

least 10% of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the exception of Community Development Block Grant (CDBG) funds, Federal Revenue Sharing programs, or other programs which by statute allow their funds to be considered local funds and therefore eligible to be used as matching funds, Federal funds may not be used to satisfy the statutorily required 10% matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If an applicant does not include the minimum ten percent match in the application, it will be considered a curable (correctable) technical deficiency (see Section VIII, Corrections to Deficient Applications in the General Section of this SuperNOFA for the specific details on how to correct this technical deficiency).

(B) *Program Requirements.* In addition to the threshold requirements, the applicant must also comply with the following:

(1) *Work Activities.* Conformance of proposed plans to Federal and State policies for Lead-Based Paint Hazard Control. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR Part 35, and as clarified in HUD's Interpretive Guidance about the rule. Activities must also comply with any additional requirements in effect under a State or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

(2) *Direct Lead Hazard Identification and Control Activities.* The budget proposed must show a minimum of 60 percent of the total Federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of dust testing, lead paint inspections, risk assessments, lead hazard control services, and clearance examinations. Direct hazard control activities do not include relocation, blood lead testing of residents or workers, housing rehabilitation, training, community education, applied research, purchase of supplies or equipment, or administrative costs.

(3) *Lead-Safe Work Practice Training Activities.* For most applicants, at least two percent of the total Federal amount in the budget proposal will be necessary to promote the expansion of a workforce properly trained in lead-safe work practices and which is available to

conduct interim controls and/or lead hazard abatement as well as follow lead-safe work practices while performing work on HUD assisted housing units per the provisions of the HUD Lead-Safe Housing Regulation 24 CFR part 35(1330(a)(4)(iii)(v), and to safely repair, rehabilitate, and maintain other privately-owned residential property. Any applicant that proposes to use less than two percent of the total Federal amount for this purpose shall present evidence that there is currently in place a workforce that is sufficient in size and is properly trained to carry out the work under the Lead Hazard Control grant and the HUD Lead-Safe Housing Regulation.

(C) *Administrative Costs.* There is a 10% maximum for administrative costs as specified in Section 1011 (j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102-550). Additional information about allowable administrative costs is provided in Appendix B of this NOFA.

(D) *Period of Performance.* The period of performance is 42 months for *new or prior grantee applicants*. The period of performance for current grantee applicants eligible for a Performance-Based Renewal is 36 months. HUD reserves the right to approve no cost time extensions for a period not to exceed 24 months.

(E) *Certified and Trained Performers.* Funded activities must be conducted by persons qualified for the activities according to 24 CFR part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

(F) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use these grant funds for properties located in the Coastal Barrier Resources System.

(G) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128), you may not use these grant funds for lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59-79), or less than a year has passed since FEMA

notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(H) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. The Model Agreement may be obtained from the HUD Web site at: [www.hud.gov/utilities/intercept.cfm?/offices/lead/grantfrm/pgi/95\\_06.pdf](http://www.hud.gov/utilities/intercept.cfm?/offices/lead/grantfrm/pgi/95_06.pdf).

(I) *Waste Disposal.* You must handle waste disposal according to the requirements of the appropriate local, State and Federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines are available from the HUD Web site at: [www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm](http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm).

(J) *Worker Protection Procedures.* You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62, Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

(K) *Prohibited Practices.* You must not engage in the following prohibited practices:

- (1) Open flame burning or torching;
- (2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;
- (3) Uncontained hydro blasting or high-pressure wash;
- (4) Abrasive blasting or sandblasting without HEPA exhaust control;