



**U.S. Department of Housing and Urban Development**

Public and Indian Housing

Housing-Related Hazards & Lead-based Paint Capital Fund Program

FR-6600-N-68

04/13/2023

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Signature

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Date

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**Program Office:**

Public and Indian Housing

**Funding Opportunity Title:**

Housing-Related Hazards & Lead-based Paint Capital Fund Program

**Funding Opportunity Number:**

FR-6600-N-68

**Assistance Listing Number:**

14.888

**Due Date for Applications:**

04/13/2023

**Summary**

The U.S. Department of Housing and Urban Development (HUD) Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all.

**HUD's Strategic Goals**

HUD's FY 2022-2026 Strategic Plan lays out this administration's strategy for ensuring everyone has an affordable, healthy place to live. Over the course of the next four years HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals undergird the Plan as follows:

- Strategic Goal 1: Support Underserved Communities
- Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing
- Strategic Goal 3: Promote Homeownership
- Strategic Goal 4: Advance Sustainable Communities
- Strategic Goal 5: Strengthen HUD's Internal Capacity

The five goals of the FY 2022-2026 Strategic Plan present the core vision of what we hope to accomplish, the strategies to accomplish those objectives, and the indicators of success.

**Overview**

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

During the selection process HUD is prohibited from disclosing 1) information regarding any applicant's relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For Further Information Regarding this NOFO: Please direct questions regarding the specific

requirements of this NOFO to the office contact identified in Section VII.

**Paperwork Reduction Act Statement.** The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. Each NOFO will identify its applicable OMB control number unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

**OMB Approval Number(s):**

2577-0157

**I. FUNDING OPPORTUNITY DESCRIPTION.**

**A. Program Description.**

- **Purpose**

The purpose of the Housing-related Hazards Capital Fund (HRHCF) & Lead-based Paint Capital Fund Program (LBPCF) Notice of Funding Opportunity (NOFO) is to evaluate and reduce residential health hazards in public housing, including lead-based paint, carbon monoxide, mold, radon, fire safety, and asbestos. In accordance with Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act), and the Consolidated Appropriations Act, 2022, \$65 million shall be made available for competitive grants to public housing agencies to evaluate and reduce housing-related hazards including lead-based paint in public housing, whereas no less than \$25 million of the \$65 million of the available funds shall be awarded for evaluating and reducing lead-based paint hazards specifically by carrying out the activities of lead-based risk assessments, inspections, abatement, interim controls, and clearance examinations. These amounts shall be combined with an additional \$35 million made available under the Consolidated Appropriations Act, 2021 for housing-related hazards and approximately \$7.4 million in recaptured and/or carryover funding from the Further Consolidated Appropriations Act, 2020 for lead-based paint. Previous versions of this announcement include FR-6400-N-68, Housing-related Hazards Capital Fund Program and FR-6400-N-42, Lead-based Paint Capital Fund Program, which are now combined into one funding opportunity title. Although two grant programs are combined under one funding opportunity title, applicants will request funding from each grant program separately per the program requirements and application submission guidelines. Applicants are entitled to apply for one grant program or both. Applications will be competitively scored based on the unique rating factors for each individual program and funding may be awarded, fully or partially, under one program, both, or neither based on the rating, ranking, and funding available under each program. If the applicant is applying for funding under both grant programs, the rating and rankings will be determined separately.

- **Changes from Previous NOFO.**

Previous versions of this announcement include FR-6400-N-68, Housing-related Hazards Capital Fund Program and FR-6400-N-42, Lead-based Paint Capital Fund Program, **which are now combined into one funding opportunity title.**

- **Definitions.**

a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH).** Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development.

**Assistance Listing number** refers to the publicly available listing of Federal assistance programs managed and administered by the General Services Administration, formerly known as the Catalog of Federal Domestic Assistance (CFDA). Assistance Listing is a unique number assigned to identify a Federal Assistance Listings, formerly known as the CFDA

**Authorized Organization Representative (AOR)** is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424.

**Consolidated Plan** is a document developed by states and local jurisdictions. This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

**Contract** means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

**Contractor** means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

**Deficiency** is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, deficiencies may be either Curable or Non-Curable.

- *Curable Deficiencies* may be corrected by the applicant with timely action. To be curable the deficiency must:
- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

**Non-Curable Deficiencies** cannot be corrected by an applicant after the submission deadline. Non-curable deficiencies are deficiencies that, if corrected, would change an applicant's score or rank versus other applicants. Non-curable deficiencies may result in an application

being marked ineligible, or otherwise adversely affect an application's score and final determination.

**DUNS Number** is the nine-digit Dun and Bradstreet Data Universal Number System identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis.

**E-Business Point of Contact (E-Biz POC)** A user registered as an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Standard AOR and Expanded AOR). There can only be one E-Biz POC per DUNS Number.

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

**Expanded Authorized Organization Representative (AOR)** An AOR is a member of your organization authorized by the EBiz POC to submit applications in Grants.gov on behalf of the organization. An applicant user with the Expanded AOR role is authorized to submit any applications on behalf of the organization and has privileges that allow the user to modify organization-level settings in Grants.gov.

**Federal Financial Assistance** means assistance that entities received or administer in the form of:

1. Grants;
2. Cooperative agreements (which does not include a cooperative research and development agreement pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a)).
3. Loans;
4. Loan guarantees;
5. Subsidies;
6. Insurance;
7. Food commodities;
8. Direct appropriations;
9. Assessed and voluntary contributions; and
10. Any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds.
11. Federal financial assistance does not include amounts received as reimbursement for services rendered to individuals as described in section [200.502\(h\)](#) and (i). ([2 CFR 200.1](#))

**Federal award**, has the meaning, depending on the context, in either paragraph (i) or (ii) of this definition:

1. (i) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR §200.101](#); or

- ii. The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR §200.101](#).
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR §200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.
3. Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).
4. See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**Grants.gov** is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

**Historically Black Colleges and Universities (HBCUs)** The Higher Education Act of 1965, as amended, defines an HBCU as: "...any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation." HBCUs offer all students, regardless of race, an opportunity to develop their skills and talents.

**Non-Federal Entity (NFE)** means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a federal award as a recipient or subrecipient.

**Point of Contact (POC)** is the person who may be contacted with questions about the application submitted by the AOR. The POC is listed in item 8F on the SF-424.

**Recipient** means an entity, usually but not limited to non-Federal entities, that receives a federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than a corporation or regular-sized business. The definition of "small"—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR Part 121](#).

**Standard Authorized Organization Representative (AOR)** An AOR is a member of your organization authorized by the EBiz POC to submit applications in Grants.gov on behalf of the organization. An applicant user with the Standard AOR role can only submit applications when they are a Participant of that workspace.



**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

**System for Award Management (SAM)** is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements** are an eligibility requirement that must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility and are listed in Section III.D Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E, Statutory and Regulatory Requirements Affecting Eligibility.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify business entities.

- Program Definitions.

**Abatement** means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the EPA. Abatement includes the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead painted surfaces or fixtures, and the removal or covering of lead contaminated soil, as well as all preparation, cleanup, disposal, and post-abatement clearance examination activities associated with such measures. For this program, grantees are expected to follow the [HUD Guidelines](#), Chapters 12 and 13.

**Clearance examination** means an activity conducted following lead-based paint hazard control to determine that the hazard control activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in the Lead Safe Housing Rule (24 CFR part 35, subparts B – R; specifically, here, 24 CFR 35.110 and 35.1320), exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples. Dust-lead standards for clearance are found at 24 CFR 35.1320. Specific requirements for a clearance examination, including the number of units to be sampled, can be found in EPA regulations at 40 CFR Part 745 and in Chapter 15 of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (“HUD Guidelines”) at [HUD Guidelines](#).

**Interim controls** means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident

education programs. For this program, grantees are expected to follow the [HUD Guidelines](#), Chapter 11 for performing interim controls.

**Lead-based paint evaluation** means performing lead dust, soil and paint-chip testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities that are required for, and in direct support of, interim control and lead hazard control work, of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil using acceptable testing procedures. Risk assessments and inspections must be in compliance with EPA regulations at 40 CFR Part 745 and the [HUD Guidelines](#), as described in Chapters 5 and 7.

**Lead-based paint inspection** means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. Note that lead-based paint inspections are performed by EPA- or State-certified Lead-Based Paint Inspectors or Risk Assessors, and include calibration of the X-ray fluorescence (XRF) equipment at required intervals, a statistically valid sampling of units and building components within units based on the size of the property and construction history, XRF testing of all painted surfaces, and XRF results downloaded directly from the equipment. Unit-by-unit dust testing, or random paint chip sampling is not sufficient information for a certified lead abatement professional to use to develop a work plan. Specific requirements for a Lead Inspection, including the number of units to be sampled, can be found in EPA regulations at 40 CFR Part 745 and in Chapter 7 of the [HUD Guidelines](#).

**Lead-based paint hazard control** means the control or elimination of all lead-based paint hazards identified in housing units and in common areas of multi-family housing through either interim controls or lead-based paint abatement, or a combination of both. Lead hazard control must be in compliance with Chapters 11, 12 and 13 of the HUD's Guidelines at [HUD Guidelines](#).

**Relocation** means carrying out temporary relocation for families and individuals while the remediation is conducted and until the time the affected unit receives clearance for re-occupancy. HUD expects that most temporary relocation for lead hazard control work would be for 30 days or less. Temporary relocation of residents must be carried out in compliance with all applicable programmatic requirements including applicable Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) regulatory amendments at 49 CFR part 24 and described in [HUD Handbook 1378 – Tenant Assistance, Relocation and Real Property Acquisition](#) (Chapter 2) and the [Capital Fund Guidebook](#). Additional information and resources on the URA, including Handbook 1378, are available at [www.hud.gov/relocation](http://www.hud.gov/relocation).

**Risk assessment** means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and the provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards. Specific requirements for a Risk Assessment, including the number of units to be sampled, can be found in EPA regulations at 40 CFR Part 745 and in Chapter 5 of the [HUD Guidelines](#).

**Target housing (for Lead-Based Paint Capital Fund Program only)** means any housing constructed prior to 1978, except housing designated for the elderly or persons with disabilities, or any 0-bedroom dwelling (unless a child of less than 6 years of age resides or is expected to reside in such housing), as defined in the Residential Lead-based Paint Hazard Reduction Act of 1992 (Public Law 102-550, enacted October 28, 1992).

**Worker Protection** means protecting the health and safety of the hazard control workers, supervisors, and contractors. All work shall be done in compliance with relevant OSHA standards for worker protection, including 29 CFR 1926.59 and 1926.62, and/or applicable state or local standards for worker protection, as required by the Lead Safe Housing Rule at 24 CFR 35.145 and 35.150(b), respectively.

## **B. Authority.**

Funding and authority for this program is provided by Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act) and regulations at 24 CFR part 905, the Consolidated Appropriations Act, 2022 (*Public Law 117-103, enacted March 15, 2022*), the Consolidated Appropriations Act, 2021 (*Public Law 116-260, enacted December 27, 2020*), the Further Consolidated Appropriations Act, 2020 (*Public Law 116-94, enacted December 20, 2019*) and is subject to 24 CFR Part 905.

## **II. Award Information.**

### **A. Available Funds**

Funding of approximately **\$107,400,000** is available through this NOFO.

Additional funds may become available for award under this NOFO. Use of these funds might be subject to statutory constraints or other requirements. All awards are subject to the funding restrictions contained in this NOFO.

Of the \$107,400,000 for this NOFO, \$25 million from the FY2022 appropriations plus an estimated \$7.4 million in recaptured and/or carryover funds for Lead-based Paint from the FY2020 appropriations will be made available for the LBPCF competition under this NOFO. All remaining funds (approximately \$75 million) will be used for the HRHCF competition under this NOFO. If the need for Lead-based Paint grants exceeds the need for Housing-related Hazards grants, then additional funds from the FY2022 appropriations may be awarded for Lead-based Paint grants once all eligible HRHCF grants have been awarded. Additional information about the source of funding is provided below. Per the FY2022 appropriations language, \$65 million shall be made available for competitive grants to evaluate and reduce housing-related hazards, including lead based-paint in public housing. No less than \$25 million of the \$65 million of the appropriated funds will be made available for the evaluation and reduction of lead-based paint, specifically. An estimated \$40 million of the \$65 million will be made available for the evaluation and reduction of housing-related hazards. This NOFO also includes \$35 million made available under the FY2021 appropriations for housing-related hazards and approximately \$7.4 million in recaptured and/or carryover funds from the FY2020 appropriations language for lead-based paint.

HUD reserves the right to fund applicants to this NOFO using amounts appropriated for FY2023 funds to the extent Congress provides future funding subject to Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g), as amended, and requires the set aside of a portion of

these funds for the Lead-based Paint Program and/or Housing-related Hazards Program. Additional funds may become available for award under this NOFO as a result of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints.

#### **B. Number of Awards.**

HUD expects to make approximately 40 awards from the funds available under this NOFO.

#### **C. Minimum/Maximum Award Information**

The minimum grant award amount is \$10,000 per request. If the applicant is requesting funds for both Lead-Based Paint Capital Funds and Housing Related-Hazards Capital Funds, then each request must be at minimum \$10,000.

The maximum individual grant award amount is \$5,000,000. An applicant may apply for both Lead-Based Paint Capital Funds and Housing-Related Hazards Capital Funds. In such cases, an applicant may be considered for a maximum combined grant amount of \$10 million, whereas each individual grant request does not exceed the maximum grant amount of \$5 million.

Estimated Total Funding:

\$107,400,000

Minimum Award Amount:

\$10,000

Per Project Period

Maximum Award Amount:

\$5,000,000

Per Project Period

#### **D. Period of Performance**

Section 9(j) of the U.S. Housing Act of 1937 (the Act) on capital fund expenditure timelines applies. Unless HUD grants an obligation extension, Public Housing Authorities (PHAs) must obligate 90 percent of the grant award within 24 months of the date the funds are made available to the PHA. An obligation is a binding agreement (executed by all parties) for work or financing that will result in outlays of Capital Funds by the PHA, immediately or in the future. The entire grant award must be expended fully within 24 months following the obligation end date unless an extension to the obligation period is granted under the Act. No extensions are permitted by section 9(j) for expenditure periods.

Estimated Project Start Date:

08/04/2023

Estimated Project End Date:

08/04/2027

Length of Project Periods:

48-month project period and budget period

Length of Periods Explanation of Other:

### **E. Type of Funding Instrument.**

Funding Instrument Type:

G (Grant)

HUD will only accept one Housing-related Hazards & Lead-based Paint Capital Fund application package per PHA, per Federal fiscal year of funding. However, each application package may include a request for funding for one or both grant programs (HRHCF or LBPCF) and may request funding for one or more public housing projects (Inventory Management System (IMS)/ PIH Information Center (PIC) Development(s)/ Asset Management Project (AMP))

### **III. Eligibility Information.**

#### **A. Eligible Applicants.**

08 (Public housing authorities/Indian housing authorities)

#### **Additional Information on Eligibility**

Public Housing Authorities with the legal authority to develop, own, modernize, and operate a public housing project in accordance with the Act are eligible. PHAs participating in the Moving to Work Demonstration Program (MTW) are eligible to apply. PHAs that are troubled are eligible for funding if the agency is in compliance with any current Memorandum of Agreement or Recovery Agreements.

#### **B. Ineligible Applicants.**

- Tribes and tribally designated housing entities (TDHEs), nonprofit organizations, and resident associations are not eligible to apply.
- Individuals, foreign entities, and sole proprietorship organizations are not eligible to compete for or receive, awards made under this announcement.

#### **C. Cost Sharing or Matching.**

This Program does not require cost sharing or matching.

#### **D. Threshold Eligibility Requirements.**

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated.

**1. Resolution of Civil Rights Matters.** Outstanding civil rights matters must be resolved before the application deadline. Applicants, who after review are confirmed to have civil rights matters unresolved at the application deadline, will be deemed ineligible. Their applications will receive no further review, will not be rated and ranked, and they will not receive funding.

- a. Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD's satisfaction before or on the application deadline date are ineligible for funding. Such matters include:
  1. Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or

- local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;
2. Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);
  3. Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
  4. Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or the Americans with Disabilities Act; or
  5. Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.
- b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:
1. Current compliance with a voluntary compliance agreement signed by all the parties;
  2. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
  3. Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
  4. Current compliance with a consent order or consent decree;
  5. Current compliance with a final judicial ruling or administrative ruling or decision; or
  6. Dismissal of charges.

**2. Affirmatively Furthering Fair Housing.** With some exceptions for federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations. Applicants may propose activities that are consistent with their jurisdiction’s Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an accepted Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH’s fair housing goals and with fair housing strategies specified in the jurisdiction’s Consolidated Plan or Public Housing Agency Plan.”

**3. Timely Submission of Applications.** Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding. See Section IV. D. Application Submission Dates and Times.

#### **E. Statutory and Regulatory Requirements Affecting Eligibility.**

##### **Eligibility Requirements for Applicants of HUD's Grants Programs**

The following requirements affect applicant eligibility. Detailed information on each requirement is posted on [HUD's Funding Opportunities Page](#).

- Active Prime and Sub Recipient registration with SAM.gov
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Mandatory Disclosure Requirement
- Prohibition Against Lobbying Activities
- In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR 170.110](#).

#### **F. Program-Specific Requirements.**

The following are program-specific threshold requirements:

- **Cover Letter:** The applicant must submit a cover letter that includes the following:
  - Identify which grant is being requested: Housing-related Hazards Capital Fund, Lead-based Paint Capital fund, or both.
  - List the respective dollar amount for each grant request
  - Identify each specific hazard and associated cost for each hazard
- **Form HUD-50075.1:** Applicants must include a separate 50075.1 (Parts I & II) for each grant program in which funds are being requested: Housing-related Hazards and/or Lead-based Paint Capital Fund
  - The PHA must list Inventory Management System (IMS)/ PIH Information Center (PIC) Development(s)/Asset Management Project (AMP) name and numbers as it appears in PIC on each 50075.1 submitted
- **Narrative (HRHCF grant requests):** The applicant must submit a narrative for any Housing-related Hazards grant requests and, therefore, also a threshold requirement for this program. The written narrative must address 'HRHCF Rating Factor 1: Need' noted in Section V.A.1 of this NOFO as well as addressing Section 3 activities described in "HRHCF Rating Factor 2: Soundness of Approach." Failure to submit a narrative for HRHCF requests is not curable and shall not be requested by HUD during the deficiency or "cure" period. Similarly, if any of the items in Rating Factor 1 noted in Section V.A.1:

Need are missing from the narrative, it shall not be requested during the deficiency process.

- The narrative cannot exceed 5 pages. Any information submitted in response to the Rating Factors beyond the page limit will not be reviewed
- **Min/Max Grant Amount:** The minimum grant award amount is \$10,000 per request. If the applicant is requesting funds for both Lead-Based Paint Capital Funds and Housing Related-Hazards Capital Funds, then each request must be at minimum \$10,000. Although not a threshold eligibility requirement, the maximum grant award amount is \$5,000,000. In cases where an applicant applies for both Lead-Based Paint Capital Funds and Housing-Related Hazards Capital Funds, an applicant may be considered for a maximum combined grant amount of \$10 million, as long as each grant request does not exceed the maximum grant amount of \$5 million.
- **Ineligible Projects:**
  - Funds provided under this NOFO may not be used at projects under Commitments to enter into Housing Assistance Payments Contracts (CHAPs) under the Rental Assistance Demonstration (RAD) as authorized under Public Law 112-55, as amended, and implementing notices. For compliance with this provision, HUD will assume all units in the property with a CHAP are included in the CHAP, even if the CHAP has phases where certain units are not covered.
  - Funds provided under this NOFO may not be used at properties that will be converting to another federal housing assistance program, such as Streamlined Voluntary Conversion (SVC) or Section 18 demolition or disposition where a PHA's approved plan is to convert Tenant Protection Vouchers (TPVs) to Project-Based Vouchers (PBVs) at that site. Projects with a Section 18 demolition or disposition approval to redevelop public housing at that site or other uses under a Declaration of Trust (DOT) or Declaration of Restrictive Covenant (DORC) are eligible for funding under this program.
  - Funds provided under this NOFO may not be used at properties that will be sold to a third party under a Section 18 disposition application unless public housing will be developed onsite.
  - HUD shall consider PHA ineligibility to start when an SVC application or a Section 18 disposition application is approved by HUD's Special Application Center, or when a CHAP is issued. If an SVC approval, a Section 18 demolition or disposition approval where the property will convert to PBV assistance or other non-public housing uses, or CHAP approval is issued after funds are awarded under this NOFO, the AMP will no longer be eligible for this program and remaining funds will need to be returned. HUD will determine if all grant funds should be returned. Applicants that are awarded a grant may be required to periodically certify to HUD that funded work is not occurring in an IMS/PIC development that is subject to a CHAP, SVC approval, or Section 18 demolition or disposition approval.



## **G. Criteria for Beneficiaries.**

### **IV. Application and Submission Information.**

#### **A. Obtaining an Application Package.**

##### **Instructions for Applicants.**

You must download both the Application Instructions and the Application Package from Grants.gov. You must verify that the Assistance Listing Number and Assistance Listing Description on the first page of the Application Package, and the Funding Opportunity Title and the Funding Opportunity Number match the Program and NOFO to which you are applying.

The Application Package contains the portable document forms (PDFs) available on Grants.gov, such as the SF-424 Family. The Instruction Download contains official copies of the NOFO and forms necessary for a complete application. The Instruction Download may include Microsoft Word files, Microsoft Excel files, and additional documents.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission, for example, a lack of available Internet access in the geographic area in which your business offices are located. Lack of SAM registration or valid DUNS/UEI is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if the Applicant fails to submit to HUD in writing or via email a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

Email:

PIHOCI@hud.gov

HUD Organization:

Street:

City:

State:

Zip:

#### **B. Content and Form of Application Submission.**

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is Non-Curable unless otherwise stated under the Threshold requirements section.

##### **1. Content.**

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	Submission is required for all applicants by the application due date.	
Application for Federal Assistance (SF424)	Submission is required for all applicants by the application due date.	Required for all applications.
Disclosure of Lobbying Activities (SFLLL), if applicable	HUD will provide instructions to grantees on how the form is to be submitted.	If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the applicant shall complete and submit the SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Applicants must furnish an

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
		executed copy of the Certification Regarding Lobbying prior to award.
Form HUD-50075.1 Parts I and II Annual Statement/ Performance and Evaluation Report, Capital Fund Program	<p>This form may be prepared in HUD's Energy and Performance Information Center (EPIC) by authorized users, printed or saved to PDF, and included in the application. See EPIC at <a href="https://portalapps.hud.gov/app_epic/">https://portalapps.hud.gov/app_epic/</a>.</p> <p>Alternatively, forms can also be downloaded from HUD Clip, completed, and saved to PDF to submit with the application.</p> <p><b>All submitted forms must include the IMS/PIC Developments(s)/ AMP(s) name and number.</b></p>	A separate Form HUD-50075.1 is required for each grant program in which funds are being requested.

Additionally, your complete application must include the following narratives and non-form attachments.

- **Cover Letter:** The applicant must submit a cover letter that includes the following:
  - Identify which grant is being requested (LBPCF, HRHCF, or both).
  - List the respective dollar amount for each grant request.
  - Identify each hazard and associated costs for each hazard.
  
- **Narrative (HRHCF grant requests):** The applicant must submit a narrative for any Housing-related Hazards grant requests and, therefore, also a threshold requirement for this program. The written narrative must address 'HRHCF Rating Factor 1: Need' noted in Section V.A.1 of this NOFO as well as addressing Section 3 activities described in "HRHCF Rating Factor 2: Soundness of Approach." Failure to submit a narrative for HRHCF requests is not curable and shall not be requested by HUD during the deficiency or "cure" period. Similarly, if any of the items in Rating Factor 1 noted in Section V.A.1: Need are missing from the narrative, it shall not be requested during the deficiency process.
  - The narrative cannot exceed 5 pages. Any information submitted in response to the Rating Factors beyond the page limit will not be reviewed.

- **Narrative (LBPCF grant requests):** A narrative is only required when the applicant is addressing Section 3 activities described in “LBPCF Rating Factor 2: Soundness of Approach.” Narratives submitted for LBPCF requests for any items other than Section 3 will not be reviewed under the LBPCF program.
- **Preference Points:** If applicable to the applicant, the submission must include the appropriate documentation as described in Section V.A.2 of this NOFO to be considered for Preference Points (Historically Black Colleges or Universities (HBCUs) and/or Promise Zones). Note that this NOFO does not offer points for Environmental Justice because all eligible uses inherently advance environmental justice.
- If forms SFLLL and the HUD Applicant Recipient Disclosure Report (HUD) 2880 were submitted in the same year for formula-based Capital Fund awards, they do not need to be resubmitted. For Form 2880, applicants are bound by the Program Fraud Civil Remedies Act (PFCRA).
- The SF424 must include the PHA code.
- Any additional information provided to supplement the required forms listed above will not be evaluated.

## **2. Format and Form.**

Narratives and other attachments to your application must follow the following format guidelines.

5 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides

- Applicants should prepare their completed Form 50075.1, Annual Statement (Parts I and II), to include the Inventory Management System (IMS)/ PIH Information Center (PIC) Development(s)/AMP(s) names and numbers as shown in PIC, print or save to PDF and send with the application package. Applications that do not include this form will be considered ineligible and not reviewed. Applicants may not supplement Form 50075.1 with additional narrative and shall limit responses to the character limits and spacing imposed by the form
- Awarded Moving to Work (MTW) agencies will be required to identify proposed activities in EPIC under Budget Line Item (BLI) 1480 General Activities.

## **C. System for Award Management (SAM) and Unique Entity Identifier (UEI).**

### **1. SAM Registration Requirement.**

Applicants must be registered with <https://www.sam.gov/> before submitting their application. Applicants must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which the applicant has an active Federal award or an application or plan under consideration by HUD.

### **2. UEI Requirement.**

Applicants must provide a valid UEI, registered and active at [/www.sam.gov/](https://www.sam.gov/) in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition->

[service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update](https://www.grants.gov/web/grants/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update).

The DUNS number remained the official identifier for doing business with the U.S. Government only until April 4, 2022. As of April 4, 2022, entities doing business with the federal government must use the Unique Entity Identifier created in SAM.gov.

### **3. Requirement to Register with Grants.gov.**

Anyone planning to submit applications on behalf of an organization must register at grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through grants.gov. Complete registration instructions and guidance are provided on grants.gov.

### **D. Application Submission Dates and Times.**

#### **Application Due Date Explanation**

The application deadline is 11:59:59 PM Eastern Standard time on 04/13/2023

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

"Received by Grants.gov" means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

"Validated by Grants.gov" means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting "Applicants" from the top navigation, and selecting "Track my application" from the dropdown list. If the application status is "rejected with errors," you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in "rejected with errors" status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you submit your applications at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

**Grants.gov Customer Support.** Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. Applicants having difficulty accessing the application and instructions or having technical problems can receive customer support from Grants.gov by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. The phone number above may also be reached by

individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at (800)-877-8339.

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column, to view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Please make note of the Grants.gov tracking number, it will be needed by the Grants.gov Help Desk if you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program's NOFO required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**PLEASE NOTE:** Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

1. Amending or resubmitting an application.

Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

2. Grace Period for Grants.gov Submissions.

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

### 3. Late Applications.

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding consideration. Improper or expired registration and password issues are not sufficient cause to allow HUD to accept applications after the deadline date.

### 4. Corrections to Deficient Applications.

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency in the definitions section (Section I.A). Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

Applicants must email corrections of Curable Deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong UEI/DUNS number as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI/DUNS number and active registration in SAM will render the application ineligible for funding.

### 5. **Authoritative Versions of HUD NOFOs.** The version of these NOFOs as posted on Grants.gov are the official documents HUD uses to solicit applications.

6. **Exemptions.** Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the Religious Freedom Restoration Act (RFRA).

#### **E. Intergovernmental Review.**

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

#### **F. Funding Restrictions.**

Activities under this NOFO must comply with 24 CFR Part 905.

**Eligible Uses of Funds.** Eligible activities and costs for this NOFO will be covered under Budget Line Item (BLI) 1480 General Activities, with the following additional restrictions:

- HRHCF funds can only be used for the activities associated with housing-related hazard(s) identified in this NOFO and the submitted application. LBPCF funds can only be used for the activities of lead-based paint risk assessments, inspections, abatement, interim controls, clearance examinations and relocation. Other work at the property, including work to prepare for lead hazard control (e.g., repairs to the substrate, fixing leaks or other renovations) shall be funded by other sources.
- Applications for Carbon Monoxide detectors are not eligible. Per [Notice PIH 2022-01](#), all PHAs must be in compliance with the International Fire Code (IFC) 2018 Standards on the installation of Carbon Monoxide alarms or detectors by December 27, 2022. Eligible grant activities for addressing carbon monoxide hazards include, but are not limited to, installing ventilation hoods over existing gas stoves, or replacing gas stoves with electric stoves.
- Funds under this NOFO may only be used in public housing, as defined by Section 3 of the Act and PHAs participating in the Capital Fund program under Section 9 of the Act and 24 CFR Part 905. Funds awarded for lead-based paint grant activities may not be expended at IMS/PIC Development(s)/AMP(s) that do not meet the definition of target housing as defined under the Residential Lead-Based Paint Hazard Reduction Act of 1992 and this NOFO. Buildings that meet the definition of target housing but are missing construction dates in the IMS/PIC system must be updated in the PIC system prior to the application close date to reflect the actual construction date. Grantees that need assistance with these updates should work with their field office representative.
- Housing units that have had lead-based paint abated (as demonstrated by documentation of a prior lead evaluation and abatement), and where the abatement is still ongoing are not eligible for enrollment under this grant program. If the PHA is unsure whether units meet these criteria, they may consult with a certified risk assessor to determine this before applying for funding under this program.
- As previously discussed, funds provided under this NOFO may not be used at projects under Commitments to enter into Housing Assistance Payments Contracts (CHAPs) under the Rental Assistance Demonstration (RAD) as authorized under Public Law 112-55, as amended, and implementing notices. Properties that will be converting to another federal housing assistance program, such as Streamlined Voluntary Conversion or under a Section 18 disposition or demolition application, where the property will convert to



PBV assistance or a non-public housing use, are also not eligible for funding under this NOFO. Properties sold to a third party that will not be redeveloped as public housing are not eligible. HUD shall consider ineligibility to start when an application for SVC or Section 18 demolition or disposition is approved by HUD's Special Application Center or when a CHAP is approved. If a CHAP, SVC, or Section 18 approval is issued after funds are awarded under this NOFO, the AMP will no longer be eligible for this program and the remaining funds will need to be returned. HUD will determine if all grant funds should be returned.

- As previously discussed, projects with a Section 18 demolition or disposition approval to redevelop public housing at the site or other uses under a Declaration of Trust (DOT) or Declaration of Restrictive Covenant (DORC) are eligible for funding under this program.

### **Indirect Cost Rate.**

Statutory or regulatory restrictions Apply – ONLY if a statute or regulation imposes restrictions that are different from the indirect cost rate requirements in [2 CFR 200](#).

## **G. Other Submission Requirements.**

### **Application, Assurances, Certifications and Disclosures.**

**Standard Form 424 (SF-424) Application for Federal Assistance** is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF-424B (Assurances of Non construction Programs) or SF-424D (Assurances for Construction Programs). Applications receiving funds for both non-construction programs and construction programs must submit both the SF-424B and SF-424D.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), the applicant and the signing authorized organization representative affirm that they have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaskan native villages and those applicable to applicants other than federally recognized Indian tribes or Alaskan native villages.

### **Assurances.**

By submitting your application, you provide assurances that, if selected to receive an award, you

will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. Upon receipt of an award, you, and any recipients and subrecipients of the award are also required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* [24 C.F.R. §§ 1.5; 3.115; 8.50](#); and [146.25](#). HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

### **Applicant Disclosure Report form 2880.**

Required for each applicant applying for assistance within the jurisdiction of HUD to any housing project subject to Section 102(d). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). [See HUD Reform Act regulation for additional information.](#)

## **V. Application Review Information.**

### **A. Review Criteria.**

#### **1. Rating Factors.**

The maximum number of points to be awarded for each grant program is 104.

Applicants will first be reviewed for eligibility for the award, and then competitively scored based on the rating factors below.

Please note that this NOFO includes the application process for two separate grant programs — Lead-based Paint Capital Fund (LBPCF) and Housing Related Hazards Capital Fund (HRHCF). PHAs submitting applications for LBPCF grants will be scored based on rating factors that are different from PHAs submitting applications for HRHCF grants. PHAs applying for both LBPCF grants and HRHCF grants must submit a separate Form HUD-50075.1 for each program request.

Applicants should be certain that each rating factor is adequately responded to in their application and that all applicable information requested by the NOFO is provided. If the response to a specific rating factor cites information provided in the response to another factor, clearly indicate where the information is located so the information can be easily located by the reviewer. To be awarded full points for each rating factor, you must provide comprehensive, high-quality responses to each of the requested items in each factor.

### **Housing-related Hazards Capital Fund**

Applications for Housing-related Hazards grants to address Mold, Carbon Monoxide (excluding

detectors), Radon, Fire Sprinklers, and Asbestos will be scored based on the following Rating Factors:

Rating Factor 1: Need (60 points)

Rating Factor 2: Soundness of Approach and Cost Estimate (31 points)

Rating Factor 3: Past Performance (9 points)

Preference Points (max. 4)

<b>Scoring Summary Table for Hazards Other than Lead-Based Paint</b>	
<b>Rating Factor 1: Need (Max 5 pages) Total Possible Points — 60</b>	
Description of Steps taken to Assess Properties	10
Description of data gathered through testing/ assessment	10
How many units in each proposed AMP are impacted	20
What are the future potential impacts of this hazard?	10
Special Circumstances	10
<b>Rating Factor 2: Soundness of Approach &amp; Cost Estimate Total Possible Points — 31</b>	
What work items/activities are necessary to address this hazard(s)?	5
Is the 50075.1 sound and complete?	5
Is the cost estimate sound?	10
Description of Plan to Implement the Grant	10
Section 3	1
<b>Rating Factor 3: Past Performance Total Possible Points — 9</b>	
No OIG Audit or IPA audit findings	9
<b>Preference Points -- maximum 4 points for any combination</b>	
HBCU Partnership (max. 2 points)	4
Promise Zone (max. 2 points)	
<b>Total Possible NOFO Points</b>	<b>104</b>

### **Lead-based Paint Capital Fund**

Applications for Lead-based Paint Capital Fund grants will be scored based on the following Rating Factors:

Rating Factor 1: Need (60 points)

Rating Factor 2: Soundness of Approach and Cost Estimate (31 points)

Rating Factor 3: Past Performance (9 points)

Preference Points (max. 4)

<b>Scoring Summary Table Lead-Based Paint</b>	
<b>Rating Factor 1: Need Total Possible Points — 60</b>	
Housing Construction Date	40
Occupancy	20
<b>Rating Factor 2: Soundness of Approach &amp; Cost Estimate Points — 31</b>	<b>Total Possible</b>
What work items/activities are necessary to address this hazard(s)?	5
Is the 50075.1 sound and complete?	5
Is the cost estimate sound?	10
Description of Plan to Implement the Grant	10
Section 3	1
<b>Rating Factor 3: Past Performance Total Possible Points —9</b>	
NO OIG Audit or IPA audit Findings	9
<b>Preference Points -- maximum 4 points for any combination</b>	<b>4</b>
HBCU Partnership (max. 2 points)	
Promise Zone (max. 2 points)	
<b>Total Possible NOFO Points</b>	<b>104</b>

**Rating Factor 1 HRHCF: Need**

**Maximum Points: 60**

HRHCF Rating Factor 1: Need

Rating Factor 1 will be scored based on the narrative description of the PHA’s need for a Housing-Related Hazard grant. The narrative response must not exceed 5 pages and will be evaluated based on the following table:

<b>HRHCF Rating Factor 1</b>	<b>Need (60 Points Total)</b>	
	<b>Description of steps taken to assess properties (10 points)</b>	
	Explanation with sufficient detail, including magnitude and location	10
	Explanation with minimal detail	5

Explanation with insufficient detail or no explanation	0
<b>Description of data gathered through testing (10 points)</b>	
Explanation with sufficient detail, including type of testing and location of testing, or resident complaints	10
Explanation with minimal detail	5
Explanation with insufficient detail or no explanation	0
<b>How many units in each proposed AMP are impacted (20 points)</b>	
51%-100% of units + detailed description of how this was determined	20
51%-100% of units + minimal description of how this was determined	16
51%-100% of units + no description of how this was determined	12
1%-50% of units + detailed description of how this was determined	10
1%-50% of units + minimal description of how this was determined	6
1%-50% of units + no description of how this was determined	2
0% of units impacted thus far	0
<b>What are the future potential impacts of this hazard? (10 points)</b>	
Explanation with sufficient detail	10
Explanation with minimal detail	5
Explanation with insufficient detail or no explanation	0
<b>Description of resident need/special circumstances shared with the PHA/local environmental area factors (max 10 points)</b>	
<b><i>Mold Subfactor</i></b>	
Mold has caused structural damage	10
Units are in a location with an average of 60% or more relative humidity	5
<b><i>Carbon Monoxide Subfactor</i></b>	
The plan includes units that have unvented gas stoves	10
Inspection of combustion heating system by trained professional identified at least two of the following items: blocked openings to flues and chimneys, cracked or disconnected flue pipes, dirty filters, rust or cracks in the heat exchanger, soot or creosote build-up, or exhaust or gas odors, units have unvented gas stoves	5
<b><i>Radon Subfactor</i></b>	

Zone 1	10
Zone 2 or 3	5
<b><i>Fire Sprinklers Subfactor</i></b>	
There have been fires at the property(s) in the past	10
Elderly units	5
<b><i>Asbestos Subfactor</i></b>	
Damaged or deteriorating elderly units (designated elderly or description of elderly residing in units)	10
Damaged or deteriorating units	5

**Rating Factor 2 HRHCF: Soundness of Approach/Cost Estimate**

**Maximum Points: 31**

HRHCF Rating Factor 2: Soundness of Approach/Cost Estimate

Rating Factor 2 will be scored based on the content of the PHA’s form HUD 50075.1, Annual Statement (Parts I & II). To earn points for Section 3, applicants must include a description of Section 3 activities in the narrative statement. Points will be awarded based on the following table:

<b>HRHCF Rating Factor 2: Soundness of Approach/Cost Estimate (31 points)</b>	
What work items/activities are necessary to address this hazard(s)?	5
Is the 50075.1 sound?	5
Is the cost estimate sound?	10
Description of Plan to Implement the Grant	10
Section 3	1

Applicants that use form HUD-50075.1, Annual Statement (Parts I & II) to provide a complete and clear, detailed breakdown of proposed Capital Fund housing-related hazard evaluation and hazard control by PIC development/AMP will receive maximum points for this sub-factor.

A sound work description and cost estimate will be one that has sufficient detail, contemplates the necessary hazard evaluation, and proposes a hazard control strategy based on what the evaluation has revealed or is expected to reveal. It contains eligible capital fund activities in the appropriate BLI that clearly correlate with the hazard(s) and location identified in the application; and presents a reasonable methodology for how cost was determined, including number of units or hours worked, as applicable. Fewer points will be awarded for lack of clarity, lack of detail, not responding fully to the criteria, or proposing ineligible use of funds (eligible uses are listed in section I.A.1).

### **Soundness of Approach**

This rating factor will evaluate the soundness of the proposed plan as identified on the form HUD 50075.1, Annual Statement (Parts I & II). The proposed activities should include a plan to implement with a timeline, sequencing, and milestones. The level of detail in the implementation description should be commensurate with the complexity of the work to be performed under this grant. Proposed activities shall adhere to guidelines and requirements outlined in sections I.A, III.C, and III.E, including the program description, program purpose, program requirements, eligible program activities, and the needs identified in the application. **Eligible program activities include Capital Fund eligible work items related to the hazard(s) identified in Rating Factor 1.**

Forms HUD-50075.1 may be completed within the EPIC online system and printed or saved to PDF to submit with the application, or prepared from the version posted to HUD Clips. Applicants that need assistance with preparing and submitting information in EPIC should work with their assigned field office representative.

The applicant shall propose a quarterly benchmark schedule for completing hazard control work on these units and common areas timely and evenly through the period of performance.

### **Cost Estimate**

Within the form, the applicant shall estimate the associated costs of the total proposed hazard control work by IMS/PIC development(s)/AMP. Applicants should use as many lines as necessary on the form HUD50075.1, Annual Statement, when describing the hazard control evaluation, work, and estimated costs per IMS/PIC development/AMP. Reasonable cost estimates will be informed by an analysis of the hazard evaluation and work performed already (if applicable). If the proposed work costs exceed the maximum award amount for this program of \$5,000,000, the maximum award will not be exceeded. PHAs can use other funds available to the PHA to perform hazard control work, which may include Public Housing Capital Fund amounts, but such work and any applicable reporting requirements would remain separate from the PHA's work under this NOFO.

**\*\*\*Note the following: Applicants are limited to 1,000 characters per row in the “General Description of Major Work Categories” column when filling out form HUD-50075.1, Annual Statement. Applicants may not provide supplemental information to the form in the application for satisfying the Soundness of Approach and Cost Estimate components in Rating Factor 2, and shall comply with these character limitations. \*\*\***

### **Section 3**

In accordance with HUD's Section 3 regulations at 24 CFR Part 75, your application will receive up to 1 point based on the quality of Section 3 Plans. To earn the maximum 1 point, applicants must identify, in the narrative statement, that one or more of the following activities are incorporated in the PHAs Section 3 Plan:

- types and amounts of employment, training, and contracting opportunities to be generated as a result of proposed grant activities;
- specific actions to be taken to give Section 3 residents and Section 3 business concerns (as defined at 24 CFR Part 75) priority consideration for employment, training,

contracting, and other economic opportunities in accordance with HUD's regulations at 24 CFR Part 75;

- written criteria to be used for determining eligibility of Section 3 residents and business entities;
- written procedures to be used for notifying Section 3 residents and business entities about the availability of training, employment, and contracting opportunities;
- methodology to be used for monitoring developers, contractors and subcontractors that are awarded covered contracts to ensure compliance with Section 3 requirements;
- strategies for meeting the Section 3 minimum goals for hours worked and contracting opportunities at 24 CFR Part 75; and
- contact information and qualifications for staff persons who will be responsible for the day-to-day implementation of Section 3.

**Rating Factor 3 HRHCF: Past Performance**

**Maximum Points: 9**

HRHCF Rating Factor 3: Past Performance Maximum Points: (9 points)

For this NOFO, HUD will automatically evaluate past performance based on data from HUD’s Financial Assessment Subsystem of Public Housing (FASSPH). Applicants do not need to submit data for this rating factor. Applicants will be awarded points based on the following table for the PHA's Capital Fund Grant Program:

No Office of the Inspector General (OIG) audit findings in 2021 and no Independent Public Accountant (IPA) audit findings in FASSPH for 2021	9
Either OIG audit findings in 2021 or IPA audit findings in FASSPH for 2021, but not both	5
Both OIG audit findings in 2021 and IPA audit findings in FASSPH for 2021	0

**Rating Factor 1 LBPCF: Need**

**Maximum Points: 60**

LBPCF Rating Factor 1: Need

Rating Factor 1 will be scored on Property Construction Date and Occupancy by Children under Six.

HUD will evaluate an applicant’s need based on the age of the property and occupancy data of the IMS/PIC Development(s)/AMP(s) proposed for funding. HUD will draw this information from the IMS/PIC system based on the information submitted in the 50058 Module and based on the IMS/PIC Development(s)/AMP specified(s) in form HUD-50075.1 Annual Statement, including the development number and name. Occupancy information will be pulled from IMS/PIC as of the application deadline to determine the degree to which the property includes occupancy by families with at least one child under age 6. Applicants shall ensure that the



property construction date records are accurate in IMS/PIC in advance of submitting the application. Applicants with incorrect, incomplete, or missing construction dates must work with the assigned HUD Public Housing Field Office to update the IMS/PIC prior to the application deadline. The Office of Capital Improvements (OCI) will post construction and occupancy information on its website in advance of the application due date. Calculations from the previous NOFO cycle are also available for review.

Applicants may propose one or more IMS/PIC Developments/AMPs per application for funding. Scattered sites are eligible for funding. For applications that include multiple IMS/PIC Developments/AMPs, HUD will do a weighted average of each development/AMP, weighted by the number of units, and use that averaged construction year for scoring. Properties that are missing construction dates in PIC shall be scored assuming a construction date equal to the date of this NOFO publication, and will only be eligible for work if the PHA later updates PIC with a supported construction start date prior to January 1, 1978.

Projects with the oldest construction dates and the highest number of units occupied by families with at least one child under age six will receive the most points. Housing built before 1940 is most likely to contain lead-based paint[1],[2], so points will be awarded as follows:

<b>Property Construction Date Points (40 Points)</b>	
Construction began on or before December 31, 1940	40
Construction began on or after January 1, 1940 and on or before December 31, 1959	35
Construction began on or after January 1, 1960 and on or before December 31, 1977	25

<b>Portion of Units Occupied by at Least One Child Under Age Six (20 points)</b>
If the percent of units occupied by children under 6 is 50% or above, then the application will receive the maximum points (20). If the percent ranges from 1% to 49%, then the application will receive commensurate points based on the percentage doubled and multiplied by 20, rounded up to the nearest whole number. For example, an application with 10% units occupied by children under 6 will receive 4 points.

[1] Jacobs DE, Clickner RP, Zhou JY, Viet SM, Marker DA, Rogers JW, et al. The prevalence of lead-based paint hazards in U.S. housing. *Environ Health Perspect.* 2002;110:599–606. [www.ncbi.nlm.nih.gov/pmc/articles/PMC1241046/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241046/) [2] Dewalt FG, Cox DC, O’Haver R, Salatino B, Holmes D, Ashley PJ, et al. Prevalence of Lead Hazards and Soil Arsenic in U.S. Housing. *Journal of Environmental Health.* 2015;78:22- 29. [www.neha.org/node/6429](http://www.neha.org/node/6429)

**Rating Factor 2 LBPCF: Soundness of Approach/ Cost Estimate**

**Maximum Points: 31**

**LBPCF Rating Factor 2: Soundness of Approach/Cost Estimate**

Rating Factor 2 will be scored based on the content of the PHA’s form HUD 50075.1, Annual Statement (Parts I & II). To earn points for Section 3, applicants must include a description of Section 3 activities in the narrative statement. Points will be awarded based on the following table:

<b>LBPCF Rating Factor 2: Soundness of Approach/Cost Estimate (31 points)</b>	
What work items/activities are necessary to address this hazard?	5
Is the 50075.1 complete and sound?	5
Is the cost estimate sound?	10
Description of Plan to Implement the Grant	10
Section 3	1

**Soundness of Approach.** This rating factor will evaluate the soundness of the proposed plan as identified on the form HUD 50075.1, Annual Statement (Parts I & II). Proposed activities shall adhere to guidelines and requirements outlined in sections I.A., IV.F., and G.1., including the program description, program purpose, funding restrictions, and lead-based paint requirements identified in the application. Form HUD 50075.1 must include the IMS/PIC development(s)/AMP(s) name and number as it is identified in the IMS/PIC system. Eligible program activities include lead-based paint risk assessments, inspections, abatement, interim controls, and clearance examinations.

Forms HUD-50075.1 may be completed within the EPIC online system and printed or saved to PDF to submit with the application, or prepared from the version posted to HUD Clips. Applicants that need assistance with preparing and submitting information in EPIC should work with their assigned field office representative.

The applicant shall propose activities by IMS/PIC development(s)/ AMP(s) proposed for this grant and describe anticipated lead-based paint evaluation and lead hazard control work by IMS/PIC development(s)/AMP.

The applicant shall propose how it will review past lead-based paint evaluations and abatement previously conducted to determine the types of additional lead-based paint evaluations that should be conducted at the proposed projects. PHAs may work with a professional representative (e.g., architect, engineer, Lead Risk Assessor or Lead-based Paint Project Designer) to conduct this review.

The applicant shall propose how it will identify, within 9 months of award and based on review of previously-conducted evaluations and abatement, the housing units (and the common areas servicing those units) to have lead-based paint abated or its hazards abated or interim-controlled,

including enough backup units in case unforeseen obstacles prevent work on the primarily identified units.

**Cost Estimate.**

Within the form, the applicant shall estimate the associated costs of the lead-based paint evaluation and lead hazard control work by IMS/PIC development(s)/AMP.

Applicants should use as many lines as necessary on the 50075.1 form when describing the lead-based paint evaluation, work, and estimated costs per IMS/PIC development/AMP. Reasonable cost estimates will be informed by an analysis of lead-based paint evaluation and work performed already (if applicable), the HUD Guidelines and the Economic Analysis of the Proposed Rule on Lead-Based Paint. Applicants that are not familiar with these resources will benefit from the services of a professional representative familiar with the HUD Guidelines and lead-hazard control projects.

Because the results of the lead-based paint evaluation and the level of lead-based paint hazard control work required may not be determined until after award, PHAs may use a standard estimate of approximately \$10,000 per unit for hazard control in multi-unit properties and \$15,000 per unit for single family properties. However, costs may be less than these amounts for properties that have already had lead-based paint evaluation and hazard control other than lead-based paint abatement performed, or for properties that were built after 1960.

If the proposed hazard control work costs exceed the amount awarded for this program, the PHA can propose a plan to perform interim controls and partial abatement or can use otherwise available funds to complete the proposed hazard control work. In this situation, please describe your plan for interim controls and partial abatement when describing your work plan, to the extent known. If you plan to undertake any additional hazard control work with funds otherwise available to the PHA for that work, which may include Public Housing Capital Fund amounts, please ensure that such activities remain separate from this NOFO and that any applicable reporting requirements are handled separately.

Applicants that use form HUD-50075.1, Annual Statement (Parts I & II) to provide a sound and clear, detailed breakdown of proposed lead-based paint evaluation and hazard control by PIC development/AMP will receive maximum points for this sub-factor. A sound work description and cost estimate will be one that has sufficient detail, contemplates the necessary lead-based paint evaluation, and proposes a hazard control strategy based on what lead-based paint evaluation has revealed or is expected to reveal. Fewer points will be awarded for lack of clarity, lack of detail, not responding fully to the criteria, or proposing ineligible use of funds (eligible uses are listed in section I.A.1). Scoring will depend on whether the applicant provided a sufficient description of proposed work, whether the work is assigned by the AMP/development name and number, and cost reasonableness.

**\*\*\*Note the following: Applicants are limited to 1,000 characters per row in the “General Description of Major Work Categories” column when filling out form HUD-50075.1, Annual Statement. Applicants may not provide supplemental information to the form in**

**the application for satisfying the Soundness of Approach and Cost Estimate components in Rating Factor 2, and shall comply with these character limitations. \*\*\***

**Section 3**

For applicants only applying for funding under the LBPCF program, a narrative is only required when addressing Section 3 as described below:

In accordance with HUD's Section 3 regulations at 24 CFR Part 75, your application will receive up to 1 point based on the quality of Section 3 Plans. To earn the maximum 1 point, applicants must identify, in the narrative, that one or more of the following activities are incorporated in the PHAs Section 3 Plan:

- types and amounts of employment, training, and contracting opportunities to be generated as a result of proposed grant activities;
- specific actions to be taken to give Section 3 residents and Section 3 business concerns (as defined at 24 CFR Part 75) priority consideration for employment, training, contracting, and other economic opportunities in accordance with HUD's regulations at 24 CFR Part 75;
- written criteria to be used for determining eligibility of Section 3 residents and business entities;
- written procedures to be used for notifying Section 3 residents and business entities about the availability of training, employment, and contracting opportunities;
- methodology to be used for monitoring developers, contractors and subcontractors that are awarded covered contracts to ensure compliance with Section 3 requirements;
- strategies for meeting the Section 3 goals for hours worked and contracting opportunities at 24 CFR Part 75; and
- contact information and qualifications for staff persons who will be responsible for the day-to-day implementation of Section 3.

**Rating Factor 3 LBPCF: Past Performance Maximum Points: 9**

LBPCF Rating Factor 3: Past Performance Maximum Points: (9 points)

For this NOFO, HUD will automatically evaluate past performance based on data from HUD’s Financial Assessment Subsystem of Public Housing (FASSPH). Applicants do not need to submit data for this rating factor. Applicants will be awarded points based on the following table for the PHA's Capital Fund Grant Program:

No Office of the Inspector General (OIG) audit findings in 2021 and no Independent Public Accountant (IPA) audit findings in FASSPH for 2021	9
Either OIG audit findings in 2021 or IPA audit findings in FASSPH for 2021, but not both	5
Both OIG audit findings in 2021 and IPA audit findings in FASSPH for 2021	0

## **2. Other Factors.**

### **Preference Points**

HUD encourages activities in support of the interdepartmental initiatives. HUD may award no more than four total preference points for a combination of any of the four (4) preferences (Climate Change, Environmental Justice, Promise Zones (PZ) or Historically Black Colleges and Universities (HBCU). Each preference is worth up to two (2) points. For example, points may be awarded for Climate Change and Environmental Justice, or for Promise Zones and HBCUs.

This program does not offer points for Climate Change

This program does not offer points for Environmental Justice

### **HBCU.**

An applicant partnering with a Historically Black College or University (HBCU) will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that an HBCU Partnership is in place and signed by an authorizing official of the HBCU and documentation of the college or university's status as an HBCU. [Click here to view the list of accredited HBCU's](#)

### **Promise Zones**

HUD encourages activities in Promise Zones (PZ). To receive Promise Zones Preference Points, applicants must submit form HUD-50153, "Certification of Consistency with Promise Zone Goals and Implementation," signed by the Promise Zone Official authorized to certify the project meets the criteria to receive preference points. To view the list of designated Promise Zones and persons authorized to certify, please see the [Promise Zone](#) pages on HUD's website.

## **B. Review and Selection Process.**

### **1. Past Performance**

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements;

Timely use of funds received from HUD;

Timely submission and quality of reports submitted to HUD;

Meeting program requirements;

Meeting performance targets as established in the grant agreement;

The applicant's organizational capacity, including staffing structures and capabilities;

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds;

The number of persons served or targeted for assistance;

Promoting self-sufficiency and economic independence

Producing positive outcomes and results.

Other

HUD may deduct up to 10 points from the total score for PHAs that have significant issues in Past Performance as described above.

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in Section III E., Statutory and Regulatory Requirements Affecting Eligibility, "[Pre-selection Review of Performance](#)".

## **2. Assessing Applicant Risk.**

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- Financial stability;
- Quality of management systems and ability to meet the management standards prescribed in this part;
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

## **VI. Award Administration Information.**

### **A. Award Notices.**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline, but have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

**Final Grant.** After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant.

HUD may impose specific conditions on an award as provided under [2 CFR 200.208](#):

- Based on HUD's review of the applicant's risk under [2 CFR 200.206](#);
- When the applicant or recipient has a history of failure to comply with the general or specific

terms and conditions of a Federal award;

- When the applicant or recipient fails to meet expected performance goals contained in a federal award; or
- When the applicant or recipient is not otherwise responsible.

**Adjustments to Funding.** To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or
- (3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

**Funding Errors.** If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year, if funding is available.

## **B. Administrative, National and Department Policy Requirements and Terms for HUD Recipients Financial Assistance Awards**

For this NOFO, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply.

1. Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFOs. Please read the following requirements carefully as the requirements are different among HUD's programs.

- Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (see cf. [24 CFR 5.105\(a\)](#)).
- Affirmatively Furthering Fair Housing ([Click Here](#)).
- Economic Opportunities for Low-and Very Low-income Persons (Section 3). See [24 CFR](#)

[part 75.](#)

- Improving Access to Services for Persons with Limited English Proficiency (LEP) See [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/limited\\_english\\_proficiency](https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency).

- Accessible Technology. See

<https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>

2. Equal Access Requirements. See [24 CFR 5.105\(a\)\(2\)](#)

3. Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.

4. Equal Participation of Faith-Based Organizations in HUD Programs and Activities.

5. Energy Efficient, Sustainable, Accessible, and Free from Discrimination by Design.

6. Real Property Acquisition and Relocation. See [49 CFR part 24](#).

7. Participation in HUD-Sponsored Program Evaluation.

8. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

9. Drug-Free Workplace.

10. Safeguarding Resident/Client Files.

11. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) (Transparency Act), as amended.

12. Accessibility for Persons with Disabilities. See

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disability\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview)

13. Violence Against Women Act. See [24 CFR part 5](#), subpart L and applicable program regulations.

14. Conducting Business in Accordance with Ethical Standards/Code of Conduct.

15. Environmental Requirements, which include compliance with environmental justice requirements under Executive Order [12898](#) and [14008](#).

As a condition of the receipt of financial assistance under a Program NOFO, all successful applicants will be required to cooperate with all HUD staff, contractors, or designated grantees performing research or evaluation studies funded by HUD.

### **Environmental Review**

Compliance with [24 CFR part 50](#) or [58](#) procedures is explained below:

In compliance with the applicable appropriations Acts and the federal requirements applicable to all Capital Fund activities at 24 CFR 905.308 including environmental review requirements at 24 CFR 905.308(b)(2), all activities under this NOFO are subject to an environmental review by a responsible entity under HUD's environmental regulations at 24 CFR part 58 and must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 et seq.) and the related laws and authorities listed at 24 CFR 58.5. HUD may make a finding in accordance with 24 CFR 58.11 and may perform the environmental review itself under the provisions of 24 CFR part 50. In those cases where HUD performs the environmental review under 24 CFR part 50, it will do so before approving a proposed project, and will comply with the requirements of NEPA and the related requirements at 24 CFR 50.4. A PHA and its contractors may not commit or expend program or local funds for activities under this NOFO until one of the following occurs: (i) The responsible entity has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and given a release of funds; (ii) The responsible entity has determined that the activities are exempt under 24 CFR 58.34 or are categorically excluded and not subject to



compliance with environmental laws under 24 CFR 58.35(b); or (iii) HUD has performed an environmental review under 24 CFR part 50 and has notified the PHA in writing of environmental approval of the activities.

### **Prohibition on Surveillance**

[2 CFR 200.216](#) Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment

Per 2 C.F.R. § 200.216 and Public Law 115-232, section 889, Capital Fund Program grantees are prohibited from using grant funds to purchase, lease, or renew or extend contracts for security equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

### **Remedies for Noncompliance**

[2 CFR 200.340](#) *Termination* A Federal award may be terminated in whole or in part if the grantee fails to comply with the terms and conditions of the award or if HUD determines the award no longer effectuates the program goals or agency priorities.

### **Lead Based Paint Requirements.**

When providing housing assistance funding for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing ([24 CFR part 35](#))), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification ([40 CFR part 745](#))).

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your grant you must inform clients of their rights under the Lead Disclosure Rule ([24 CFR part 35, subpart A](#)), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

## **C. Reporting.**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

**1. Recipient Integrity and Performance Matters.** Applicants should be aware that if the total Federal share of your federal award includes more than \$ 500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in Appendix XII to Part 200 Award Terms and Conditions for Recipient Integrity and Performance Matters.

- All awarded agencies will be expected to update their Five-Year Action Plan and Annual Statement/Budget in EPIC after award. Plans must be reviewed by the Office of Capital Improvements (OCI) and approved by the assigned Public Housing Field Office before work can commence.
- After award, the applicant shall propose a quarterly benchmark schedule for completing lead hazard control work on these units and common areas timely and evenly through the period of performance. An example template for this plan is posted on the OCI website.

- Applicants that are awarded may be required to periodically certify to HUD that funded work is not occurring in an IMS/PIC development subject to a CHAP. For compliance with this provision, HUD will assume all units in the property with a CHAP are included, even if the CHAP has phases where certain units are not covered.

**2. Race, Ethnicity and Other Data Reporting.** HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department’s responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987.

**3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA).** FFATA requires information on federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR Part 170](#), “REPORTINGSUBAWARD AND EXECUTIVE COMPENSATION INFORMATION,” unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.

#### **4. Program-Specific Reporting Requirements**

PHAs awarded under this program shall use EPIC to complete annual reports within 60 days of each annual anniversary of the award. All other reporting (e.g., in financial systems) already required in the Capital Fund formula grant program or the Moving to Work program shall continue to apply.

#### **D. Debriefing.**

For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the authorized organization representative whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s), below. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

Debriefings shall be requested via email to [PIHOCl@hud.gov](mailto:PIHOCl@hud.gov).

#### **VII. Agency Contact(s).**

HUD staff will be available to provide clarification on the content of this NOFO.

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Phone:

Email:

PIHOCI@hud.gov

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339. Please note that HUD staff cannot assist applicants in preparing their applications.

## **VIII. Other Information.**

### **1. National Environmental Policy Act.**

This NOFO provides funding under, and does not alter the environmental requirements of, 24 CFR Part 905. Accordingly, under 24 CFR 50.19(c)(5)(i), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Activities under the NOFO are subject to the environmental review provision set out at 24 CFR 905.308(b)2.

### **2. Web Resources.**

- [\*\*Affirmatively Furthering Fair Housing\*\*](#)
- [\*\*Code of Conduct list\*\*](#)
- [\*\*Assistance Listing \(formerly CFDA\)\*\*](#)
- [\*\*Unique Entity Identifier\*\*](#)
- [\*\*Equal Participation of Faith-Based Organizations\*\*](#)
- [\*\*Federal Awardee Performance and Integrity Information System\*\*](#)
- [\*\*FFATA Subaward Reporting System\*\*](#)
- [\*\*Grants.gov\*\*](#)
- [\*\*HBCUs\*\*](#)
- [\*\*Healthy Homes Strategic Plan\*\*](#)
- [\*\*Healthy Housing Reference Manual\*\*](#)
- [\*\*HUD's Strategic Plan\*\*](#)
- [\*\*HUD Grants\*\*](#)
- [\*\*Limited English Proficiency\*\*](#)
- [\*\*NOFO Webcasts\*\*](#)
- [\*\*Procurement of Recovered Materials\*\*](#)
- [\*\*Promise Zones\*\*](#)
- [\*\*Section 3 Business Registry\*\*](#)
- [\*\*State Point of Contact List\*\*](#)
- [\*\*System for Award Management \(SAM\)\*\*](#)
- [\*\*Uniform Relocation Assistance and Real Property Acquisition Act of 1970 \(URA\)\*\*](#)
- [\*\*USA Spending\*\*](#)

### **3. Program Relevant Web Resources**

## APPENDIX

### APPENDIX A: Key Residential Health and Safety Hazards under this NOFO

The following briefly describes the housing-related hazards that are the key targets for intervention under this grant program, namely:

- Carbon monoxide and other combustion products of heating and cooking appliances and motor vehicles in attached garages
- Mold and moisture
- Radon
- Fire sprinklers
- Asbestos
- Lead Based Paint

**Carbon Monoxide and other Combustion Products of Heating and Cooking Appliances and Motor Vehicles in Attached Garages:** Burning of oil, natural gas, kerosene, or wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene) and inhalable particulate matter (PM). Exposure to carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can irritate or damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Improper venting and poor maintenance of heating systems and cooking appliances can dramatically increase exposure to combustion products. As green construction and rehabilitation become more popular, and homes become increasingly airtight to improve energy efficiency, there are concerns about potential trade-offs in indoor air quality and resident health (Selgrade et al. 2006, Wilson et al. 2014). Experts recommend having combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys, cracked or disconnected flue pipes, dirty filters, rust or cracks in the heat exchanger, soot or creosote build-up, and exhaust or gas odors. Per [Notice PIH 2022-01](#), all PHAs must be in compliance with the International Fire Code (IFC) 2018 Standards on the installation of Carbon Monoxide alarms or detectors by December 27, 2022. However, such a detector will not detect other combustion by-products.

**Mold and Moisture:** An analysis of several pulmonary disease studies estimates that 25 percent of airways disease, and 60 percent of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of Pulmonary Hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold *Stachybotrys atra* (SA) in air and cultured surface samples, although this association could not be considered a causal relationship. Associations between exposure to SA and ‘sick building’ symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. A review by an expert committee convened by the Institute of Medicine of the of the National Academies (currently, the Health and Medicine

Division of the National Academies of Sciences, Engineering, and Medicine) found sufficient evidence for an association between exposure to mold and other agents in damp indoor environments and asthma symptoms in sensitized persons, upper respiratory tract symptoms, cough, and wheeze (IOM 2004). The committee also found limited or suggestive evidence for an association between damp indoor environments and the development of asthma. A HUD-funded study reported three mold species common to water damaged buildings, *Aspergillus ochraceus*, *Aspergillus unguis*, and *Penicillium variabile*, when measured in house dust during the first year of life, were significantly associated with the development of asthma in children at age 7 (Reponen et al. 2012; Reponen et al. 2013).

Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities. Krieger et al. (2010) report that an expert panel review of relevant literature on this topic found that a combined approach of eliminating active leaks and moisture intrusion into the home while also removing moldy items already in place was an effective intervention strategy for reducing exposure to mold and associated respiratory health effects. The panel concluded that there was sufficient evidence to support implementation of a coordinated intervention strategy for mold and moisture problems. The cost of mold/moisture-related intervention work (e.g., integrated pest management, cleaning and tuning the furnace, removing debris, providing a clothes dryer vent to the outside, covering a dirt floor with an impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system or structural repairs are needed. For example, in Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily contaminated homes range from \$500 to \$5,000, with some costs also being dedicated to LHC simultaneously through its lead and asthma program.

**Radon:** The U.S. EPA estimates that about 21,000 deaths per year from lung cancer in the U.S. are related to radon exposure, about 1/8<sup>th</sup> of all US. lung cancer deaths ([EPA 2003](#)). Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures are typically related to home ventilation, structural integrity and location. Radon measurement and remediation methods are well developed, and the EPA recommends that every home be measured for radon. Sandel et al. (2010) conducted a review of the literature and concluded that active soil depressurization beneath the foundation of the structure was an effective method for reducing radon exposures in the home. EPA estimates that materials and labor costs for radon reduction in an existing home are \$800-\$2,500. Including radon resistant techniques in new home construction costs \$350-\$500 and can save up to \$65 annually in energy costs, according to the EPA. The American Association of Radon Scientist (AARST) has published several standard protocols for the testing and mitigation of radon hazards in single and multifamily housing (<https://standards.aarst.org/>), e.g.:

- Radon measurement in single-family and multifamily housing, and associated quality assurance:
  - ANSI/AARST MAH-2019, Protocol for Conducting Measurements of Radon and Radon Decay Products in Homes

- NSI/AARST MAMF-2017, Protocol for Conducting Measurements of Radon and Radon Decay Products in Multifamily Buildings
- ANSI/AARST MS-QA-2019, Radon Measurement Systems Quality Assurance
- Radon mitigation in single-family and multifamily housing, and in associated soil:
  - ANSI/AARST RMS-MF-2018, Radon Mitigation Standards for Multifamily Buildings
  - ANSI/AARST MS-PC-2015, Performance Specifications for Instrumentation Systems Designed to Measure Radon Gas in Air
  - ANSI/AARST SGM-SF-2017, Soil Gas Mitigation Standards for Existing Homes

**Fire Sprinklers:** Residential fire sprinklers have long proven themselves as life safety technologies to the fire service community. They have been shown to be cost-effective for homeowners, as installation costs have fallen, and performance has increased. It has been demonstrated that residential fire sprinklers yield reductions in fatalities, injuries, and property damage using a national statistics approach. Research by the National Institute of Standards and Technology (Butry DT. Accident Analysis and Prevention 48:480-94. Sep 2012. <https://doi.org/10.1016/j.aap.2012.03.006>) showed that hardwired smoke alarms are superior to those powered only by batteries, but that fire sprinklers still provide an additional level of life safety.

The National Fire Prevention Association, a voluntary consensus standards body, has published standards regarding sprinkler systems:

- NFPA 13-19, Standard for the Installation of Sprinkler Systems.
- NFPA 13D-19, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (note: cited here because some public housing is 1- or 2-unit scattered site housing).
- NFPA 13R-19, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies (see note above).

The International Code Council, another voluntary consensus standards body, has published model codes regarding fire protection systems and detection in, for example, its International Fire Code (IFC), of which the 2018 edition is the most recent (see <https://www.iccsafe.org/products-and-services/i-codes/2018-i-codes/ifc/>). Within that code is chapter 9, Fire Protection and Life Safety Systems, which includes:

- 2018 IFC section 903, Automatic Sprinkler Systems, within chapter 9, Fire Protection and Life Safety Systems (note that this section cites NFPA 13D and 13R for applicable buildings).

In 1997, nearly 7 million persons in the U.S. were disabled for at least one full day by unintentional injuries received at home; for children younger than 15 years of age, unintentional injury is now the leading cause of death and disability. A HUD-supported study of deaths among US children and adolescents from 1985 to 1997 found that an average of 2,822 unintentional deaths occurred annually from residential injuries (Nagaraja et al., 2005). The highest death rates were attributable to fires, submersion or suffocation, and poisoning. Black children were two times more likely to die from residential injuries than white children. The elderly are also at an elevated risk for residential injuries. Home visitation protocols have been shown to be effective

in reducing exposure to injury hazards. The ‘add-on’ cost of injury prevention measures, when combined with other housing interventions are estimated at about \$100 per unit. This includes the cost of some injury prevention devices (e.g., smoke alarms, electrical socket covers, etc.). DiGuseppi et al. (2010) reported on an expert panel review of seventeen interventions intended to reduce injuries due to residential deficiencies. Installed and properly working smoke detectors were determined to be an effective intervention that should be implemented for reducing fire-related injuries. This panel deemed four-sided pool enclosures efficacious and pre-set safe hot waters heaters sufficient for reducing residential-based injuries.

**Asbestos:** Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACMs) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering the people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower-level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer. Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACMs usually involves either sealing (encapsulation) or covering it (enclosure). Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should only be done by a trained professional certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

**Lead Hazards:** Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best-studied of the household environmental hazards to children. Although blood lead levels (BLLs) have fallen nationally, a large reservoir of lead remains in housing. As BLLs have dropped over the years, recent analyses have examined the relationship between relatively low blood lead concentrations (<10 µg/dL) and cognitive functioning in representative samples of U.S. children and adolescents, and have found evidence that suggests that deficits in cognitive and academic skills associated with lead exposure have no threshold (Lanphear et al., 2000; Canfield et al., 2003). These findings clearly support the importance of primary prevention with respect to childhood lead exposure. Despite dramatic reductions in blood lead levels over the past 20 years, lead poisoning continues to be a significant health risk for young children. In 2012, the Centers for Disease Control and Prevention (CDC) changed its approach to recommending action based on children’s (under age 6) blood lead levels, from a



blood lead “level of concern” if the test result is  $\geq 10$   $\mu\text{g}/\text{dL}$ , to its blood lead reference value as the 97.5<sup>th</sup> percentile of the national distribution of blood lead levels in children ages 1 to 5 years as per its National Health and Nutrition Examination Survey, with the reference value to be reviewed regularly. (CDC, 2012).

Based on results from the HUD funded [American Healthy Homes Survey II](#) (Dewalt et al., 2021), it is estimated that approximately 35 percent of housing units (37 million) in the United States contain lead-based paint. It is further estimated that 23 percent of the nation’s housing stock (22 million housing units) have one or more significant lead-based paint hazards (i.e., deteriorated lead-based paint, lead-contaminated dust, or lead-contaminated soil). 1.1 million housing units were found to pose the highest risk of lead poisoning because they housed low-income families with children less than six years of age. Among HUD lead hazard control (LHC) grantees, LHC costs tend to range from \$500 to \$15,000 per unit, with a median cost of \$6,000. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, cleanup and ‘clearance testing,’ which ensures the unit is safe for young children. In addition, acute injuries to children have been well documented, most notably in instances involving sanding or stripping of lead-based paint or visible deterioration of lead-based painted residential building components combined with children who exhibit pica tendencies.

Evaluation of lead hazard control interventions conducted by recipients of HUD’s lead hazard control grants found that interventions were effective in significantly reducing pre-intervention dust-lead levels on floors and window surfaces up to six years following intervention (Wilson et al. 2006). More intensive treatments were found to significantly reduce dust lead loadings on windowsills and troughs compared to lower-level treatments, however, no significant differences in dust-lead loadings on floors were reported. Sandel et al. (2010) confirmed these general findings, citing that lead hazard control interventions were effective in reducing exposures to lead. The authors concluded that the evidence was sufficient to promote lead hazard control interventions as a means of reducing lead exposure and associated health effects, particularly in children. In a HUD-funded follow-up study of residential window replacement and lead hazard control after homes were enrolled in an evaluation of the HUD Lead Hazard Control Grant Program, (Dixon, et al. 2012), reported that 12 years after intervention, homes with all replacement windows had significantly lower interior floor dust-lead and sill-lead levels compared to homes with partial window replacement. Wilson, et al. (2015) reported on the importance of including porches in the evaluation and control of lead-based paint hazards. The study demonstrated significant reductions in porch dust-lead levels following floor replacement or paint stabilization.

Drinking water can also be an important source of lead exposure. Lead can leach from brass fixtures into water as well as from lead solder used in interior plumbing. Also, some older homes in the U.S. have lead supply lines connecting the home to the larger public water supply line. Lead leaching from supply lines can be mitigated through treatment of the water using chemical agents at water treatment plants. Lead exposure from inadequate water treatment was documented among children living in Flint, Michigan in 2015 (Hanna-Attisha et al., 2016).

## **APPENDIX B: Selected Relevant Publications, Guidelines and Other Resources**

The sources below are provided for informational purposes only. By inclusion in this Appendix, HUD is not necessarily endorsing any of the research, findings, or policies. To secure any of the



documents listed, call the telephone number provided. If you are a hearing-or speech-impaired person, you may reach the federal telephone numbers through TTY by calling the toll-free Federal Relay Service at 800-877-8339, and, for non-federal numbers, 711. Several of these references can be downloaded from the Internet without charge from the HUD Office of Lead Hazard Control and Healthy Homes website, [www.hud.gov/program\\_offices/healthy\\_homes](http://www.hud.gov/program_offices/healthy_homes).

## **1. REGULATIONS:**

- a. Worker Protection: Occupational Safety and Health Administration (OSHA) publications listed below can be purchased by calling either OSHA Regulations at 202-693-1888 (this is not a toll-free number) or the Government Printing Office (GPO) at 202-512-1800 (this is not a toll-free number). OSHA standards and other publications can be downloaded or purchased (as applicable) from OSHA's publication web page, [www.osha.gov/pls/publications/pubindex.list](http://www.osha.gov/pls/publications/pubindex.list). A broad range of information on construction and other worker protection requirements and guidelines is available from OSHA's home page, [www.osha.gov/](http://www.osha.gov/) and from [www.osha.gov/SLTC/lead/](http://www.osha.gov/SLTC/lead/).
- b. Waste Disposal: A copy of the EPA regulations at 40 CFR parts 260-268 can be purchased by calling 800-424-9346, or, from the Washington, DC, metropolitan area, 703-412-9810 (this is not a toll-free number). The regulations can also be downloaded without charge from the EPA website at [www.epa.gov/lead/pubs/fslbp.htm](http://www.epa.gov/lead/pubs/fslbp.htm).

## **Lead**

- a. U.S. Environmental Protection Agency. Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745 (EPA) (Lead Hazard Standards, Work Practice Standards, EPA and State Certification and Accreditation Programs for those engaged in lead-based paint activities) can be purchased by calling the Toxic Substances Control Act (TSCA) Assistance Service at 202-554-1404 (this is not a toll-free number). The rule and guidance can be downloaded from the Internet without charge at <https://www.epa.gov/lead/pubs/leadcert.htm>.
- b. HUD. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule: 24 CFR part 35, subparts B through R, published September 15, 1999 (64 FR 50201) (HUD, Lead Safe Housing Rule). The rule can be purchased by calling the National Lead Information Center's (NLIC's) toll-free number (800-424-LEAD) or downloaded without charge from HUD's website at [https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/lshr](https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr).
- c. HUD. Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing, 24 CFR Part 35, Subpart A (HUD, Lead-Based Paint Disclosure Rule) by calling the NLIC's toll-free number (800-424-LEAD). (Note that the EPA's rule with the same title, codified at 40 CFR 745, subpart F, has the same content as HUD's rule.) The rule, guidance, pamphlet and disclosure formats can be downloaded from the HUD website at [https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/lshr](https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr).
- d. HUD. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Response to Elevated Blood Lead Levels. Final rule. 82 FR 4151-4172; January 13, 2017. <https://www.federalregister.gov/d/2017-00261>.
- e. U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Final Rule at 66 FR 1205-1240 (January 5, 2001). This rule and guidance can be obtained

without charge by calling the NLICs toll-free number (800-424-LEAD) or by calling the TSCA Assistance Service at: 202-554-1404 (this is not a toll-free number). The rule and guidance can be downloaded from the EPA website at [www.epa.gov/lead/pubs/leadhaz.htm](http://www.epa.gov/lead/pubs/leadhaz.htm).

f. U.S. Environmental Protection Agency. Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint. 84 Federal Register 32632-32648 (July 9, 2019). [www.federalregister.gov/d/2019-14024](http://www.federalregister.gov/d/2019-14024).

g. U.S. Environmental Protection Agency. Lead; Renovation, Repair, and Painting Program; Final Rule at 73 FR 21692- 21769 (April 22, 2008) This rule and guidance on it can be obtained without charge by calling the NLIC's toll-free number (800-424-LEAD) or by calling the TSCA Assistance Service at: 202- 554-1404 (this is not a toll-free number). The rule and guidance can be downloaded from the EPA website at [www.epa.gov/lead/pubs/renovation.htm](http://www.epa.gov/lead/pubs/renovation.htm).

## **2. GUIDELINES AND OTHER RESOURCES:**

### **Lead**

- a. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD. The Guidelines can be downloaded from the HUD website without charge at [www.hud.gov/program\\_offices/healthy\\_homes/lbp/hudguidelines](http://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines).
- b. Preventing Lead Poisoning in Young Children; Centers for Disease Control, August 2005. These guidelines can be obtained without charge by calling the CDC toll free number at 888-232-6789. The guidelines can also be downloaded from [www.cdc.gov/nceh/lead/publications/PrevLeadPoisoning.pdf](http://www.cdc.gov/nceh/lead/publications/PrevLeadPoisoning.pdf).
- c. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC). These guidelines can be obtained without charge by calling the CDC toll free number at 888-232-6789 or they can be downloaded from [www.cdc.gov/nceh/lead/publications/screening.htm](http://www.cdc.gov/nceh/lead/publications/screening.htm).
- d. EPA's Technical Review Workgroup (TRW) Bioavailability Committee has developed the following guidance and documents on the use of soil treatments for lead contamination. <https://semspub.epa.gov/work/HQ/100000048.pdf>, and <http://www.tandfonline.com/doi/pdf/10.1080/10937404.2013.825216>.

### **Healthy Buildings**

- a. Centers for Disease Control and Prevention and U.S. Department of Housing and Urban Development. Healthy housing reference manual. 2012. [https://www.cdc.gov/nceh/publications/books/housing/housing\\_ref\\_manual\\_2012.pdf](https://www.cdc.gov/nceh/publications/books/housing/housing_ref_manual_2012.pdf)