

2008

Regulatory Framework for Grants



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Objectives for Session

- Overview of Federal Regulatory Structure for OHHLHC Grants
- Hierarchy of Regulations
- Meshing State/Local Regulations with the Federal Requirements



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Statutory Authority - Citations

- Housing and Community Development Act of 1992
- Title X
- Becomes Public Law 42 U.S.C. § **4851 et. seq**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Statutory Authority

42 U.S.C. § 4851 et. seq., Chapter 63A of Title 42 (Public Health and Welfare) of the US Code authorizes the Secretary of HUD “to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in priority housing that is not federally assisted housing, federally owned housing, or public housing.”



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Title X

Lead Hazard Control Grants and Lead Outreach Grant Programs are authorized under Section 1011 of the act.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Title X

Healthy Homes and Lead Technical Studies grants are authorized under Sections 1051 and 1052 of Title X.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Code of Federal Regulations

- **Codification of general and permanent rules published in the Federal Register by the executive departments and agencies.**
- **CFR's issued by the individual executive department or agency.**
- **Each department/agency identified by the CFR number, i.e. 24 CFR (HUD), 40 CFR (EPA).**
- **Specific guidelines identified by Part number.**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Code of Federal Regulations

- **24 CFR 85**

Establishes uniform administrative rules for Federal grants and cooperative agreements and sub-awards to State, local and Indian tribal governments.

- **24 CFR 84**

Establishes uniform administrative requirements for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. Non-profit organizations that implement Federal programs for the States are also subject to State requirements.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OMB Circulars

Mission of the Office of Management and Budget:

- Oversee preparation of the federal budget.
- Supervise administration of the budget in Executive Branches.
- Formulate spending plans.
- Evaluate effectiveness of agency programs.
- Oversee and coordinate procurement, financial management, information and regulatory policies.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OMB Circulars/CFRs

Institutions of Higher Education, Hospitals and other non-profit organizations

- Uniform Administrative Requirements:

OMB Circular A-110

- Federal Cost Principles:

OMB Circular A-21

- 24 CFR

Part 84



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OMB Circulars

Non-Profit & Higher Education Organizations

- Uniform Administrative Requirements:
OMB Circular A-110
- Federal Cost Principles:
OMB Circular A-122
- Audits Requirements:
OMB Circular A-133
- 24 CFR:
Part 84



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

NOFA Requirements

- OMB and CFR guidelines are referenced in each NOFA.
- Know the OMB Circulars and CFR's your grant will operate under.
- Each CFR Volume is updated once a year and published quarterly.
- Applicable OMB's and CFR's are referenced in the Grant Agreement HUD Form 1044.
- Sub-grantees are subject to the OMB's and CFR's applicable to their specific organization.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

HUD 1044 Form – Grant Agreement

This instrument sets forth the agreement between the parties as to all terms and conditions and provisions herein. By signing this award document, the Grantee certifies that it is in compliance with all administrative and financial provisions of this award. This grant instrument consists of the following, some of which are incorporated by reference:

- 1. Cover Page, HUD 1044
- 2. Schedule of Articles
- 3. Statement of Work, Work Plan, Benchmark Standards
- 4. Lead Hazard Control Program Policy Guidance Issuances
- 5. **Grantee's financial and technical proposal**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

HUD 1044 Form continued

- 6. Mutually agreed and negotiated proposal changes
- 7. **Abstract of grant activities**
- 8. OMB Circular A-1 02, which was implemented by 24 CFR 85
- 9. OMB Circular A-1 10, which was implemented by 24 CFR 84
- 10. OMB Circular A-133, which was implemented by 24 CFR 84 and 85
- II. Notice of Funding Availability (**Federal Register** / Vol. 71, No. 45 / Wednesday, March 8, 2006 / Notices)



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Other – Special Conditions

The grant agreement there will also include a section titled “Special Conditions”. This section incorporates many elements of the NOFA that your program is required to follow in the conduct of the work, the Title X standards and certain other administrative .



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Order of Precedence

In the event that there is any conflict or inconsistency among any provisions of the grant the following order of precedence shall apply:

NOFA

Management and Work Plan

Grantee Certification Program Requirement

Statement of Work/Work Plan (excluding Grantee Proposal)

Special Conditions

Uniform Administrative Requirements

Grantee's Proposal



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OHHLHC Policy Guidance

2008

Number & Topic

- | | |
|---------|--|
| 2008-01 | Closeout Period |
| 2008-02 | Lead Funds and Rehab |
| 2008-03 | Request for Release of Funds |
| 2008-04 | Use of Grant Funds on Enforcement Projects |



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OHHLHC Policy Guidance

Number & Topic

- 2005-01 Income Eligibility Verification guidance
- 2004-01 Revised Work Plan development guidance
- 2002-03 Elimination or Control of all Identified Lead-Based Paint Hazards
- 2002-02 Use Of Contractors Trained In Lead-Safe Work Practices To Conduct



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OHHLHC Policy Guidance

Number & Topic

- 2002-01 Lead Hazard Control in Multi-Family Housing Containing Ineligible Units
- 2001-03 Revised Quarterly Progress Reporting Requirements For The Lead Hazard Control Grant Program
- 2001-02 EPA Policy on Excluding Lead-Based Paint Wastes from RCRA Hazardous Waste Requirements
- 2001-01 Personal Responsibility and Work Opportunity Reconciliation Act of 1996



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OHHLHC Policy Guidance

2008

Number & Topic

- 2000-04 Timely Provision of Blood Lead Testing For Children Less Than Six Years of Age
- 2000-03 Grant Modifications for Lead-Based Paint Hazard Control Grants
- 2000-02 Closeout Procedures for Lead-Based Paint Hazard Control Grants
- 2000-01 Revised Environmental Review Procedures and Requirements



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

OHHLHC Policy Guidance

- 1999-01 Combining Lead Hazard Control Efforts with Rehabilitation
- 1998-02 Eligibility of certain publicly owned housing for assistance under Lead Hazard Control grants
- 1998-01 Modification To 12-Month Follow-Up Dust-Wipe Testing Requirement
- 1997-03 Reassessment of Data Collection Required for Non-Evaluation Grantees
- 1997-02 Section 3 – Memorandum of Understanding
- 1997-01 Lead Hazard Control Costs



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

State and Local Regulations

Your Program must be coordinated with the state and locality that you operate within.

Title X allows for states/localities to establish higher standards and higher levels of protection for lead safe housing.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

State and Local Regulations

Example:

In the Commonwealth of Massachusetts interim controls of lead paint hazards are allowed on a temporary basis only. Permanent abatement of hazards is the only method permanently acceptable under the regulations.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference

Where to Find Answers

- **Lead Regulations**

<http://www.hud.gov/offices/lead/enforcement/regulations.cfm>

- **Lead Safe Housing Rule**

<http://www.hud.gov/offices/lead/enforcement/lshr.cfm>

- **Lead Safe Housing Rule Interpretive Guidance**

<http://www.hud.gov/utilities/intercept.cfm?/offices/lead/library/enforcement/LSHRGuidance21June04.pdf>

- **Lead Paint Disclosure Rule**

<http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Grantee Orientation Conference