for each Living Unit in a dwelling receiving Lead Program funds.
- (2) CAA shall prepare a *Lead Design Plan* for the project using licensed staff. The Lead Design Plan must incorporate any changes or requirements indicated by the State Historic Preservation Commission in connection with the environmental review of the project.
- (3) If CAA does not have licensed staff to prepare a *Lead Design Plan* for a Lead Program project, the CAA shall be responsible for the initial cost incurred in hiring a lead hazard design consultant. MaineHousing reimburses CAA up to \$600 per Living Unit for Lead Designs.
- (4) MaineHousing shall pay CAAs \$600 for each *Lead Design Plan* prepared in conjunction with a Lead Program project.

NOTE: *Lead Design Plans are required for all Lead Program projects regardless of the funding source (i.e., Federal Lead, State Lead and/or Healthy Homes)*

NOTE: *CAAs receive \$600 for each Lead Design Plan.*

SECTION B8: ABATEMENT BIDS

Once the Lead Inspection/Risk Assessment, *Lead Design Plan* and environmental review, if applicable, have been completed and approved by MaineHousing, the *Lead Design Plan* must be put out to bid to Certified Abatement Contractors licensed by the DEP and/or licensed Healthy Homes Contractors (“Qualified Contractors”) the opportunity to perform the work for the project.

IMPORTANT: Only Qualified Contractors are eligible to submit bids. See [Chapter C, Program Contractors](#) for more information.

A. Licensed Lead Abatement Property Owners

1. Federal Lead Projects

No funding is available to reimburse owners for materials or labor to do their own lead abatement work.

2. State Lead Projects

- a. Owners who are active licensed lead abatement contractors may apply for reimbursement for the cost of materials needed to complete the lead abatement work as described in the Lead Design Plan generated for their property.
- b. In order to be eligible for reimbursement for materials, work must be pre-approved by MaineHousing in writing, prior to beginning any abatement work. Costs associated with obtaining a Lead Inspection and Risk Assessment, Lead Design Plan(s), and all clearance testing, are the responsibility of the owner and not reimbursable to the owner.
- c. MaineHousing administers reimbursement requests from property owners. Property owners requesting reimbursement should be instructed to submit a completed *Owner Materials Cost Reimbursement Form* to MaineHousing.
- d. The *Owner Materials Cost Reimbursement Request Process* and *Request Form* are available on MaineHousing’s website and the CAA Portal.

B. Invitation to Bid

CAAs in consultation with the Applicant must select contractors from MaineHousing’s list of Qualified Contractors. If Applicant refuses, they will be disqualified from receiving assistance.

1. Bid Package

- a. The CAA shall prepare a “bid package” to use in soliciting proposals from Qualified Contractors for each Lead Program project. The bid package shall include the following:
 - i. A copy of the *Construction Contract* (Appendix C-A);
 - ii. *Lead Design Specifications* (Exhibit C);
 - iii. A copy of MaineHousing’s *Lead Contractor Standards and Conditions* (Exhibit C-1);
 - iv. Date, time and location for the pre-bid walk through;
 - v. Deadline (date/time) and location for bid submission.
- b. A minimum of three qualified bids must be solicited for all lead hazard abatement/reduction projects.

NOTE: *The bidding process is required for all Lead Program projects regardless of the funding source (i.e., Federal Lead, State Lead and/or Healthy Homes).*

2. Timeline

- a. Qualified Contractors shall deliver bids for lead hazard abatement/reduction work and Healthy Homes Intervention work, as applicable, to the CAA no later than **14 working days** from the time the walk through is completed.
- b. The CAA may extend the deadline for submission of bids by providing written notice of the extension to all Qualified Contractors participating in the walk-through.

3. Pre-Bid Walk Through

- a. The CAA and owner shall pick days and times for site walk through and make it mandatory for all Qualified Contractors and licensed Healthy Homes Contractors, if applicable, who wish to submit a bid.
- b. All Qualified Contractors wishing to submit a bid, must attend a scheduled pre-bid walk-through meeting. Only MaineHousing may waive the requirement for a contractor to participate in a pre-bid walk through due to location and distance of a project location. A *Waiver Request* must be submitted to MaineHousing for approval prior to the scheduled bid walk through.
- c. Any changes in the Lead Design Plan during the walk-through must be in writing and received by all attending contractors prior to submitting bids. Any bid addendum must be clearly marked as an addendum, dated, signed by the contractor, and be included with the bid submission.
- d. Any contractor who fails to attend a walk-through shall not be allowed to bid.

4. Qualified Contractor Bid Submission

- a. All bids must be sent/delivered to the CAA in an enclosed and sealed envelope prior to the expiration of the fourteen day time period. CAAs may choose to solicit and accept emailed bids that adhere to all procurement regulations.
- b. Bidders may withdraw, substitute, or modify their bids by giving notice in writing before the bid deadline. Each bidder's withdrawal, substitution, or modification notice shall be prepared, sealed, marked, and delivered with the outer and inner envelopes additionally marked as "Withdrawal," "Substitution," or "Modification" as appropriate.
- c. Any bid received by the CAA after the bid deadline shall be returned unopened to the bidder.
- d. No bid may be withdrawn, substituted or modified after the deadline for submission of bids.

NOTE: Any bid received by the CAA after the bid deadline shall be returned unopened to the bidder.

5. Qualified Contractor Refuses to Bid

If a Qualified Contractor is unable to bid, the CAA must provide the contractor with a *Refusal to Bid* form (Appendix Y). The contractor will be asked to sign and submit the *Refusal to Bid* form to the CAA.

6. Less Than Three Bids Obtained

In those instances where bids from three different Qualified Contractors cannot be obtained, the CAA shall provide a written explanation to be inserted in the Applicant's file explaining why three bids were not collected.

- a. Projects submitted to MaineHousing with two qualified bids and one *Refusal to Bid* form will be acceptable only if the two bids received are within 10% of each other.

- b. Projects submitted to MaineHousing with only one acceptable bid must be accompanied by documentation of at least two *Refusal to Bid* forms in order to be considered for funding under the Program.

C. CAA Opens Bids

- (1) The CAA shall open the bids, including substitutions and modifications, in the presence of the bidders' representatives who choose to attend at the time and in the place specified by the CAA.
- (2) The bidders' names, the total amount of each bid and of any alternative bid (if alternatives have been requested or permitted by the CAA), bid withdrawals, substitutions, or modifications, and such other details as the CAA may consider appropriate, shall be announced by the CAA at the opening.
- (3) No bid shall be rejected at bid opening except for late or incomplete bids. Late or withdrawn bids shall be returned unopened to bidders.
- (2) Bids for which an acceptable notice of withdrawal has been submitted shall not be opened.

D. CAA Selects Qualified Contractor

- (1) When making bid award determinations, other factors in addition to the dollar amount of the bid are taken into consideration, including Qualified Contractor's ability to complete the work in a timely manner within established timelines and previous quality of work. Awards may be given to a Qualified Contractor who is not the lowest bidder, based on these additional factors and if the bid accepted is no more than 10% higher than the lowest bid received.
- (2) Each property owner will be involved in selecting which Qualified Contractor will perform the Lead Program work at the owner's property. In the case where the owner chooses a higher bidder, the owner shall pay the difference between the lowest bid and the bid selected by the owner.
- (3) In order for a Lead Program Grant to be approved, the bid amount must be within Lead Program limits, or the property owner must pay the difference between the Lead Program limits and the bid amount. If the owner is unable to finance the gap between the bid amount and Lead Program limits, the CAA shall submit a *Deferral of Service* (Appendix V) to the owner, and the project will not be funded. See [Section B4\(C\), Deferral of Services](#).
- (4) The CAA reserves the right to accept or reject any bid, and to cancel the bidding process and reject all bids, at any time prior to the award of any contracts for the lead hazard abatement/reduction work and Healthy Homes Intervention work, as applicable, without incurring any liability to the affected bidder or bidders or any obligation to inform the affected bidder or bidders of the grounds for the CAA's decision.
- (5) The CAA shall award a *Construction Contract* (Appendix C-A) to the Qualified Contractor:
 - a. whose bid has been determined to meet the requirements in the bidding documents issued (includes prior performance, ability to complete jobs by specified deadlines, etc.); and
 - b. who has offered the lowest bid price (unless owner selects a higher bidder and pays the difference between low bid and selected bid).
- (6) The winning bid along with the *Bid Tabulation Sheet* (Appendix J) must be submitted to MaineHousing in the Phase One invoice submission described in [Section B14\(A\), Payment to CAA](#). CAA must retain all bids their file.

NOTE: *If the owner is unable to finance the gap between the bid amount and Lead Program limits, the CAA shall submit a Deferral of Service (Appendix V) to the owner, and the project will not be funded.*

E. CAA Notifies Qualified Contractor

- (1) The Qualified Contractor whose bid has been accepted shall be notified of the award by the CAA in writing prior to the start of any work. This notification shall state the sum that the CAA shall pay the Qualified Contractor in consideration of the completion of the lead reduction work and/or the Healthy Homes Intervention work, as applicable, by the Qualified Contractor as described in the *Construction Contract* (Appendix C-A).
- (2) The selected Healthy Homes Intervention bidder must include a detailed scope of work for the Healthy Homes Intervention (in the Lead Design Plan Specifications). These documents will become part of the contracts for the work.

IMPORTANT: Federal regulation requires that contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 covered projects and/or activities are required to comply with Section 3 regulations (visit <https://www.hud.gov/Section3> for additional information about Section 3 regulations). Contractors must complete and submit the HUD Required Section 3 Verification Data Form (Appendix R3) which must be included in Phase II packets for projects funded with Federal Lead Grants.

F. Change Orders

- (1) The CAA shall consult with MaineHousing when changes in the scope of work under the *Construction Contract* need to be initiated.
- (2) *Change Orders* must be initiated by CAA's Lead Designer/Risk Assessor and must be confirmed and approved for funding by the CAA's housing manager or director before being submitted to MaineHousing.
- (3) The CAA must inform the property owner and the contractor that MaineHousing will not be obligated to fund or inspect work performed outside of the *Construction Contract* and *Lead Design Plan* unless a *Change Order* has been approved by MaineHousing. The property owner and contractor must confirm and sign the *Change Order*.
- (4) All request for change in scope **must** be submitted on MaineHousing's *Change Order* form (Appendix N) with back up documentation, including and digital color photographs, to serve as evidence and document the need for additional work requested.
- (5) All *Change Orders*, whether the change involves no-cost or additional cost to the project, must have prior written approval from MaineHousing before the work described in the *Change Order* can be performed. Verbal changes in the scope of work are not allowed.
- (6) In the case of a life threatening crisis, after confirming the necessity of the work described in the *Change Order* with CAA's housing manager or director, the Lead Designer/Risk Assessor may contact MaineHousing's Lead and Housing Rehab Compliance Specialist by phone to receive preliminary approval to proceed with the additional work. The funding for such emergency *Change Orders* that are approved by phone will remain contingent upon receipt of written documentation and digital color photographs to serve as documentation of the change in scope of work. .

NOTE: *The funding for emergency Change Orders approved by MaineHousing by phone are contingent upon receipt of written documentation and digital color photographs to serve as documentation of the change in scope of work.*

G. Waivers

- (1) All requests for exceptions to *Lead Program Guidance and Procedures* must be submitted to MaineHousing on the *Waiver Request* form (Appendix K) via ShareFile.

- (2) Waivers to exceed project maximums will be considered on a case-by-case basis depending on extenuating circumstances. Waivers must be pre-approved by MaineHousing before any work commences.

SECTION B9: TEMPORARY RELOCATION

A. CAA Responsibilities

- (1) CAAs must take all reasonable steps to minimize the displacement of persons as a result of lead abatement/remediation work and to locate lead free temporary housing. In most cases temporary relocation may be unavoidable and relocation assistance, will need to be provided to the homeowners and/or tenants. Such assistance, when applicable, is the obligation of the CAA.
- (2) The CAA shall incur the cost of providing temporary relocation assistance and will be reimbursed by MaineHousing for all reasonable costs incurred in providing such assistance; provided, however, that the maximum amount of reimbursable temporary relocation assistance per Living Unit is \$1,250.
- (3) When submitting a request for reimbursement for temporary relocation assistance costs, each CAA shall submit to MaineHousing copies of all invoices as well as the signed *Relocation Assistance Acknowledgement* (Appendix LD-C).

B. Relocation Services/Costs

- (1) Where Lead Program related work requires a homeowner and/or a tenant to temporarily relocate, the CAA shall reimbursement for all reasonable expenses incurred in connection with the temporary relocation including, but not limited to:
 - a. the cost of moving to and from temporary housing;
 - b. monthly rent/utility costs for the temporary housing;
 - c. meal costs; and
 - d. fuel costs.
- (2) Costs incurred for the relocation of pets and other animals is not eligible for reimbursement, with the exception of service animals as defined by the American With Disabilities Act (ADA).¹
- (3) MaineHousing reserves the right to deny or recoup payment for damages from the occupant(s) as a result of relocation.
- (4) The CAA must submit a *Waiver Request* to MaineHousing for pre-approval to exceed the maximum reimbursable relocation amount.

NOTE: The maximum amount of reimbursable temporary relocation assistance per Living Unit is \$1,250.

NOTE: Service animals would relocate with the occupant(s) and costs incurred for the service animal would be covered (e.g., meals)

¹ Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability

C. Relocation Time Period

- (1) The CAAs shall be responsible for ensuring that any Lead Program related relocation assistance continues until such time as all Program related work has been completed on that particular Living Unit and a final dust wipe clearance has been successfully achieved. Relocation may not exceed 10 calendar days. Contractors shall be responsible for any additional relocation fees when the completion date of the work under the Lead Paint Hazard Abatement Contract, has not been met.
- (2) The CAA must submit a *Waiver Request* to MaineHousing for preapproval to exceed the maximum relocation time period.

NOTE: Relocation may not exceed 10 calendar days.

SECTION B10: GRANT APPROVAL

A. CAA Determines Grant Amount

- (1) The CAA must determine eligibility, the Lead Program funding source(s) and amount(s) for the project (Grant).
- (2) Approval for the Grant cannot occur until Qualified Contractor bids have been received, project costs, and the amount of funds required to complete the project can be reviewed/ determined by the CAA.
- (3) If an issue arises with funding, or if requested by MaineHousing, the CAA may need to revisit the *Lead Design Plan* and, if possible, remove some items from the scope of work in order to reduce costs.
- (4) If the bid amount for a project is within Federal Program limits or the property owner is willing to finance the difference between the bid amount and Federal Program limits and all other requirements described herein are met, the CAA can approve the Grant.

B. CAA Notifies Applicant Grant Approval

After CAA has carefully reviewed the total abatement/remediation costs, as well as the type and amount of financial assistance the Applicant will receive, and MaineHousing has provided written approval to proceed, CAA will send the Applicant a *Notice of Grant Approval* (Appendix LD-1) This notification will inform the Applicant of

- (1) Eligibility to receive a Grant,
- (2) Grant type(s);
- (3) Amount of the Grant;
- (4) Conditions under which the Grant is offered; and
- (5) The date of the scheduled Grant closing.

C. Pre-Construction Conference

- (1) A pre-construction conference allows all parties to review their expectation, the work to be performed, and the procedures to be used. Before work can commence, a pre-construction meeting must be scheduled with the owner, contractor(s) and Lead Designer.

NOTE: Abatement/remediation work may not exceed four months from date of closing.

- (2) The pre-construction meeting may be held at the Property or at the CAA's office. The Grant Closing may also occur on this date, time and place if appropriate.
- (3) All parties present will be required to sign the *Pre-Construction Conference Report* (Appendix M) signifying that the meeting took place and the results of that meeting/decisions made are understood and agreed upon.
- (4) At the pre-construction conference:
 - a. The contractor will summarize the work to be performed and confirm an approximate start and completion date.
 - b. The Applicant and contractor will review
 - i. MaineHousing's *Lead Contractor Standards and Conditions* (Exhibit C-1),
 - ii. the procedures to be utilized for inspection,
 - iii. building permits, if applicable,
 - iv. change orders,
 - v. grievance and
 - vi. close out.
 - c. The Applicant, contractor and CAA will sign the following required documents, , as appropriate:
 - i. *Construction Contract* (Appendix C-A);
 - ii. *Final Job Specifications* (Exhibit C);
 - iii. *Construction Escrow Agreement* (Appendix C-B); and
 - d. The Applicant, contractor and CAA Lead Designer will discuss lead-based paint issues, if applicable.
 - e. The Lead Designer will review procedures for contractor payment and provide the contractor with payment request forms.
 - f. The *Pre-Construction Conference Report* (Appendix M) shall be signed by the Applicant and Lead Designer and must be maintained in the Project file.

D. Grant Closing

- (1) The Grant closing can take place as part of the pre-construction conference or can be scheduled for a different date, time and place.
- (2) The CAA Lead Designer shall review the final *Lead Design Plan* with the Applicant to ensure that the Applicant understands and approves the scope of work to be done by the chosen contractor.
- (3) CAAs shall be required to ensure that all appropriate contracts and or agreements have been properly executed by all of the parties before any Lead Program dollars are released.

REMINDER: CAA must provide the Applicant with a copy of MaineHousing's *Lead Contractor Standards and Conditions* (Exhibit C-1). Contractors and owners are required to certify receipt of this document.

1. Executing Required Documents

An Applicant is deemed a Grant Recipient, when the following Grant documents have been executed by the Applicant and/or contractor:

- a. *Application* (Appendix A)
- b. *Tenant Application* (Appendix B)*
- c. *Blood Testing Release Form* (Appendix D)
- d. *Children Under 6 Years Old Visiting Certification Form* (Appendix G)
- e. *Authorization to Release Information* (Appendix E)
- f. *Declaration of Covenants and Restrictions* (Appendix H)*
- g. *Relocation Assistance Acknowledgement* (Appendix LD-C)
- h. *Healthy Homes Intervention Compliance Agreement* (Appendix HH6)

*Required for multi-family and single-family rental projects.

2. **Close within four (4) months of *Application* Date**

If a Grant does not close within four (4) months of *Application*, CAA will have to obtain updated verification of Applicant household income and household composition. The reason being is that CAA must make sure that Applicant household income still falls within the applicable median income guidelines and Program eligibility.

3. **Establish Start Date and Completion Date**

Abatement/remediation work should begin as soon as possible from the date of Grant closing and completion date of the rehabilitation (typically 2 months). Project start dates must be no more than 120 days from the date of the Grant award. CAA should try to schedule Grant closings only after Applicant and contractor have established an on or about start date and completion date. Any changes in start and/or completion dates must be approved by MaineHousing through a *Change Order* (Appendix N).

NOTE: Project start dates must be no more than 120 days from the date of the Grant award.

4. **Charges to Applicant/Grant Fees**

The fees or charges which the CAA may collect from a Grant Recipient shall not exceed the actual amounts expended by the CAA for such costs, fees or charges, and shall not exceed the usual and reasonable amounts for such costs, fees, and charges. Fees for the Merchants Report and for recording at the county Registry of Deeds may be rolled into the Grant or paid out of pocket by the Grant Recipient at the time of the *Application* is submitted. CAAs will be reimbursed at cost for the Merchants Report and the reimbursable cost of inspection and design in the event that an Applicant does not proceed with the Program or if the Application is deemed not eligible. Except for the fees and expenses permitted by the Lead Program, no other fees, charges or remunerations may be received by the CAA from a Grant Recipient in making any Grant.

NOTE: Except for the fees and expenses permitted by the Lead Program, no other fees, charges or remunerations may be received by the CAA from a Grant Recipient in making any Grant.

a. ***Costs Exceed Program Grant Limits***

If the owner agrees to pay the difference between the cost for the abatement work and Lead Program limit, the owner must provide to the CAA a bank check in the required amount at Grant closing. The check shall be deposited into the escrow account established by the CAA pursuant to the *Construction Escrow Agreement*.

b. State Lead Grants Only

- i. Owners of housing that receive assistance through the State Lead Program must pay a portion of the lead abatement project costs:
 - (a) if the housing is not under lead abatement orders, the owner must pay at least 10 percent of the abatement project cost;
 - (b) if the housing is under lead abatement orders, the owner must pay at least 25 percent of the abatement project cost.
- ii. Owners will be provided the estimated total project cost and their anticipated owner match based on the *Lead Design Plan*; however, actual owner match will not be determined until bids are secured and awarded for the project.
- iii. The owner must provide to the CAA a bank check in the required amount owner match at Grant closing. The check shall be deposited into the escrow account established by the CAA pursuant to the Escrow Agreement.

E. Funding the Grant

Upon Grant review and approval by MaineHousing, funds shall be electronically transmitted to CAA on behalf of Applicants and must be held in escrow. Disbursements shall be made from the escrow only after CAA has received satisfactory documentation, through site inspections and document submission, that the work for which payment is sought has been properly completed according to the program standards and that the amount of the payment being requested is correct.

SECTION B11: COMMENCEMENT OF WORK

A. Building Permits

- (1) The CAA shall ensure that all permits needed to perform any of the work under the *Construction Contract*, as applicable, have been obtained by the contractor prior to the commencement of the work.
- (2) Copies of all permits must be kept in the Applicant's project file.
- (3) Building permits must be visibly posted at the project site.

NOTE: The CAA shall refer to the *Pre-Construction Conference Report (Appendix M)* to confirm whether all permits have been obtained.

B. Occupant Protection Plan

- (1) Prior to commencement of work, the contractor must develop an *Occupant Protection Plan* for each Lead Program Living Unit in accordance with the DEP Lead Management Regulations.
- (2) Each *Occupant Protection Plan* shall outline the measures, including temporary relocation, to be taken to protect the occupants of that particular Living Unit from exposure to any hazard related to lead-based paint.
- (3) The CAA shall submit a copy of the *Occupant Protection Plan* to MaineHousing upon final billing and a copy shall be kept in the Grant Recipient's project file.
- (4) In the event any Lead Program work is being conducted in a common area of a multi-family building containing two or more Living Units, the relevant *Occupant Protection Plan* must indicate alternative entrances and exits that do not require passage through such common area, or the contractor shall create an uncontaminated passageway through such common area.

C. Notice to Commence Work

No lead hazard abatement/reduction work or Healthy Homes work shall commence until MaineHousing approves the Grant and submits a *Notice to Commence Work* letter to the CAA (Appendix Z). Proceeding with work without MaineHousing's *Notice to Commence Work* may result in MaineHousing not paying the CAA for the work or any associated fees.

SECTION B12: INSPECTIONS

The CAA is responsible for conducting as many inspections as are necessary to ensure quality work and construction oversight. At a minimum the CAA shall perform the following inspections:

A. In-progress Inspections

- (1) Scrape inspections are required when *Lead Design Plans* call for any components to be “scraped to bare”
 - a. To determine the need for change orders and intervention in owner/contractor disputes.
 - b. To confirm that the contractor is performing the work in accordance with the *Construction Contract* and *Lead Design Plan*.
 - c. To ensure that all necessary code inspections have been made prior to approving any payment request.
- (2) As part of the inspection process, the Lead Designer/Risk Assessor shall:
 - a. Take digital color photos before the work begins, at each inspection, and for contested items. Having photographs for future reference is very important, should the need arise to demonstrate Lead Program compliance and quality of work.
 - b. Complete a work progress report and document with photographs the completed work. This report must be placed in the project file.

B. Dust Samples

Minimum Number and Location of Clearance Dust Samples for All Abatement Work	
Category Description	Number and Location of Single Surface Clearance Dust Samples
Interim clearances	A minimum of two dust samples from every treated room.
Interior level 2 treatments; no barrier systems within building	A minimum of two dust samples from every room in a residential dwelling or child-occupied facility (whether treated or untreated). <ul style="list-style-type: none"> • One interior window sill or window trough, alternating between rooms. • One floor, and one floor sample for every 2,000 ft.² of a common area room (if present).
Interior level 1 or 2 treatments with 6 mil poly or its equivalent; barrier systems within building.	A minimum of two dust samples from every treated room in a residential dwelling or child-occupied facility, or if more than four rooms were treated, from at least four treated rooms. <ul style="list-style-type: none"> • One interior window sill or window trough, alternating between rooms. • One floor, and one floor sample for every 2,000 ft.² of a common area room (if present). • One floor sample will be taken within a 10 foot radius of the entry point to the containment area.
Exterior treatments (including soil)	A minimum of two samples as follows: <ul style="list-style-type: none"> • At least one dust sample on a horizontal surface in part of the outdoor living area (e.g., a porch floor) • One window trough sample.

C. Clearance Standards

- (1) Clearance standards for residential dwellings and child-occupied facilities are as follows:
 - a. Hard floors: 10 µg /ft.² (micrograms of lead per square foot)
 - b. Carpeted floors: 10 µg /ft.²
 - c. Interior window sills: 100 µg /ft.²
 - d. Window trough: 100 µg /ft.²
 - e. Soil: 375 PPM
 - f. Porch Floors: 40 ug / ft.²
- (2) If the test results are equal to or exceed these standards, the contractor shall perform the following actions, as appropriate: If a single-surface dust sample for a residential dwelling or child-occupied facility fails, all components that the sample represents shall be re-cleaned in accordance with Maine DEP Chapter 424: Lead Management Regulations until they pass a dust clearance test. If single-surface samples in only one room or on one type of component fail, only that room or component shall be re-cleaned and be retested until it passes a dust clearance test.

D. Final Inspection

- (1) After completion of all work described in the *Construction Contract* and *Lead Design Plan*, including any *Change Orders*, and after interior lead dust wipe samples pass the clearance standards set forth above, the CAA shall conduct a final property inspection at the property.
- (2) The inspection must be performed by the Lead Designer/Risk Assessor along with the property owner and the contractor.
- (3) The Lead Designer/Risk Assessor must conduct final dust wipe clearances as required by DEP Lead Management Regulations and HUD Lead Guidelines.

REMINDER: Contractor must provide copies of written warranties on all warranted material and all labor must be given to the owner.

1. Schedule Property Inspection

The Lead Inspector contacts the Applicant to schedule an appointment and inform the Applicant that an appropriate inspection/assessment of the home must be performed.

2. Exterior Work Performed

If exterior work was performed, the Lead Designer must inspect the ground on all side of the home for any visible paint chips or debris. If paint chips or debris is observed, then the contractor must clean.

3. Additional Work Required

If the inspection reveals that additional work is required, exterior paint debris needs to be cleaned up, or corrections need to be accomplished, the CAA must develop a written Punch List. The Punch List is a detailed list of all items remaining to be completed. The CAA must provide this list in writing to the contractor with instructions that upon completion of all items and inspection of the same, final payment can be made.

4. **Failed Inspections**

- a. If during the final inspection any deficiencies are found, they must be listed on the Punch List, and a “Rework Form” is developed by the Lead Inspector. The Rework Form must be supplied immediately to the contractor and also emailed or faxed to MaineHousing. All reworks must be completed within thirty (30) days.
- b. If the final inspection results in a Punch List of uncompleted items, then it is no longer the “final” inspection. Another “final” inspection must be performed to verify all work has been completed.
- c. Once the Punch List is completed, the Lead Inspector/Risk Assessor along with the property owner and the contractor shall conduct a final inspection of the Punch List items.
- d. Upon completion of all items on the Rework Form, and inspection of the same, final payment can be made.

NOTE: All reworks must be completed within 30 days.

5. **Prepare Certificate of Final Inspection**

Immediately after completion of a final inspection, the Lead Designer prepares a *Certificate of Final Inspection* (Appendix Q). Both the Applicant and Lead Designer sign the form to indicate that all work is complete and in accordance with the *Construction Contract* and *Change Orders*.

Applicants acknowledge receipt of the Lead survey card when signing the Certificate of Final inspection.

6. **Letter of Lead Hazard Reduction Compliance**

HUD guidelines and State of Maine DEP rules require that notification be provided to the owner that a post hazard control work visual inspection and dust wipe samples were taken and found to be below these clearance criteria. The Lead Inspector/Risk assessor must complete and sign the *Letter of Hazard Reduction Compliance* (Appendix P) documenting that the lead hazard control work outlined in the *Construction Contract*, as well as clearance sampling have been performed and meet clearance levels and provide a copy of the owner.

E. Essential Maintenance Plan

Once CAA notifies the contractor that the final inspection is complete, the contractor coordinates with the Center for Disease Control to develop a *Paint Plus Essential Maintenance Practice Plan* (Essential Maintenance Plan) for each Program Living Unit. Each Essential Maintenance Plan shall outline the measures needed to ensure proper maintenance of all components addressed through the Lead Program. Furthermore, the Essential Maintenance Plan will outline all lead containing components and will contain information on how to maintain their condition (Appendix R).

SECTION B13. APPLICANT SURVEYS

Applicant feedback is an important component of delivering MaineHousing programs. As such MaineHousing has created survey cards for CAAs to provide to recipients of program grants. MaineHousing will provide a supply of survey cards to each CAA.

- (1) The CAA must provide a *Lead Program Client Satisfaction Survey* card to every Applicant whose unit is reported as completed. The survey card may be provided to the Applicant at any time after services commence, but no later than completion of a final unit inspection.
- (2) The CAA must advise the Applicant that the survey card provides an opportunity for the Applicant to inform MaineHousing of his/her experience with the services received and that he/she is acknowledging receipt of the survey card when signing the *Certificate of Final Inspection* form. Inform the Applicant that MaineHousing is asking for feedback from all Applicants whether positive or negative

A supply of Client Satisfaction Survey cards is provided to CAAs by MaineHousing . Contact EHSHelpdesk@mainehousing.org to request additional cards as needed.

GUIDANCE: CAAs should, hand-deliver the survey card to Applicants at time of Inspection. CAAs should explain that the survey card can be completed electronically by scanning the Quick Response (QR) code with their smart phone camera or by completing and mailing the survey card, which is preaddressed to MaineHousing.

SECTION B14: PAYMENT TO CONTRACTORS

A. Contractor Payments

- (1) The number of payments that CAA issue to the contractor depends on the size of the project and the terms of the *Construction Contract*.
- (2) Advancing Lead Program funds to contractors for uncompleted work is prohibited.
- (3) Prior to issuing payment to the contractor, the CAA must verify that required contractor documents are completed and signed by the contractor, the Lead Designer/Risk Assessor, and the Property owner.
- (4) The CAA must issue payment for work performed within thirty (30) calendar days of receipt of the contractor's invoice and required supporting documentation.

B. Contractor Request for Payment

1. Partial Payments

- a. The Contractor can request payment for completed work throughout the project and must submit their request to the CAA with signed authorization from the property owner.
- b. Contractor requests for partial payment must include the following documentation:
 - i. *Contractor Invoice, which describes the scope and nature of the work for which the contractor is requesting payment*
 - ii. *Contractor Request for Payment (Appendix I-C)*
 - iii. *Certificate and Release of Liens (Appendix I-B)*

NOTE: CAA must pay contractors within 30 calendar days of receipt of the contractor invoice for completed work.

2. Final Payment

- a. The Contractor can request payment for completed work and must submit their request to the CAA with signed authorization from the property owner.
- b. Contractor requests for payment must include the following documentation:
 - i. *Contractor Invoice, which describes the scope and nature of the work for which the contractor is requesting payment*
 - ii. *Contractor Request for Payment (Appendix I-C)*
 - iii. *Certificate and Release of Liens (Appendix I-B)*
 - iv. *Certificate of Final Inspection (Appendix Q)*

SECTION B15: PAYMENT TO CAA

CAAs may elect to split fund eligible projects using Federal Lead, Healthy Homes and/or State Lead funds. CAAs must use MaineHousing’s required forms to administer the Lead Programs. *See* Section 1, Required Documents for more information.

CAAs must electronically submit the *Invoice* (Appendix 1C) and supporting documents (“billing packets”) to MaineHousing via ShareFile. *See* Section 16.A, Electronic Submission of Documents.

A. Initial Phase (Phase 1)

CAAs may upon completion of the following documents in form and substance and within a timeframe satisfactory to MaineHousing, submit the Phase 1 billing packet to MaineHousing for payment. MaineHousing will pay the CAA the fees incurred by the CAA as identified on the Phase 1 section of the *Invoice* (Appendix 1C).

1. Single-Family Projects

The following chart provides a list of the required documents that must be submitted to MaineHousing as part of the Phase 1 billing packet for single-family projects:

REQUIRED DOCUMENTS	Document Reference	Federal Lead	State Lead	Healthy Homes
Application (Owner)	Appendix A	X	X	
Asbestos inspection documentation (<i>if applicable</i>)	CAA		X	
Authorization to Release Information (Owner)	Appendix E	X	X	
Bid Package including Bid Tabulation Sheet, Refusal to Bid, if any	CAA	X	X	
Billing Invoice (Phase 1)	Appendix 1C	X	X	
Blood Testing Release Form (if applicable)	Appendix D	X	X	
Children Under 6 Years Old Visiting Certification	Appendix G	X	X	
Colored Photo(s) of pre-project	CAA	X	X	
Construction Contract	Appendix C-A	X	X	
Construction Escrow Agreement	Appendix C-B	X	X	
Correspondence	CAA/MHSA	X	X	
Document Checklist (Phase 1)	Appendix 1B-SF1	X	X	
Grant Agreement	Appendix LD-2	X	X	
Healthy Homes Compliance Agreement	Appendix HHI			X
Lead Design Plan Specifications	Exhibit C	X	X	
Lead Paint Inspection and Risk Assessment Report	CAA	X	X	
Merchant's Report	CAA	X	X	
Notice of Grant Approval	Appendix LD-1	X	X	
Project Summary Sheet	Appendix 1	X	X	
Proof of Insurance	Owner	X	X	
Proof of Ownership	Owner	X	X	
SHPO Form	CAA	X	X	
Waivers (if applicable)	Appendix K	X	X	X

2. Multi-Family Projects

The following chart provides a list of the required documents that must be submitted to MaineHousing as part of the Phase 1 billing packet for multi-family projects:

REQUIRED DOCUMENTS	Document Reference	Federal Lead	State Lead	Healthy Homes
Application (Owner)	Appendix A	X	X	
Asbestos inspection documentation (<i>if applicable</i>)	CAA		X	
Authorization to Release Information (Owner)	Appendix E	X	X	
Bid Package including Bid Tabulation Sheet, Refusal to Bid, if any	CAA	X	X	
Billing Invoice (Phase 1)	Appendix 1C	X	X	
Blood Testing Release Form (if applicable)	Appendix D	X	X	
Children Under 6 Years Old Visiting Certification	Appendix G	X	X	
Colored Photo(s) of pre-project	CAA	X	X	
Construction Contract	Appendix C-A	X	X	
Construction Escrow Agreement	Appendix C-B	X	X	
Correspondence	CAA/MHSA	X	X	
Document Checklist (Phase 1)	Appendix 1B-MF1	X	X	
Grant Agreement	Appendix LD-2	X	X	
Healthy Homes Compliance Agreement	Appendix HH1			X
Lead Design Plan Specifications	Exhibit C	X	X	
Lead Paint Inspection and Risk Assessment Report	CAA	X	X	
Merchant's Report	CAA	X	x	
Notice of Grant Approval	Appendix LD-1	X	X	
Project Summary Sheet	Appendix 1	X	X	
Proof of Insurance	Owner	X	X	
Proof of Ownership	Owner	X	X	
SHPO Form	CAA	X	X	
Tenant Application	Appendix B	X	X	
Tenant Blood Testing Release Form (if applicable)	Appendix D	X	X	
Tenant Relocation Assistance Acknowledgement	Appendix LD-C	X	X	
Waivers (if applicable)	Appendix K	X	X	X

B. Final Phase (Phase 2)

CAAs may, upon completion of the following documents in form and substance and within a timeframe satisfactory to MaineHousing, submit the Phase 2 billing packet to MaineHousing for payment. MaineHousing will pay the CAA the fees incurred by the CAA as identified on the Phase 2 section of the *Invoice* (Appendix 1C).

1. Single-Family Projects

The following chart provides a list of the required documents to be submitted to MaineHousing as part of the Phase 2 billing packet for single-family projects:

REQUIRED DOCUMENTS	Document Reference	Federal Lead	State Lead	Healthy Homes
Billing Invoice (Phase 2)	Appendix 1C-SF	X	X	X
Certificate and Release of Liens	Appendix I-B	X	X	
Certificate of Final Inspection	Appendix Q	X	X	
Change Order (if applicable)	Appendix N	X	X	
Colored Photo(s) (<i>in progress and completed</i>)	CAA	X	X	
Contractor Payment Request(s) including invoices	Appendix I-C	X	X	
Correspondence	CAA/MHSA	X	X	
Declaration of Covenants and Restrictions (signed copy)	Appendix H	X	X	
DEP Notification	Contractor	X	X	
Document Checklist (Phase 2)	Appendix 1B-SF2	X	X	
Dust Wipe Clearance Results	CAA	X	X	
HUD Quarterly Report: Supplemental Information	Appendix R1	X		
HUD Section 3 Verification Data Form	Appendix R3	X		
Lead Paint Plus Essential Maintenance Practice Plan	Appendix R	X	X	
Letter of Lead Hazard Reduction Compliance	Appendix P	X	X	
Notice to Commence Work	MaineHousing	X	X	
Occupant Protection Plan	Contractor	X	X	
Pre-Construction Report	Appendix M	X	X	
Project Summary Sheet (complete)	Appendix 1	X	X	

2. Multi-Family Projects

The following chart provides a list of the required documents to be submitted to MaineHousing as part of the Phase 2 billing packet for multi-family projects:

REQUIRED DOCUMENTS	Document Reference	Federal Lead	State Lead	Healthy Homes
Billing Invoice (Phase 2)	Appendix 1C-MF	X	X	X
Certificate and Release of Liens	Appendix I-B	X	X	
Certificate of Final Inspection	Appendix Q	X	X	
Change Order (if applicable)	Appendix N	X	X	
Colored Photo(s) (<i>in progress and completed</i>)	CAA	X	X	
Contractor Payment Request(s) including Contractor invoices	Appendix I-C	X	X	
Correspondence	CAA/MHSA	X	X	
Declaration of Covenants and Restrictions (recorded copy)	Appendix H	X	X	
DEP Notification	Contractor	X	X	
Document Checklist (Phase 2)	Appendix 1B-MF2	X	X	
Dust Wipe Clearance Results	CAA	X	X	
HUD Quarterly Report: Supplemental Information	Appendix R1	X		
HUD Section 3 Verification Data Form	Appendix R3	X		
Lead Paint Plus Essential Maintenance Practice Plan	Appendix R	X	X	
Letter of Lead Hazard Reduction Compliance	Appendix P	X	X	
Notice to Commence Work	MaineHousing	X	X	
Occupant Protection Plan	Contractor	X	X	
Pre-Construction Report	Appendix M	X	X	
Project Summary Sheet (complete)	Appendix 1	X	X	

C. **Payment Method**

MaineHousing Housing Program Officer will review and approval all billing packet submissions. Once approved, MaineHousing shall issue any payment due to a CAA by wire transfer. After each wire transfer, MaineHousing will send a Wire Transfer Confirmation to the CAA.

SECTION B16: MONITORING/REPORTING

A. Monitoring

MaineHousing or its authorized representatives shall have the right to conduct compliance monitoring of each Living Unit to be improved with Lead Program funds at any time during the period of performance of the work under the Construction Contract.

B. Reporting Requirements

1. HUD Quarterly Report: Supplemental Information (Appendix R1)

CAAs must complete and submit the HUD Quarterly Report (Appendix R1) for each Lead project that must be included in Phase 2 packets. This report is available on the CAA Portal.

2. Annual Verification of Grant Compliance for Multi-Family and Rental Properties (Appendix R2)

- a. MaineHousing will conduct an annual owner self-certification process to verify that the owner is complying with the ongoing maintenance and property marketing conditions in the documents executed by the owner in connection with the Lead Program Grant(s).
- b. MaineHousing mails an *Annual Verification of Compliance for Multi-Family and Rental Properties* form (Appendix R2) to the property owner in the anniversary month of the project closing date. The property owner is required to complete the referenced form each year for the appropriate required commitment period as outlined in section A2.D.

3. HUD Section 3 Verification Data Form and Instructions (Appendix R3)

- a. Contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 covered projects and/or activities are required to comply with Section 3 regulations (visit <https://www.hud.gov/Section3> for additional information about Section 3 regulations).
- b. Contractors must complete and submit the HUD Section 3 Verification Data Form (Appendix R3) which must be included in Phase 2 packets.

NOTE: See Section C1(F) for information about MaineHousing's Contractor Pollution Occurrence Insurance Incentive Program.

IMPORTANT: Federal regulation requires that contractors or subcontractors that receive contracts in excess of \$100,000 for Section 3 covered projects and/or activities are required to comply with Section 3 regulations (visit <https://www.hud.gov/Section3> for additional information about Section 3 regulations). Contractors must complete and submit the HUD Section 3 Verification Data Form (Appendix R3) which must be included in Phase 2 packets for projects funded with Federal Lead Grants.

4. Lead Production Tracking and Status Report (Appendix R4)

- a. CAAs must provide MaineHousing with a copy of the Lead Production Tracking and Status Report (Appendix R4) showing work in progress or completed work. The Lead Production Tracking and Status Report must provide MaineHousing with information to monitor CAAs' compliance with inspections and Program requirements.
- b. The reports are due to MaineHousing on the first Friday of the month. .CAA must electronically submit reports via ShareFile. See Section B16B, Electronic Submission of Documents.

IMPORTANT: A CAA's failure to submit the Lead Production Tracking and Status Report to MaineHousing within the above mentioned timeframe will result in placing wire transfer payments to the CAA on hold until such time as the documentation is submitted to MaineHousing.

SECTION B17: ELECTRONIC DOCUMENT MANAGEMENT SYSTEMS

A. In General

- (1) CAAs must use the Lead Program forms and bundles available on MaineHousing's CAA Portal. Forms are pdf writable. Download the "Forms Bundle" and complete the bundle's *Project Cover Sheet* to auto-populate the forms. Use Adobe's bookmark navigation feature to view and/or print forms in the bundle. Individual forms are also available to download, populate and print as needed.
- (2) ShareFile provides authorized users with a secure platform to upload documents without restriction to file size, format or frequency

B. User Access

- (3) In order to gain access to MaineHousing's ShareFile folders, users will be required to complete an annual on-line security training. MaineHousing will contact users when the annual training is required.
- (4) Each user is required to have a separate account. Multiple employees should not use the same log-on ID and password.
- (5) Separate *User Authorization* forms must be submitted for each user.

1. User Set up

IMPORTANT: The user must complete the online training before user access will be activated.

- a. The CAA must complete the *User Authorization* for each user, check the applicable boxes in the Authorization section, and email the executed form to MaineHousing at EHSHelpDesk@mainehousing.org or FAX 207-624-5780. Include "Authorization Request" in the subject line of the email.
- b. MaineHousing's IT department will send an email to the user with the online training instructions and access link. MaineHousing is notified by the training site once the user completes and passes the training.
- c. Upon successful completion of the training, MaineHousing's will send an email to the user with the applicable system web-site address, log-on user id, temporary password, and system support procedure. The CAA approver will also be notified when access has been granted.

FYI: *The User Authorization form and User Authorization Procedures can be downloaded from the [CAA Portal](#) > [Software Access](#) located on MaineHousing's web site.*

2. Change a User's Authorization Level or Remove User Access

IMPORTANT: CAAs must notify MaineHousing immediately when an agency employee leaves the agency so that access can be terminated.

CAA must email a revised *User Authorization Form* to MaineHousing at EHSHelpDesk@mainehousing.org with a subject line of "[CAA Name] User Authorization Form."

3. Confirmation

MaineHousing will notify the CAA Manager/Director signing the *User Authorization Form* when access has been granted. Concurrently, an email is sent to the new user with the applicable log-on information.

C. CAA Portal

Lead Program forms and bundles are available on MaineHousing’s CAA Portal. From the CAA Portal landing page, click on Lead Programs which takes the user to a screen containing four tabs: (1) Program Forms, (2) Program Tools, and (3) Program Guidance & Brochures.

- (1) **Open the document.** Be sure to use the most current version of Adobe, which is free. Older versions of Adobe had some glitches.
- (2) **Save then populate (not the other way around).** The browser is not designed to retain data. Once the document is open, “save as” and give the blank document an Applicant file name, which should include the program type, Applicant’s name and date.
- (3) **Important: Do not save blank forms on computers for future use.** MaineHousing will be revising and updating forms as necessary (*e.g.*, new forms, correct typos, form fields not properly calculating, etc.). Always obtain documents for each Applicant from the CAA Portal or HEAT.
- (4) **Document functionality.** Bundles have auto-populating functionality. Provide the data on the bundle’s cover sheet and the forms will auto-populate. The cover sheet currently contains data which appears on most forms, such as Applicant name, contact data, etc.
- (5) **Review Forms.** Review the forms and add missing data.

***TIP:** Save the CAA Portal as a computer and/or tablet Favorite for easy access. That way forms and documents are one click away.*

D. ShareFile

IMPORTANT: CAAs must notify MaineHousing immediately when an agency employee leaves the agency so that access can be terminated.

ShareFile provides authorized users with a secure platform to upload documents without restriction to file size, format or frequency.

- (1) Each CAA is assigned a ShareFile folder that provides access (permissions) to authorized users identified by the agency.
- (2) MaineHousing creates and maintains ShareFile folders and subfolders.
- (3) MaineHousing provides access for CAAs and MaineHousing’s Energy and Housing Services (EHS) staff.

*CAA Housing Directors/
Managers must email the Users
Authorization
EHShelpdesk@mainehousing.org
to request employee access to
the agency’s ShareFile folder(s).*

How it Works

1. CAA (re)names the document file with a naming protocol that includes the Applicant name and document description.
2. CAA enters ShareFile and uploads the document file to the appropriate subfolder to securely transmit to MaineHousing. That’s it! EHS takes it from there.
3. EHS staff receives email notification when a file is uploaded to ShareFile folders, downloads and saves the document on MaineHousing’s server for review/processing by EHS staff.
4. Once a file is downloaded/processed by MaineHousing, the file is moved to the “Processed by MaineHousing” subfolder within the agency’s ShareFile subfolder. The “Processed by MaineHousing,” subfolder was created solely to move processed files out of the CAA’s main ShareFile subfolder and still allow CAAs to access previously submitted documents.

CHAPTER C: PROGRAM CONTRACTORS

MaineHousing must pre-approve the use of a Certified Abatement Contractors for Lead Program project. The following sections outline the procedures for securing soliciting, screen and Qualified Contractors.

SECTION C1: CONTRACTOR PRESCREENING PROCESS AND REQUIREMENTS

A. Publish Notice in Newspaper Annually

- (1) In order to ensure open and fair opportunity for all interested and potentially Qualified Contractors, the CAA shall place an advertisement in a local newspaper once a year to invite contractors to be prescreened to participate in the Program. The advertisement must contain information regarding where contractors can obtain *Application* forms and deadlines when *Applications* are due.
- (2) The CAA may also invite contractors by sending notices directly to those the CAA has worked with in past projects.

B. Prescreen and Qualify Contractors

- (1) The CAA and MaineHousing shall conduct a prescreening process on an ongoing basis to maintain a pool of qualified contractors for the Program (Qualified Contractor).
- (2) The following represents a list of the minimum criteria for a contractor to be qualified to perform work funded by the Program.
 - a. Completion of the *Contractor Application*.
 - b. Search Debarment List on SAMS.GOV to make sure contractor can receive grant money from the Federal Government
 - c. Insurance certificate with the following minimum coverage:
 - i. Pollution Occurrence Insurance (POI);
 - ii. General Commercial Liability in the amount of \$1,000,000 per occurrence/\$2,000,000 aggregate or more (Claims Made Policy is acceptable);
 - iii. Worker's Compensation Maine Statutory Limits or state waiver saying that the contractor is not required to have Worker's Compensation because he is working alone or with family ; and
 - iv. Vehicle Liability Insurance (Maine Limit Required).
 - d. Appropriate licenses to perform certain kinds of work such as electrical, plumbing, and heating.
 - e. Copies of certificates stating that the contractor is RRP certified and the contractor's firm is certified. This is required of all contractors and workers who potentially could disturb lead-based paint in the course of their work.
 - f. List of three (3) most recent residential Applicant references. Include Applicant name, address, and telephone number, and date work was completed.
 - g. Contractor must be eligible to receive an award under applicable laws and regulations.

NOTE: See Section C1(F) for information about MaineHousing's Contractor Pollution Occurrence Insurance Incentive Program.

NOTE: CAAs must maintain a current insurance certificate, licenses and other required certifications on file at their office. These documents are to be made available to MaineHousing upon request and at the time of audits/monitoring visits.

- h. The project file must contain a *Contractor Eligibility Verification form* for all contractors.
- i. The CAA shall review the *Application* and supporting documentation package submitted by each contractor seeking qualification.
 - i. The CAA shall check references including Applicants and suppliers of the materials.
 - ii. The CAA shall also review the package for appropriate licenses and training.
- j. Once the *Application* package is deemed complete and the CAA has performed the background check(s), the CAA shall submit a copy of the *Application* materials and the *Contractor Eligibility Verification Form* to MaineHousing with a recommendation to qualify or not to qualify.
- k. MaineHousing will review the *Application* materials and will determine if the contractor is qualified to participate in the Program. MaineHousing will maintain a list of Qualified Contractors for future reference.

C. Previously Qualified Contractors

Contractors qualified in previous years do not have to reapply in subsequent annual invitations for qualification. However, previously qualified contractors must provide the CAAs annually with the following:

- (1) Insurance certificate with the following minimum coverage:
 - a. Pollution Occurrence Insurance (POI);
 - b. General Commercial Liability in the amount of \$1,000,000 per occurrence/\$2,000,000 aggregate or more (Claims Made Policy is acceptable);
 - c. Worker’s Compensation Maine Statutory Limits; and
 - d. Vehicle Liability Insurance.
- (2) All certification updates and certifications/licenses of new staff since the last submission of documentation
- (3) CAAS must search Debarment List on SAMS.GOV to make sure contractor can receive grant money from the Federal Government. This search must be conducted at least twice a year.

NOTE: See Section C1(F) for information about MaineHousing’s Contractor Pollution Occurrence Insurance Incentive Program.

D. Subcontractors

Subcontractors under the direct control of a Qualified Contractor do not have to be prescreened and/or qualified. The Qualified Contractor will be responsible for its subcontractor’s performance.

E. Removal of a Contractor

In the event that a contractor fails to meet the specifications and contract requirements in a project he/she undertakes in the Program, MaineHousing may, at its discretion, remove this contractor from the list of Qualified Contractors. If MaineHousing removes a contractor from the qualified list, MaineHousing shall inform the CAA of its decision and why in writing. The contractor will also be notified in writing that they are no longer considered a Qualified Contractor.

F. Contractor Pollution Occurrence Insurance Incentive Pilot Program (Federal Lead Only)

1. CPOII Pilot Program Overview

The Federal Lead Program requires contractors maintain Pollution Occurrence insurance to protect against damages and injuries that may occur during operations. MaineHousing created the Contractor Pollution Occurrence Insurance Incentive Pilot Program (CPOII Pilot Program) to provide an incentive for lead abatement contractors to continue to work or to join MaineHousing's approved lead abatement contractor list.

2. CPOII Pilot Program Effective Date

The CPOII Pilot Program was implemented on November 18, 2020. The CPOII Pilot Program period is February 3, 2020 through August 3, 2023. The CPOII Pilot Program will end when available funding is expended by MaineHousing.

3. CPOII Pilot Program Award Amount

\$500 per project up to a maximum total award of \$2,000 per contractor per calendar year.

4. Eligible Projects

Projects funded with MaineHousing's Federal Lead Hazard Reduction Grant.

5. Eligibility Criteria

Contractor must meet all of the following criteria to receive funds through the CPOII Pilot Program:

- a. Project must start within seven (7) days from the effective start date indicated on the signed Construction Contract.
- b. Project must be completed by the end date referenced on the signed Construction Contract.
- c. Units must clear on the final dust wipes on the first test.

6. Submission Requirements

- a. Contractors wishing to participate in the CPOII Pilot Program must submit and complete the "Contractor Pollution Occurrence Insurance Incentive Pilot Program" section of the revised HUD Required Section 3 Verification Data form (Appendix R3, revised 11/18/2020) which is posted on the CAA Portal and included in the Phase 2 form bundle.
- b. Contractor must provide the CAA with proof of current and active pollution liability insurance policy certificate.

GUIDANCE: Contractors who completed eligible projects after February 3, 2020 and before the implementation of the CPOII Pilot Program should be instructed to resubmit the HUD Required Section 3 Verification Data form directly to the CAA to be considered for CPOII Pilot Program awards. CAAs must provide the completed form to MaineHousing (via ShareFile) for processing.

7. Payment Process

- a. MaineHousing will calculate and remit payment directly to Contractors.
- b. Contractors who have reached the maximum CPOII Pilot Program award amount of \$2,000 during a calendar year will not be eligible for an incentive payment until January 1 of the following calendar year.

SECTION C2: SELECTION OF QUALIFIED CONTRACTOR

CAAs, in consultation with the Applicant, must select contractors from MaineHousing’s list of Qualified Contractors. If Applicant refuses, the *Application* will be disqualified from receiving assistance.

The Applicant can request their preferred contractor to become qualified, however, the Applicant should be advised that this could delay the project and that the “preferred” contractor must bid for the work as would any other contractor.

A. Solicit Proposals from Qualified Contractors

The CAA’s Lead Designer shall prepare a package to use in soliciting proposals from Qualified Contractors. This package must include the following information:

- (1) A copy of the *Construction Contract*, with attachments including *Appendix A, Job Specifications*.
- (2) The CAA must attempt to receive three (3) qualified proposals to perform the work. In order to acquire three qualified bids, it may be necessary for the CAAs to invite four (4) or more contractors to bid.

B. Pre-Bid Walk Through

- (1) The interested contractors, Lead Designer and the Applicant shall perform a pre-bid walk-through of the subject property. This will provide an opportunity for contractors to review the specifications at the project site.
- (2) The Applicant should be instructed to direct all specification questions to the CAA Lead Inspector assigned to the project.
- (3) If changes are made as a result of the property walk-through, the project specifications should be modified accordingly with permission from the owner. All parties in attendance at the walk-through shall receive written copies of the changes to the original specifications so that all interested contractors will have the same information for bidding purposes.
- (4) The Lead Designer and Applicant shall pick days and times for site walk-through and make it mandatory for all previously Qualified Contractors who wish to submit a bid.
- (5) Any contractor who fails to attend a walk-through shall not be allowed to bid.

C. Contractors Submit Bids

Contractor bids must be submitted to CAA in a sealed envelope or via secure email per the CAAs request for proposal process to be opened at the date and time specified in the request for proposal.

D. Lead Designer Reviews Proposals

1. Review Proposal with Applicant

The CAA Lead Inspector reviews proposals and goes over the proposals with the Applicant to ensure that all work has been properly addressed and will be completed according to the written job specifications, that the contractor has the appropriate insurance and licenses, and that the cost is reasonable and in line with cost estimates.

2. Determine Cost Reasonableness

The Lead Designer will determine if the bids are cost reasonable. If the bids are determined to be cost reasonable, the method for making this determination must be noted (*e.g.*, costs are within 10% of those estimated on the *Work Write Up/Cost Estimate Form*). If the bids are determined not to be cost reasonable, the

actions taken must be noted on the form. The Applicant and the Lead Designer must sign the form.

E. Low Bid Contractor Not Within 10% of Cost Estimate

If low bid contractor's prices are not within 10% of the cost estimate, the Lead Designer and the Applicant must discuss the following options:

- (1) A reduction in the scope of services to help lower costs while still meeting property rehabilitation standards. Remember, WSD items and lead-based paint hazards must be addressed first before other general repairs.
- (2) Revise the in-house estimate based on new and/or additional information provided by the contractor (*e.g.*, cost of lumber increased).
- (3) Assess the possibility that a change in materials or techniques may lower costs without compromising quality or required standards.
- (4) Permit the Applicant to pay the difference between the cost estimate plus 10% and the contractor's price.
- (5) Take a position with the contractor that if he/she lowers the cost to within 10% of the original estimate, he/she will get the work and the Applicant will not seek quotes from other contractors.
- (6) Obtain proposals from other Qualified Contractors.

F. Lowest Qualified Bid Awarded the Project

The lowest qualified bidder may not be awarded the project. The CAA will review the work proposals and will award the job to the most qualified contractor. If an Applicant prefers a Qualified Contractor who has submitted a higher bid than its competition, the Applicant **must pay** the difference between the lowest qualified bid and the chosen Qualified Contractor. The Applicant will give the CAA a check for the difference. The CAA will put this check into an escrow account and hold the funds until the job is completed. The CAA will then issue a check from the escrow account to the selected Qualified Contractor.

G. Advise Applicant

Advise the Applicant that no work can begin until after approval by MaineHousing. If work begins prior to approval, any costs associated with the work that was started prior to the approval will not be reimbursed.

H. Contractor Unable to Bid

If a contractor is unable/unavailable to bid, the CAA must provide the contractor with a *Refusal to Bid* form. The contractor must complete, sign and submit the *Refusal to Bid* form to the CAA. Failure to complete this form may result in the contractor being removed from the Qualified Contractor list.