

CDBG 2013 Housing Implementation Webinar
Related Questions and Answers

- Q. Does the OCR have a sample lead-based paint plan that is compliant with both HUD and EPA requirements?
- A. At this time, the OCR does not have a sample lead based plan. OCR is developing a guideline for what the lead based paint plan should include and will make this available to Recipients and will post to the website when it is ready. Until this is complete, please consult with your assigned Community Developer for further guidance.
- Q. The new lead paint requirements provide for possible exclusion on well/septic projects. Are lateral connection projects also eligible for exclusion? If paint is disturbed to install a lateral, does the testing/clearance apply to the work area or to the entire house?
- A. The OCR will include lateral connections as potential exceptions to the presumption of lead based paint. This will apply only in the instance that the work is limited in scope and does not disturb any lead based paint on the interior. If any lead based paint is disturbed, the rule is triggered and a lead based paint risk assessment of the living unit will be required. Please refer to Chapter 5, General Provisions of the OCR Grant Administration Manual for further guidance.
- Q. Are floodplain legal notices for projects without "substantial rehab" necessary?
- A. A floodplain legal notice as it applies to substantial rehabilitation at 24CFR Part 55 is subject to Executive Orders 11988 and 11990. HUD has recently implemented new changes to Part 55 which the OCR is in the process of addressing as it applies to the State administered CDBG Program. If a project results in 'substantial rehabilitation', or the total project investment is more than 50% of the value of the property, compliance with Part 55 is required PRIOR to undertaking any activity. Please refer to Chapter 2, Environmental Review of the OCR Grant Administration Manual for further guidance. OCR will inform Recipients, subrecipients and consultants when the revisions to Chapter 2 that address Part 55 are complete.
- Q. Could you please explain the preliminary contact with SHPO related to the ERR and what you would like to see included with the ERR if project sites have not been identified at the application stage.
- A. All NYS CDBG activities are subject to a coordinated environmental review and preparation of an Environmental Review Record (ERR) that must be completed in compliance with the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA). Prior to the completion of the ERR and the publication of a notice for Request for Release of Funds, the Responsible Entity

(the CDBG Recipient) must complete an analysis of all potential environmental permitting requirements, in this case, SHPO or the State Historic Preservation Office as required under Section 106. For all NYS CDBG funded activities, this must include formal notification to SHPO if the activity(ies) that is proposed to be undertaken. In the case of a housing rehabilitation activity, this means the Responsible Entity notifies SHPO that this rehabilitation activity is proposed to be undertaken. The Housing Trust Fund Corporation (HTFC) and the NYS SHPO have entered into a Memorandum of Understanding that establishes an expedited review process for all programs administered by the HTFC including the NYS CDBG Program. For an expedited review, Recipients should submit the required SHPO review documentation to James Warren. SHPO will respond and will establish the basis for compliance documentation as part of the site specific environmental review. Recipients cannot publish a Notice of Intent to Request Release of Funds or a Combined Finding of No Significant Impact and Notice of to Request Release of Funds until this is completed. Please refer to Chapter 2, Environmental Review of the OCR Grant Administration Manual for further guidance

Q. On form 1-1 could you confirm the persons authorized to sign request for funds cannot also be signatories on payment/checks?

A. The OCR requires that Recipients authorize individuals on Form 1-1 that can sign a request for funds, Form 1-4. When submitting the 1-4, the OCR requires at least one authorized signature and recommends two. In the case where one signature is required, that individual must be a municipal employee. When two signatures are required, at least one of the signatures must be a municipal employee. Municipal employees can include but is not limited to Clerks, Treasurers, Board Members, Community Development staff, or Account Clerks. Chief Elected Officials are specifically prohibited from being an authorized signatory. Further, the person or persons that are authorized to sign the municipal check from the CDBG account from which the payment is made cannot be authorized to sign the Request for Funds. For example, if the Village Clerk is the signatory for the CDBG checking account, this same person cannot be authorized to sign the 1-4. The OCR requires a separation of duties, having the different signatories assists in this. Please refer to Chapter 3, Financial Management of the OCR Grant Administration Manual for further guidance.

Q. Must general labor standards be followed for general contractors and M/WBE?

A. Generally speaking, the answer is yes. The OCR Grant Administration Manual Chapter 4 contains Exhibit 4-1, Required Contract Provisions. Not all provisions will apply to all contracts, for specific guidance, please contact your assigned Community Developer. Compliance with Minority and Women Business Enterprises (M/WBE) is required for all contracts. In this case, when undertaking housing rehabilitation, a Recipient will establish a list of qualified contractors, which may include advertising that the Recipient is establishing this list, the ad could include a statement that says, "the Village of Upstate is accepting applications for qualified contractors to undertake housing rehabilitation, Minority and Women Business Enterprises are encouraged to

apply.” The Recipient can also contact Empire State Development Corporation at <http://www.esd.ny.gov/MWBE.html>. The OCR requires that all Recipients make a good faith effort to make contracts available to M/WBE firms, taking these steps will assist in that goal. There are no exceptions or waivers to M/WBE compliance.

- Q. Does the requirement to submit bid specs to OCR prior to bidding apply to individual housing rehab (ie, single family houses) projects?
- A. The OCR requests that prior to undertaking the first rehabilitation activity, that the Recipient or Subrecipient submit a sample bid specification to the assigned Community Developer for compliance with CDBG requirements and regulations. This is required one time.