

businesses that are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5 (see 59 FR 33881, June 30, 1994).

(B) *Eligible Applicants and Threshold Requirements.* (1) To be eligible to apply for funding under this program, the applicant must be a city, county, or similar unit of local government. States and Indian Tribes may apply on behalf of units of local government within their jurisdiction, if the local government designates the state or the Indian Tribe as their applicant. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. If you are a state or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by the Environmental Protection Agency (EPA). You may submit only one application. In the event that multiple applications are submitted, this will be considered a technical deficiency and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned unevaluated (see Section VIII of the General Section of the SuperNOFA). In addition, if you or any member of your consortium also applied for funding under the recent Fiscal Year 2003 Lead Hazard Control Grant Program Notice of Funding Availability, you must discuss how both programs will operate concurrently and how program activities will be combined to achieve maximum benefits.

(2) *Threshold Requirements.* As an eligible applicant, you must also meet all of the threshold requirements in Section V(B) of the General Section of the SuperNOFA as well as the specific threshold requirements listed in this subsection. Applications will not be rated or ranked if they do not meet the threshold requirements.

(a) Applicants must report the total number of pre-1940 rental units within the jurisdiction(s) where funds will be used (data from the 2000 U.S. Census are acceptable). Applicants must have at least 3,200 pre-1940 rental housing units in order to apply under this NOFA. Appendix C includes the top 100 areas ranked by the number of pre-1940 rental housing units as determined by the year 2000 U.S. Census. Failure to provide the number of pre-1940 rental units will result in the application not being evaluated.

(b) Provide the actual number of documented cases of lead-poisoned

children residing within the applicant's jurisdiction(s) for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2000 will not be accepted. States and Indian Tribes must report the number in the city, county, or other area where funds will actually be used. Consortia of local governments must report the number in the cities or counties making up the consortium. For the purposes of this application, a "documented case" of childhood lead poisoning is a child under six years of age with a blood lead level test of equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider. The actual number of documented cases (not an estimate) must be reported to HUD in order to be eligible for this grant program. Do not send the children's names, addresses, or other identifiers. Failure to provide this number in the application means that the application will not be rated or ranked.

(3) *Consolidated Plans.* (This requirement does not apply to Native American Tribes.)

(a) If your jurisdiction has a current HUD-approved Consolidated Plan, you must submit, as an appendix, a copy of the lead-based paint element included in the approved Consolidated Plan. If the Analysis of Impediments (AI) includes references to lead-based paint as an impediment to fair housing, this should be included in your application as well. If the same applicant agency also submitted an application for the recently published Fiscal Year 2003 Lead Hazard Control Grant Program Notice of Funding Availability, you may refer to this material for proof of documentation if the applicant agencies are the same. You are not required to resubmit this material for this NOFA.

(b) If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(4) *EPA Authorization.* If you are a state government or Indian (Native American) Tribal government, you must have an EPA-authorized Lead-Based Paint Training and Certification Program in effect on the application deadline date to be eligible to apply for Lead Hazard Control Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant state

or Indian (Native American) Tribal government.

(C) *Eligible Activities.* HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income families with children under six years of age, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Activities must be conducted in compliance with HUD's Lead-Safe Housing Regulation, 24 CFR part 35. Copies of this Regulation are available from the Office of Healthy Homes and Lead Hazard Control website at: <http://www.hud.gov/offices/lead>.

(1) Not less than 90 percent of the funds made available shall be used exclusively for abatement and/or interim controls (with clearance testing), inspections, risk assessments, and temporary relocations. These include Direct Project Elements (a)–(e) that you may undertake directly or through sub-recipients:

(a) Performing dust testing, inspections, and risk assessments 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 through the use of acceptable testing procedures. All test results must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(b) Conducting lead hazard control activities that may include any combination of the following:

i. Interim controls of lead-based paint hazards including lead-contaminated soil in housing (that must include specialized cleaning techniques to address lead dust, according to the HUD Guidelines, located at <http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm>).

ii. Abatement. The complete abatement of all lead-based paint hazards in a unit or structure is acceptable if it is cost-effective and if prior HUD approval is obtained. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, *i.e.* dripline or foundation of the unit being treated, and children's play areas.

All lead hazards identified in a housing unit enrolled in this grant program must be controlled or eliminated by any combination of these strategies.

(c) Carrying out temporary relocation of families and individuals during the period in which hazard control is