CITY OF NORWICH

HUD LEAD BASED PAINT HAZARD CONTROL PROGRAM

POLICIES AND PROCEDURES

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SECTION I – GENERAL INFORMATION

1.1 Introduction

The policies and procedures contained herein are for the purpose of establishing the requirements in complying with the HUD Lead Based Paint Hazard Control in Priority Housing Program. This document will be used as a guidance document for the program applicants and will be part of the application package.

1.2 Purpose and Program Objectives

The program goals and objectives are to make priority-housing units within Norwich "Lead-Safe". It is the goal of this program to insure availability of safe, clean and affordable housing units.

Funding to property owners will be in the form of deferred payment loans/grants. The intent of providing this type of financing is to encourage participation and preservation of affordable housing.

1.3 Definitions

Refer to ***appendix A*** *and* ***B*** *for where to obtain additional* definitions contained in the Connecticut Regulations.

Connecticut Regulations: Connecticut regulations refer to the Connecticut Department of Public Health Lead Poisoning Prevention and Control Regulations (section 19a-111-1 thru 19a-111-11 of the Connecticut General Statutes) and the Connecticut Department of Public Health Lead Licensure and Certification regulations (section 20-478-1 thru 20-478-3 of the Connecticut General Statutes).

Lead-safe: Lead safe for the purpose of this guide means that all surfaces in the structure are below the toxic lead levels indicated in the Connecticut Regulations or HUD requirements or are intact and under a management plan to prevent future problems.

Priority housing: Pre 1978, privately owned housing that qualifies as affordable per section 215 of the National Affordable Housing Act. Public housing, federally owned housing and federally assisted housing, other than Section 8 are not eligible.

Investor owners: Owners of property who do not reside in the structure.

Owner occupants: Structures in which the owner maintains his full-time residence.

1.4 Basic Qualifications

The property must contain "toxic levels of lead paint" as defined by the HUD Regulation on controlling Lead Based Paint Hazards, Connecticut Regulations, or be under an abatement order from the local health department.

To qualify for the Lead Based Paint Hazard Control Program, as an owner occupant, the owner's income must meet the following guidelines:

Number of People In Household	Gross Household Income*
1	$46,000
2	$52,600
3	$59,150
4	$65,700
5	$71,000
6	$76,250
7	$81,500
8	$86,750

*Based upon **HUD FY2014** guidelines

The figures shown above are adjusted on an annual basis and can be confirmed with the Office of Community Development. The owner must also provide additional financial information as contained in the application form.

To qualify for the Lead Hazard Control Program, as an investor owner, the property must be currently occupied by families meeting the above income guidelines or vacant. The investor owner must also provide additional information as contained in the application form.

1.5 Type of Assistance

Funding assistance is available in two forms based on property ownership categories. Categories are as follows:

Owner Occupants

Assistance is in the form of a deferred payment loan and secured by a lien on the property, which will be forgiven at a rate of 10% over 10 years provided home ownership is maintained. Funding is available in the amount of $16,000.00 per single unit structure and $13,000.00 per unit up to two units for a maximum of $26,000.00 dollars. Single unit structures not receiving addition Property Rehabilitation funds will be eligible for maximum single unit funding not to exceed $20,000.00 In the case where the maximum available funding for a project is insufficient to accomplish the required Lead Hazard corrections, it becomes the property owner's responsibility to provide any additional funding for the completion of the Lead Hazard control work. Any required additional funding must be provided by the homeowner at the time of the project contract signing. In the event additional funding can not be secured, the project will be canceled and the awarded funding will be recaptured by the Program. The amount of this additional funding (if any) will be determined by the difference between the approved funding amount and the accepted bid price for the work. This difference will be deposited with the City of Norwich at the time of contract signing.

The Deferred Payment Loan operates as a grant to the current owner except upon the sale, transfer of interest, or change in occupancy status in the property within 10 years of the completion of the Lead Hazard Control work. In the event of the sale, transfer of interest, or change of occupancy, the outstanding balance of funding will become due and payable to the City of Norwich.

Property sold at end of:	Repayment Required
Year 1	90% repayment
Year 2	80% repayment
Year 3	70% repayment
Year 4	60% repayment
Year 5	50% repayment
Year 6	40% repayment
Year 7	30% repayment
Year 8	20% repayment
Year 9	10% repayment
Year 10	0% repayment

Investor Owners

An investor owner is an owner who does not reside in the property under consideration for the program, or a resident owner with 2 or more rental units, **not including** the unit in which the owner resides. Assistance will be provided in the form of a zero interest loan or deferred payment loan, which will not exceed $13,000.00 per unit up to a maximum of 10 units, not to exceed $130,000.00 per structure.

Investor Owners are eligible for Lead Hazard Reduction Funding under the following two sets of terms:

1. The Investor Owner will pay back awarded funding at zero percent interest over 10 years/ 120 monthly payments. In the event of the sale, or transfer of interest, the outstanding balance of funding will become due and payable to the City of Norwich.

2. The Investor Owner may qualify for a deferred loan term, fully forgiven over a 5 year period. To qualify for the 5 year deferred loan, the Investor Owner must register the funded property, or units within the property, for Section 8 housing. The amount deferred will be based upon the number of Section 8 units within the project that are registered with the local Section 8 housing agency. Investor Owners electing to obtain Section 8 housing status must do so within 30 days from the completion date of their project. A loan modification will then be implemented to reflect the Section 8 terms of their funding award. In the event of the sale, transfer of interest, or loss of Section 8 status, the outstanding balance of funding will become due and payable to the City of Norwich.

General notes on deferred payment loans:

1. All liens will be released at the end of their 10, or 5 year terms respectively.
2. The City will base financial assistance to all properties upon the properties' ability to carry loan payments and to protect against indirect displacement. Owners will be required to ensure that tenants will not be displaced after lead Hazard correction.
3. The City will require that the rent after Lead Hazard Reduction be no higher than Section 8 existing fair market rents. Note: Investor Owners electing to qualify under Section 8 status are required to maintain Section 8 fair market rental rates for the full 5 year lien duration. See Appendix C for Section 8 fair market rents. All Lead safe units must also be marketed specifically for families with children under the age of six for a period of three years after the completion of the work.

1.6 Nondiscrimination

Section 109 of the Housing and Community Development Act of 1974 requires that no one shall, on the grounds of race, color, national origin, sex, age, or handicapped status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded with Community Development funds. In addition, any property owner, as a condition of obtaining a lead hazard reduction loan, must comply with all applicable requirements imposed by or pursuant to regulations affecting Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 regarding the sale, lease, use or occupancy of his/her property.

1.7 Temporary Relocation

Temporary relocation of tenants during the lead hazard reduction process may be required by the scope of work and the occupancy of Children under the age of 6 in the dwelling units. In cases where temporary relocation will be required, the City of Norwich will coordinate the relocation through the Intake Outreach Specialist. The cost of relocation is handled by the City and is considered separate from the deferred loan package. All relocation is to be in compliance with the City of Norwich Relocation Policies and Procedures. Tenants will receive notification and general relocation information upon receipt of your application. The tenants will be advised of the purpose of the application as well as their rights and responsibilities within the Lead Hazard Control, and "or" Rehabilitation programs.

1.8 Waiver of Policy

The policies and procedures set forth herein shall be implemented in a uniform and consistent manner. Any questions concerning stated policies or procedures or waiver of same may be referred to the Rehabilitation Review Committee for consideration. The Rehabilitation Review Committee may authorize a waiver of policy by approval of a majority of members. Requests for waivers shall be submitted in writing, to the Lead Rehabilitation Officer, and shall contain the following:

1. State the specific policy provision for which the waiver is requested.
2. Clearly describe the specific circumstances and facts on which the request for waiver is based.
3. State the reasons why the waiver is felt to be warranted in the particular circumstance.

The City of Norwich reserves the right to amend, without notice, these regulations as circumstances and experience dictates.

1.9 Administration

The Lead Hazard Control Program will be administered through City of Norwich, Office of Community Development.

The Lead/Rehabilitation Officer will be responsible for the overall management and implementation Lead Hazard Control Program. This will include coordinating the activities of the Intake Outreach Specialist for the purpose of achieving overall programs goals.

The Lead/Rehabilitation Officer will be responsible for the day to day activities of the Lead Hazard Control Program. The Officer will monitor all construction activities, and act as the liaison between all parties for the purpose of project coordination, quality control, and dispute mediation.

The Intake Outreach Specialist will be responsible for the intake and processing of program applications. The Intake Outreach Specialist will coordinate and monitor tenant relocation, collect data, facilitate blood lead level testing in children, and provide lead paint safety education/outreach per program requirements.

SECTION II – ELIGIBILITY REQUIREMENTS

2.1 General

Determination of eligibility for a Lead Hazard Control deferred payment loan in accordance with the requirements set forth in section 1 and 2, shall be made by the City of Norwich staff. The City staff shall assist the applicant in preparing the application and other matters pertaining to determining eligibility and levels of assistance.

2.2 Basic Eligibility

a. In order to be eligible for a deferred payment loan the applicant must hold legal title to the proposed property at the time of application. All applicable taxes must be paid, and remain current during the deferred loan period. Applicants' mortgage **must be current** at the time of application and at contract signing.

b. The property must be found to contain toxic levels of lead when tested by a licensed testing company.

c. The toxic lead areas and property must be in a defective condition, or under an abatement order from Uncas Health District or other regulatory agency, or require lead hazard reduction as per the HUD Regulation on controlling Lead Based Paint Hazard or Connecticut Department of Public Health Regulations.

d. Submittals of all existing lead testing reports for the property are requested with the application. During the initial property inspection, the City of Norwich or its representative may, as deemed necessary, perform additional testing to confirm the presence or absence of lead based paint. The lead paint test is performed using standard accepted protocols and is used to determine or confirm the presence of lead paint at the applicant's property.

e. Supplementary testing may be required prior to Lead Hazard control work. The cost of this testing will be included in the total project cost.

2.3 Income

a. Projects must benefit low to moderate-income households, according to income limitations as defined by family size. 100% of all units or apartments within a structure must be occupied by families, which are under 80% of the median income. 50% of the units must serve families with incomes at or below 50% of area median income. Note: Income guidelines change yearly.

b. Household income is determined by totaling all income received by applicant, spouse and other household members for a one-year period prior to the date of application. The following sources of income will be included in determining gross household earnings:

1. Gross salary from employment
2. Periodic payments from annuity, pensions, disability payments, benefits, etc.
3. Payment in lieu of wages, unemployment compensation, workman's compensation.
4. Welfare payments
5. Social Security
6. Periodic allowances, child support, alimony
7. Armed forces pay
8. Interest and dividends from savings, stock
9. Net income from the operation of a business
10. Income received from rental units

2.4 Property Requirements

a. Property must be residential in nature and use.
b. All applicable taxes must be paid to date on all properties owned by the applicant in Norwich.
c. Priority will be given to properties currently housing children under the age of 6 with elevated blood lead levels.
d. Secondary priority will be other residential structures with abatement orders from the Local Health Department.

Category	Priority
Priority Housing Child 0-6 years of age Elevated blood lead level (EIBLL)	1
Priority Housing Child 0-6 years of age Child with EIBLL in another unit in same building	2
Priority Housing Child 0-6 years of age No EIBLL in building	3
Priority Housing No Child 0-6 age in unit to be corrected Child 0-5 years in other unit in same structure	4
Priority Housing No child 0-6 years in structure Potential for future children to occupy	5

FIGURE 2.4.1 – Priority Ranking

2.5 Agreements

a. The applicant will agree to the placement of a lien for the amount of the loan on the subject property, at the time of their contract signing.

b. No rent increases will be allowed for a period of two years from the date of completion of the lead hazard control work and rents will remain in compliance with fair market housing rental guidelines.

c. No tenant shall be forced to move by the owner or loan recipient as a result of receiving these funds. Any violation of this will result in the cancellation of the loan and immediate recapture of all funds given.

d. Tenants shall be guaranteed occupancy for a two-year period following lead hazard control work completion, or until their current lease expires. Exceptions to this are made for cause (non-payment of rent or nuisance). Non-compliance will result in the cancellation of the loan and immediate recapture of all funds given.

2.6 Ineligibility

Applicants found to be ineligible for a deferred loan shall be given written notice of the reason(s) for disapproval of his/her application. Denied applicants may submit a written appeal to the Rehabilitation Review Committee for consideration of a waiver. (see Waiver Policy 1.8)

2.7 Tenant Eligibility

Tenants themselves are not directly eligible to participate in this program. Investor Owners however, establish their eligibility based on their tenant's income levels, as stated in the income guidelines. In order to provide a reasonable degree of protection to tenants, property owners must agree to rent their units within the Section 8 fair market housing rates for the duration of the lien period, post-Lead Hazard Reduction completion.

2.8 Licensed Contractors Requirements

Contractors Participation

It is necessary that contractors provide a quality of work, which insures the property can obtain final clearance as defined by the HUD Regulation on controlling Lead Based Paint Hazards or State of Connecticut Regulations, which ever is more restrictive. To provide the highest degree of security to both the program and the owner, contractors will have the following on file with the City (updated on an annual basis):

1. Before the signing of any construction contract, evidence of insurance (workman's compensation if needed, liability, etc.). A contractor must have a minimum coverage of $1,000,000 property liability and bodily injury liability as well as a lead abatement specific pollution liability insurance policy on a claims made basis. See contract for specific job insurance requirements.
2. A contractor must also have a Home Improvement Certification issued by the State Department of Consumer Protection and a State certified Lead Contractors license.
3. All lead hazard remediation contractors, supervisors, and workers must be licensed by the State Department of Public Health. The contractor will be required to provide a list of all workers with license numbers, most recent blood lead level testing date and results prior to the start of construction or lead hazard reduction. The contractor is subject to state inspections and will be required to provide updated lists as needed throughout the course of the project.

The City will also utilize the State's listing of minority and women firms for material and contracting opportunities. Direct notification to appropriate firms on this list will occur as part of the City's outreach process.

Contractors must take out all required permits prior to initiation of construction. The cost of these permits are to be included within the overall job cost.

Procurement Standards

In regard to the City's Lead Hazard Reduction Program, the following procurement standards are set forth:

1. The City will formally advertise for bids and conduct pre-bid conferences.
2. The owner may select a contractor other than the low bidder. In such cases, financial assistance will be computed on the basis of the certified low bid only. The property owner will be responsible for the difference.
3. The City reserves the right to reject any or all bids or estimates of contractors and to waive any irregularities or items if it is in its best interest to do so.
4. The City of Norwich will review all bids and is responsible for approving contractor selection by the owner.

5. In the event a homeowner wishes to be the contractor for his/her own project, he/she may do so only through the sealed bidding process, and in accordance with the City's procurement standards. Homeowners wishing to act as their own contractors must demonstrate that they are primarily a contractor for a minimum of three (3) years (as evidenced by submission of tax returns), not that they acquired a contractor's license for the sole purpose of performing their work. They must also abide by the program's bidding policies, fill out a contractor's application, have three references, have a home improvement contractor's license, and have the same insurance coverage as required of other contractors (such as $1,000,000 personal liability coverage and $1,000,000 property damage coverage). In addition where required, all Lead Paint Hazard Control requirements will be mandatory.

SECTION III – LEAD HAZARD REDUCTION PROCESS

3.1 Application

The City of Norwich will provide the application form and informational package to all interested parties. Applications will be available at the Community Development Office at 23 Union Street, Norwich, CT during normal business hours. Applications may also be accessed on the Community Development webpage at www.norwichct.org.

All applicants who have submitted completed application forms, inclusive of lead paint inspection reports, if available, will then be qualified according to the program guidelines. An interview with each applicant will be conducted as necessary in order to qualify the project.

An inspector from the City of Norwich will visit the property to do a full property inspection. The purpose of this inspection is to make a preliminary determination of eligibility for this program. The City of Norwich reserves the right to photograph or videotape the structure for future review during the approval process. This inspection does not guarantee the applicant funding, nor does it activate local housing codes. An environmental review of the structure will also be conducted to determine its historical significance, flood zone rating, fire and explosive hazard, and other environmental concerns. Properties located in recognized flood zones will be required to obtain flood insurance prior to participating in the program.

3.2 Approval

Upon written notice of approval, a detailed scope of work will be developed based on Lead Paint inspection reports, and Building code inspections. Final project plans will be reviewed and approved by the Property Owner.

3.3 Project Set-up, Planning & Estimates

The Project Manager will meet with the owner to review and modify the lead Hazard reduction plans as needed to comply with the Connecticut regulations, HUD requirements, the project budget, Section 8 Housing Quality Standards and the owner's needs. The owner will approve and sign off on the plans prior to the bidding process. All lead Hazard reduction plans must also be approved by the local health official, and are subject to review by the State Office of Historic Preservation.

The Project Manager will then have detailed specifications and a bid package prepared for public bidding. As part of the bidding process the bids will be publicly advertised and pre-bid

meetings will be held. Small, minority, female contractors and Section 3 outreach efforts will also be encouraged to bid.

3.4 Bidding and Contractor Selection

After receipt of the bids, they will be reviewed with the property owner. The City will base its funding on the lowest reasonable bid. Any additional funding required will be deposited by the Property Owner with the City of Norwich for distribution as the project progresses.

The Project manager will then prepare a contract between the owner and the contractor and set up a meeting to review the scope of work, start date, methods of payment and other project related issues. Both parties at this meeting will sign the contract. A notice to proceed will then be issued to the contractor. The Property Owners will sign agreements with the City including promissory note, general agreement, warranty deed and other required agreements.

3.5 Lead Paint Hazard Reduction Work

Upon signing the contract and after an order to proceed has been issued the contractor will prepare the property using all Lead Hazard reduction safety measures and equipment needed to carry out the work. The contractor will be required as needed to correct any problem areas to conform to the Connecticut regulations regarding the implementation of Lead Hazard correction work.

The project will be inspected by the Project Manager on a spot basis to monitor lead safety practices during construction, as well as quality control and timeliness of completion. The Project Manager will also conduct unscheduled inspections as needed to ensure compliance with the contract, HUD Regulations on controlling Lead Based Paint Hazards and State regulations.

The contractor will submit invoices to the Project Manager as outlined in the contract. These invoices will be checked against the progress of the job for accuracy. The City and the property owner will sign the requisitions and invoices prior to payment of the invoices. Upon approval, the City will make a payment to the contractor.

After completion of the lead hazard correction work the contractor will request a final inspection of the completed work. If any deficiencies are found during the final inspection, the contractor will be given a punch list of deficient items with a timetable for completion of items. No final payment will be issued until the punch list is complete and the property has passed final clearance inspection. When the work is approved the contractor will then complete a final cleaning of the property and coordinate a lead dust testing with the programs licensed lead testing contractor. Final dust wipes will sent to a licensed Laboratory and results must comply with State and Federal requirements for lead clearance compliance. Failed wipe tests will result in the contractor re-cleaning and resubmitting dust wipes for failed areas. Note: The Program will include costs for initial wipes and the first round of failures, continual failures may result in back charges to the Contractor based on an evaluation of their practices.

When the contractor requests a change order, the contractor shall provide a detailed description of the proposed change and supporting documentation for the change order. The change order will be reviewed and acted on by the Project Manager and owner prior to any work performed on the change order. No payment will be issued on change orders without prior approval by both owner and Project Manager.

3.6 Project Closeout

Upon completion of the project, a sign-off sheet will be prepared for the owner, the licensed Lead Inspector, the Department of Health, and the City of Norwich. The Project Manager will ensure that all documentation is in place and accurate prior to the sign-off. A waiver of mechanics lien is to be signed by the contractor and all his subcontractors stating that they have been paid in full. The waiver of lien is to be notarized and filed with the Community Development Office.

The contractor as indicated by the signing of the contract document, warranties, workmanship and or materials for a period of one year from the date of contract completion and acceptance.

When all of the above paperwork has been completed, the contract will be reviewed by the Rehabilitation Review Committee for approval of final payment on the job. The contractor will in addition provide the home owner with all manufacturer warranties as they pertain to products used in the project. Additionally a Lead Hazard Control, "Closing Package" will be developed and issued to the Home Owner within 30 days of the Completion of the project. The Package will consist of the following:

1. The initial Lead Paint testing report.
2. The Approved Lead Paint Hazard Control Plan.
3. A letter of compliance to the Approved Control Plan.
4. Final dust-wipe results and any re-wipes.
5. A detailed Management Plan, listing all areas still containing Lead Paint based hazards.

3.7 Monitoring

As part of the requirements of the grant the State Department of Health Services, may monitor the structure and the tenants during the course of the lead hazard control process and up to one year after the completion. This monitoring will involve collection of dust wipe samples taken from the floors, windowsills and window wells throughout the structure.

SECTION IV – APPENDIX A - D

A. Connecticut Department of Public Health, Lead Poisoning Prevention and Control Regulations. www.state.ct.us/dph/BRS/lead/lead_regulations.htm or (860) 509-7299 or (860) 509-7745

B. Connecticut Department of Public Health, Lead Licensure and Certification Regulations www.state.ct.us/dph/BRS/lead/lead_regulations.htm or (860) 509-7299 or (860) 509-774

C. Fair market rents for existing housing, based upon the United States Department of Housing and Urban Development; Section 8 guidelines (FY 2015) are as follows:

Efficiency	$ 732.00
1 bedroom	$ 861.00
2 bedroom	$1,119.00
3 bedroom	$1,474.00
4 bedroom	$1,710.00

These figures include all utilities and must be adjusted depending on utility assignment.

D. General Policy for Review, Acceptance, and Prioritization of Applications
Lead Hazard Reduction Program

Applications will be received in the City of Norwich, Office of Development between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday during the designated application period, or on an on going basis, as advertised. Upon receipt, all applications will be noted with the date and time of receipt.

Applications will then be checked by the Intake Outreach Specialist for completeness. The Intake Outreach Specialist will process applications and arrange individual meetings with applicants for the purpose of gathering further information as needed.

Applications will be checked for program qualifications with respect to the applicant and tenant's income, the property ability to support the deferred loan, and all other application requirements.
All applications, will meet all other program requirements as defined in the Policy and Procedure Guide will then be prioritized based upon the following:

1. Health status of residents with respect to lead poisoning or elevations as defined by the HUD priority list in the Policy and Procedure Manual.
2. Current abatement orders from the Health Department.
3. Application intake order with respect to other approved applications.
4. Date and time the completed application was received.

After the applications are prioritized, they will be reviewed for their historical significance, the environmental impact of the property, the amount and type of Lead Hazard control/ rehabilitation required.

Applications will then be forwarded to the Rehabilitation Review Committee for review. Final actions are based upon the merits and status of the application and a recommendation from the Project Manager who will be responsible for ensuring compliance with the program requirements based upon the grant regulations and the Policy and Procedure Guidelines. The Rehabilitation Review Committee will consider the application and approve or disapprove the application. Applications, which are not approved, may be appealed through the procedures listed in the Policy and Procedure Guide.

After application approval, individual applications will enter the planning, bidding and construction phases as outlined in the Policy and Procedure Guide.

All decisions of the Rehabilitation Review Committee are final. Each denied application is allowed one appeal. If that appeal is not approved the application is terminated.

Properties are limited to a one-time use of this funding. One owner may submit multiple properties providing that each individual property meets the requirements of the program.