

City of Nampa
Community Development Block Grant (CDBG)
Program Year 2022

APPLICATION GUIDELINES

CDBG funding is made possible by the US Department of HUD and is administered by the City of Nampa, Economic / Community Development Department.

CDBG Applications are available on-line.

Application link can be found at:

<https://www.cityofnampa.us/1258/Current-Year-CDBG-Application-Documents>

If you need assistance, call the Economic / Community Development Department (208) 468-5407.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION GUIDELINES**

- A. [Program Description](#)
 - National Objectives
 - Eligible CDBG Activities
 - Ineligible Activities
- B. [Application Submission](#)
 - Submission Guidelines
- C. [Application Requirements](#)
 - Eligible Applications
 - Multi-Year Funding
 - LID (Local Improvement Districts)
 - Acquisition
 - Design & Construction Projects
- D. [Funding Guidelines](#)
- E. [Application Criteria](#)
 - Quality Applications
 - Special Note for Construction Projects
- F. [City-Wide Map and Determination of Area Benefit](#)
- G. [Review Process](#)
 - Public Service and Non-City Applications
 - City Department Applications
- H. [Post - Award & Sub-Recipient Criteria](#)
 - Prior to Execution of Agreement
 - Post Execution of Agreement
- I. [Criteria and Scoring](#)

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION GUIDELINES

A. PROGRAM DESCRIPTION

The City of Nampa Community Development Program (CDBG) is funded by the federal Department of Housing and Urban Development. The CDBG program is a flexible program that provides communities with resources to address a wide range of unique community development needs. The goal of the program is to provide decent housing, a suitable living environment, and opportunities to expand economic opportunities, principally for low- and moderate-income persons.

National Objective

- To be considered for CDBG funding, a project must meet one of the following National Objectives:
 - BENEFIT AT LEAST 51 PERCENT LOW AND MODERATE INCOME (LMI) PERSONS
(*The majority of all projects address Benefit to LMI persons*) *See Addendum A*
 - AID IN THE PREVENTION OR ELIMINATION OF SLUMS OR BLIGHT
 - URGENT NEED – (Rarely Used – this is used mostly for natural disasters)

Benefit to LMI persons

The current income guidelines for the City of Nampa are listed below. All funded applicants will be required to update any forms used to collect beneficiary information whenever new income guidelines are made available. Guidance for income guidelines can be found at the following link: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/> and also by going to the Community Development page on the City of Nampa’s website at <https://www.cityofnampa.us/159/Community-Development-Block-Grant> .

- LMI benefit is achieved only if the project meets one of the following criteria:
 - Area Benefit Activities (LMA)– *most projects fall within this category*
 - Limited Clientele Activities (LMC)
 - Housing Activities (LMH)
 - Job Creation or Retention Activities (LMJ)
- 1. Area Benefit - It must be carried out in a benefit area consisting of at least 51 percent low-and moderate-income individuals and must serve all individuals in the area regardless of income. Projects that meet this guideline include public infrastructure projects like water system improvements, parks, pedestrian ramp improvement, and community centers. The area need not be consistent with census tracts but must be the entire area served by the activity. There are two ways to document area benefit, census and survey.
 - a. If the project area matches or lies within the boundaries of a Census Tract in its entirety, the Department of Housing and Urban Development and the City of Nampa have calculated the low-and-moderate-income for these areas using the census. This information is provided in map form in the Application Guidance.
 - b. If the project area does not match the boundaries of a Census Tract in its entirety or if the project area has undergone extensive redevelopment since the last census (i.e. a new subdivision), an income survey following specific procedures must be conducted. This

process takes extensive time to complete and should be pursued as early as possible.
Please contact the City of Nampa if you need to conduct a survey.

2. Limited Clientele - It must involve limited clientele activities which targets a specific group of people, such as senior citizens, domestic violence victims, or homeless persons. The project must meet at least one of the following criteria:
 - a. Benefit a clientele group generally assumed to be comprised of low-and moderate-income persons. The Department of Housing and Urban Development recognizes the following groups under this category: elderly persons, homeless persons, persons with disabilities, persons with AIDS, migrant farm workers, abused children, battered spouses and illiterate persons.
 - b. Have income eligibility requirements that limit activities exclusively to low and-moderate-income persons.
3. Housing Activities - It must expand or improve permanent residential structures that will be occupied by low-and-moderate-income households. Housing Activities funded under these projects generally include acquisition or rehabilitation of property, conversion of nonresidential structures or new housing structures. Housing created by these projects may be either single or multi-unit complexes, but if the structure contains more than two living units, at least 51 percent of all units must be occupied by low-and-moderate-income households.
 - a. If two or more rental buildings receiving assistance are located on the same or bordering properties and under the same ownership and management, then the buildings should be treated as a single structure and follow the guidelines stated above.
 - b. All rental housing projects must ensure that all low-and-moderate-income occupants pay affordable rents subject to HUD Fair Market Rent requirements.
<https://www.huduser.gov/portal/datasets/fmr.html>
4. Job Creation or Retention - It must create employment opportunities through investment in new or existing businesses located in within the municipal Nampa. The jobs created must be permanent full-time equivalents (at least 1750 hours per year), where at least 51 percent of which are filled with Nampa residents defined as low to moderate income (LMI) prior to employment (defined as earning 80% of area median income).
 - a. Please note that Job Creation projects have a separate application. Please visit the City website for more information.

Slum and Blight and Urgent Need

- If you believe your project meets one of the following National Objectives, please contact City Staff prior to completing the application.
 - Slum and Blight projects are a special type of project that occurs mostly within the Central Nampa Downtown Districts. These projects are to address deterioration as well as health & safety concerns.
 - Urgent Need projects are the rarest of project types. This National Objective is only used in special circumstances and usually coincides with a Natural Disaster Declaration.

Eligible CDBG Activities

According to federal CDBG regulations outlined in 24 CFR 570, the basic eligible activities include a variety of uses including homeownership activities, rental housing activities, public facilities, and public services. The following is a list of some of the types of uses that may be funded with CDBG dollars.

Basic Eligible Activities

- Acquisition of real property by purchase, long-term lease, or donation
- Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of buildings for eligible purposes
- Clearance, demolition, and removal of buildings and improvements
- Provision of public services, including but not limited to those concerned with drug abuse, crime prevention, drug abuse, education, ESL courses, energy conservation and recreational needs
- Repairs to sidewalks, parks, playgrounds, publicly owned utilities and public buildings benefiting low- or moderate-income households.
- Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, non-profit organizations, and farm operations
- Housing services, including housing counseling, loan processing, and inspections to low- or moderate-income households
- Direct homeownership assistance to low- or moderate-income households
- Infrastructure improvements for the benefit of a business that will create new permanent jobs
 - Please note there is a separate application for Job Creation Projects. Please visit the City website for more information.

Rehabilitation and Preservation

- Rehabilitation of:
 - Privately owned buildings
 - Low-income public housing
 - Publicly or commercially owned industrial buildings
 - Non-profit owned non-residential buildings
 - Manufactured housing
- Historic preservation, including rehabilitation, preservation or restoration of publicly and privately-owned historic properties.

Activities by Community-Based Development Organizations (CBDOs)

- CDBG funds may be provided as grants or loans to any CBDO qualified to carry out neighborhood revitalization, community economic development, or energy conservation projects. CBDOs qualifying under HUD criteria are organizations organized under state or local laws to engage in community development activities in specific geographic areas within communities. Neighborhood Revitalization Strategy Areas meet the specific geographic area requirement. North Central Nampa Target Area is designated as one of these specific geographic areas. The complete list of HUD criteria for qualifying as a CBDO can be found at 24 CFR 570.204.

Ineligible CDBG Activities

- Acquisition, construction, or reconstruction of buildings for the general conduct of government or General government expenses – i.e., City Hall, Public Safety Building
- Political activities
- Paying existing debt
- Purchase of construction equipment, fire protection equipment, furnishings and personal properties
- Operating and maintenance expenses
- Income payments
- Direct funding towards the construction of new housing
- Religious Activities

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION GUIDELINES**

B. APPLICATION SUBMISSION:

- All applications should be submitted through the Neighborly Software Participant Portal located at the following link; <https://portal.neighborlysoftware.com/NampaID/Participant> . Applications should be turned in on or before the deadline and should include all required supporting documentation as identified on the application. Upon City Council approval of the guidelines, application submission will begin on 02/27/2022. If any questions arise while completing the application, please contact our Community Development Division at 208-468-5407 or by email at community@cityofnampa.us for clarification.
- All applications that are approved for funding will need to be able to provide the following documentation as required by [24 CFR 570](#) and its relevant subparts, and [2 CFR 200](#) and its relative subparts.

Required Documents

- Project Application
- DUNS# and SAM Registration (*print page from website*)
- Form 990 or Form 990EZ (if organization is a non-profit)
- Client Intake Form (if applicable)
- Job Descriptions (for staff listed in project and contact list)
- Staff Resumes (if positions are filled)
- Policies and procedures for this program (*if previously funded from City HUD funding*)

Administrative Systems

- Articles of Incorporation/Bylaws
- IRS 501(c)3 letter
- Board of Directors Roster with Contact Information
- Authorization to Request Funds from Board and Board Approval
- Designation of Authorized Official with Board Approval
- Organization Chart
- Organizational Mission Statement and/or Strategic Plan
- Conflict of Interest Policy - 2 CFR 200.318(c)(1), 24 CFR 570.611
- Confidentiality Policy
- Non-Discrimination Policy
- Grievance/Termination Policy for Employees and Clients
- Procurement Policy - 2 CFR 200.318(a)
- Record Retention Policy
- Confidentiality Policy – Protected Personal Information (200.393(e))
- Certificates of Insurance (*General Liability and Workers' Compensation*)

Financial Management Systems

- Most recent audit (if federal expenditures exceed \$750,000)
- Statement from CPA (if federal expenditures do not exceed \$750,000)
- Financial Status Report

- Chart of Accounts
- Documentation of Match and/or Award/Commitment Letters for Project Funding *(if applicable)*
- Documentation of Negotiated Indirect Cost Rate *(if applicable)*
- Program Income Tracking Ledger *(if applicable)*

**Additional documentation may be requested on a case-by-case basis or as the activity identified in the application specifically requires.*

- **If applying for multiple funding opportunities during the same program year a separate application must be created for each project being requested from a single organization.**
 - Assign each proposed project a priority within the Project Title (for example: ABC Project Priority #1 = first priority, XYZ Project Priority #2 = second priority, etc.)
- **CDBG FUNDS MAY NOT BE OBLIGATED UNTIL THE CONTRACT/AGREEMENT IS ACCEPTED AND SIGNED BY ALL PARTIES.**
- **Deadline:** The application must be submitted to the City of Nampa before 5:00 pm, Mountain Standard Time on **04/01/2022.**

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION GUIDELINES

C. APPLICATION REQUIREMENTS:

- Eligible Applicants
 - Applicant organizations must be either a (1) City Department or (2) public agency or (3) private, non-profit entity with current 501(c)(3) or equivalent status or (4) private, for-profit entity that shares a mission similar to that of providing assistance and encouraging self-sufficiency to low and moderate-income persons.
 - Any applicant/organization that does not meet one of these requirements may be able to work with a city department to be a sponsoring applicant. The City Department will then be the recipient of funds and will have to ensure compliance.
 - Any applicant/organization that meets the complete list of HUD criteria (found at 24 CFR 570.204) for qualifying as a Community Based Development Organization (CBDO) may meet exemption requirement for use of CDBG funding for public service and/or housing in designated areas.
 - Must have a valid Duns and Bradstreet Number to submit. A DUNS number can be obtained for free. Obtain this number as soon as possible, do not wait until the application due date. Obtain a number at: [Dun & Bradstreet](#)
 - Must include the entity number from current Sam.gov registry. *Contact CDBG staff for assistance.*
 - City Departments must use the City DUNS number.
 - Applicants with **unresolved** audit, disallowed costs or prior performance problems from any previous grant will be ineligible to apply for a new grant.
 - If currently a City of Nampa CDBG recipient, the recipient organization must be in good standing.
- Multi-Year Funding
 - Construction projects may be eligible for multi-year funding allocations for large projects. Rather than requesting CDBG funding two/three years in a row, a recommendation may be made to award funding for future years. If you are interested in Multi-Year funding for one project, contact CDBG staff.
 - Projects from applicants in need of a City sponsorship are not eligible for multi-year funding.
 - Planning & Staff costs
 - It is not the policy to pay for City Staff time with CDBG or to pay for planning costs associated with a project. City staff time is treated as match.
 - LID (Local Improvement Districts)
 - The use of CDBG funds in any project that may require the repayment of the cost to the City (LID assessments) is not recommended. If CDBG funding is used, the city **must** pay for the assessment charges for the very low & low-income households. This can easily use the entire CDBG funds and even more. If the proposed project may use a LID contact CDBG staff immediately to discuss viability.
 - Acquisition
 - If property is to be acquired for the project, regardless of CDBG funds used in the actual acquisition, contact CDBG staff immediately as Environmental and Uniform Relocation Act requirements must be addressed.

- If the property for the project was acquired within 1 year prior to application contact CDBG staff to ensure that the project is not subject to Uniform Relocation Act requirements.
- Design & Construction Projects
 - CDBG's use for construction can be used one of three ways.
 - CDBG purchases the materials and City force do the actual construction. This process does not affect the overall cost of a project.
 - The City contracts out for the construction work and pays for the construction with CDBG funds. This process does affect the overall cost of the project as the project is subject to the Davis Bacon Act.
 - CDBG pays for the design of the project only. This process does not affect the overall cost of the project. Documentation of proper City procurement procedures must be provided for the CDBG files. Procurement of Design professionals on the Public Works Pre-Qualified list has met the proper procurement procedures.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION GUIDELINES**

D. FUNDING GUIDELINES:

- Most proposed projects will only be eligible to be reimbursed with CDBG funding between **October 1, 2022 to September 30, 2023.**
 - If your project will require funding over multi program years contact CDBG staff immediately.
- Project goals should be attainable within a defined period of time (typically one year) and should achieve measurable results. The application must identify the actual timeline that will be followed. Include all relevant milestones regardless of CDBG funding involvement in the step e.g., acquisition, design, bidding, site preparation, construction, and completion.
- Funds will not be granted to reduce existing deficits, entertainment, lobbying expenses, audits, or other ineligible expenses under the CDBG program.
 - City Departments will be notified of responsibilities of implementation of the project following award of the project.
- Projects **must** meet all applicable grant requirements of the U.S. Department of Housing and Urban Development (HUD).
- Applicants **must** demonstrate adequate management and fiscal controls within its current organization to undertake the proposed project.
- Applicants **must** demonstrate the ability to leverage or match the requested funds from other sources, including General Funds, Staff time, donations and other grant funds. All leverage/matching funds must be dedicated to the requested project and available during the project period, i.e., October 1, 2022 – September 30, 2023. All funds for the project must be listed in the budget to be counted toward any match requirement. The following leverage/match requirements apply:
 - *City Department Exception* – City projects do not require match, but it is encouraged as match is part of the review process. Non-eligible organizations that have a city department sponsor the project are not eligible for the exception; they must provide the match as indicated below.
 - Indicate in the application any intention of the Department to request general fund budget dollars or enterprise funds dollars in the upcoming budget cycle. This provides advance notice to City Council of budget needs for completion of the project.
 - For Construction projects the estimated land value and maintenance cost for the next 5 years can be used for the match scoring process.
 - *Public Service Projects* – Minimum 100% MATCHING FUNDS required (match may be from cash or in the form of in-kind contributions and/or volunteer labor. The current rate for volunteer match rate is **\$28.54 per hour.**)
 - *Construction/Rehabilitation Projects* – Minimum 100% MATCHING FUNDS required, dedicated to the specific construction project (match may be from cash or in the form of in-kind contributions and/or volunteer labor.) No operating funds will be considered as MATCHING FUNDS.

- *Acquisition with Construction Projects* - Minimum 100% MATCHING FUNDS required, dedicated to the specific acquisition/construction project (match may be from cash or in the form of in-kind contributions and/or volunteer labor.) No operating funds will be considered as MATCHING FUNDS.
- *Acquisition Only Projects (no construction)* – Minimum 50% CASH MATCH required, dedicated to the specific acquisition project. No operating funds will be considered as MATCHING FUNDS.
- Applicants must demonstrate that they have attempted to obtain funding from other sources. Evidence (a letter, statement, list of grants/foundations with pending application, or other documentation) of this should be included as part of the project narrative and submitted with the proposal, with status and/or response from potential funding sources.
- Funding Request Levels: applicants interested in projects in need of less than the minimum amount should consider reviewing the City of Nampa’s Community Grants webpage for suggestions of other funding opportunities.
 - Public Service Projects:
 - City Applicants that request less than \$3,000 will be considered non-responsive.
 - Non-City Applicants and City Sponsored Projects that request less than \$15,000 will be considered non-responsive.
 - No more than 4 public service sub-recipients shall be awarded regardless of the funding amount.
 - If a public service applicant that generates Program Income is awarded funds, the City shall not award total funding under this category at a greater amount than 14% of the entitlement funds. The percent of entitlement amount expended on public service project may never be greater than 15%. The percent allocated to public service project is subject to change at allocation dependent upon the projected program income to be generated and the percent of CDBG to the total project cost.
 - Capital (non-public service) Projects: Applicants, City and non-City, that request less than \$20,000 will be considered non-responsive.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION GUIDELINES

E. APPLICATION CRITERIA

- Applicants **must** report the status of all funds that are requested or proposed from other sources.
- Applicants who previously received CDBG funding must report the status of that funding, including actual accomplishments. Prior awardees should demonstrate that they have been timely in expending their funds and submitting their progress reports and drawdown requests on any prior year CDBG projects. Under special circumstances the City can waive this requirement.
- Applications must be complete and include all applicable supporting documents to be considered for review and scoring. **Additional application information will not be considered after the application deadline unless specifically requested by CDBG staff.**
- All activities funded with CDBG funds must meet one of the programs National Objectives: benefit low-to moderate income persons, aid in the prevention or elimination of slums and blight, or meet community development needs having a particular urgency, as defined in 24 CFR 570.208. City staff are available for technical assistance to help applicants determine if your activity is eligible.

In reviewing and evaluating proposals for CDBG funding for the current CDBG Program Year, consideration/priority will be given to the following types of projects that:

- Successfully maximize utilization of funding and services outside of CDBG funds (including cash contributions, in-kind contributions, and volunteers).
- Effectively utilize/maximize partnerships with other organizations and agencies in the community.
- Demonstrate that the agency has the staff capability and capacity to successfully implement the proposed project.
- Location, need, budget, and goals are clearly defined and realistic in scope.
- Demonstrate a clear and effectual plan for evaluating the progress of the project toward addressing the identified need or problem.
- Utilize a proven effective strategy to improve conditions or solve an identified problem; including those that are federal requirements.
- Demonstrate readiness to be implemented in a timely manner once the CDBG funds are awarded.
- Have strong neighborhood/community support, with sufficient evidence illustrating this support.
- Have a sustainable long-term impact, whether these strategies preserve dollars (through tools such as revolving loan funds), preserve affordability of housing, or help people move toward self-sufficiency.

- Do not result in the permanent displacement or relocation of current occupants from their homes or rental units in order to create additional affordable housing.

Special Note for Construction Projects

- Applicants awarded construction or rehabilitation projects must ensure they meet requirements specified under the [Davis-Bacon Related Acts](#). The Act requires that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under HUD programs shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C.276a-276a-5).
- Applicants awarded construction or rehabilitation projects must ensure that they meet requirements specified under [Section 3](#) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (section 3). The purpose is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.
- If City staff will be doing the actual construction or rehabilitation work and CDBG funds will be assisting with other areas (acquisition of material, design professional fees, etc.), the Davis Bacon Act does not apply.
- Applicants applying for construction or rehabilitation projects must ensure that they complete a City of Nampa Conceptual Plan Review (contact the City of Nampa Planning & Zoning Department) prior to the presentations to City Council are made and should provide evidence as such at the presentations to City Council. Applicants that have not completed the review will be considered non-responsive and will not continue through the review process.
 - City Applicants are exempt from this requirement.
- Applicants awarded construction or rehabilitation projects must ensure that they have approval of the designs for the project no later than October 1 of the current year. Any applicant that does not have approval by the stated date may be subject to forfeiture of the award of CDBG funds and no contract will be signed. The forfeited funds will then be returned to the CDBG program for reallocated.
 - City Applicants are exempt from this requirement.
 - Affordable Housing Development: for those applicants pursuing HOME funding or Low/Income Housing Tax Credit funding from IHFA shall be provided an extension to this requirement. If awarded, the applicant shall be required to secure funding no later than the spring IHFA application cycle following award of CDBG funding. At notice of award from IHFA, the applicant must submit an updated schedule and timeline of when completed designs shall be provided to the City.
 - Applications for use of CDBG funds for acquisition of design services may be exempt from this requirement on a case-by-case basis.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION GUIDELINES**

F. CITY-WIDE MAP AND DETERMINATION OF AREA BENEFIT

- The City of Nampa is currently only funding activities that take place within the City limits. identified four target neighborhoods and two areas targeted for specific types of projects. These include:

- If using LMI Area as the basis for the project National Objective eligibility, enclose a map identifying the boundaries of the project.



**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
APPLICATION GUIDELINES**

G. REVIEW PROCESS:

Public Service and Non-City Applications

Applications submitted by the required deadline and containing all required documentation will be reviewed by Economic/Community Development staff to ensure the activity proposed in the application meets the minimum application requirements as defined below. The members of the review committee will review and score all applications that pass the initial review threshold. An applicant must receive at least 50 points to be considered for funding. The Economic / Community Development Department will then propose funding recommendations based on the review process and represent a balanced budget for the current year relative to the category the application falls into.

Please refer to the current program year application for detailed list of documents required for the application review process and additional documentation required if recommended to Council for funding.

Application Review Minimum Threshold Requirements

Required Documents

- Project Application
- DUNS# and SAM Registration (*print page from website*)
- Form 990 or Form 990EZ (if organization is a non-profit)
- Client Intake Form (if applicable)
- Job Descriptions (for staff listed in project and contact list)
- Staff Resumes (if positions are filled)
- Policies and procedures for this program (*if previously funded from City HUD funding*)

Administrative Systems

- Articles of Incorporation/Bylaws
- IRS 501(c)3 letter
- Board of Directors Roster with Contact Information
- Authorization to Request Funds from Board and Board Approval
- Designation of Authorized Official with Board Approval
- Organization Chart
- Organizational Mission Statement and/or Strategic Plan
- Conflict of Interest Policy - 2 CFR 200.318(c)(1), 24 CFR 570.611
- Confidentiality Policy
- Non-Discrimination Policy
- Grievance/Termination Policy for Employees and Clients
- Procurement Policy - 2 CFR 200.318(a)
- Record Retention Policy
- Confidentiality Policy – Protected Personal Information (200.393(e))
- Certificates of Insurance (*General Liability and Workers' Compensation*)

Financial Management Systems

- Most recent audit (if federal expenditures exceed \$750,000)
- Statement from CPA (if federal expenditures do not exceed \$750,000)
- Financial Status Report
- Chart of Accounts
- Documentation of Match and/or Award/Commitment Letters for Project Funding *(if applicable)*
- Documentation of Negotiated Indirect Cost Rate *(if applicable)*
- Program Income Tracking Ledger *(if applicable)*

- All applicants that meet the minimum threshold requirements and receive the minimum score on the application scoring sheet will be considered for funding during the 2022 program year allocation process. All applications that do not meet the minimum requirement will not receive funding during the 2022 funding process but will be encouraged to apply in future grant years. Qualifying applications will be reviewed by Economic/Community Development staff as well as some citizens from the Nampa community at large and a recommendation for funding will be based on the score the application receives and Staff determination of priorities and goals as identified in the current Consolidated Plan. Applicants that receive a recommendation for funding will be notified in writing and encouraged to attend the Special Council meeting tentatively scheduled for 05/02/2022 in order to provide City Council with any additional information necessary to make a funding decision. **The invitation to participate in the special council meeting and Staff recommendation to City Council is not a guarantee of funding.**
- All applicants that have met minimum threshold requirements and receive a funding allocation from City Council will be notified of the funding recommendations in writing, on or about August 2, 2022. **Receipt of an award letter is not a guarantee of funding.** All awards are subject to further pre-contract negotiation and contingent upon the City of Nampa receiving the annual entitlement award from the U.S. Department of Housing and Urban Development.
- Currently funded applicants who have received prior CDBG funding will also be evaluated on past performance in carrying out programmatic activities and contractual compliance. Factors such as applicant ability to meet service delivery goals, timely expenditure of funds, timely reporting, accuracy of reporting, ability to meet audit requirements, and other programmatic and fiscal contractual requirements will be considered. These other factors will be considered in conjunction with the proposal score in developing an overall recommendation for applicant funding.

City Department Applications

Applications submitted by the required deadline and containing all required documentation will be reviewed by Economic/Community Development staff to ensure the activity proposed in the application will meet the minimum requirements as identified below. If the application is deemed to have met the minimum requirements the application will be reviewed by City staff to identify and rank the proposed project to best fit the community need and available budget as identified by Community Development staff. City Departments may be exempt from certain required documentation as indicated on the online application.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION GUIDELINES

H. POST - AWARD & SUB-RECIPIENT CRITERIA:

All awards and amounts are subject to further pre-contract negotiation and the actual level of annual entitlement appropriation by the U.S. Department of Housing and Urban Development to the City of Nampa. Funded applicants that do not comply with Post-Award and Sub-recipient criteria listed below will forfeit their award of CDBG funds and no agreement will be signed. The forfeited funds will then be returned to the CDBG program to be reallocated.

Prior to Execution of Contract/Agreement

- All funded applicants will be required to attend a mandatory CDBG orientation session to be held prior to project implementation. Staff associated with the CDBG funded program must attend the workshop. This includes the person(s) responsible for administering the project, data collection and reporting, and completion of draw requests.
 - If applicant staff changes during the duration of the contract, the City of Nampa must be notified immediately. A special orientation session must be held for the new staff prior to any further draw requests.
- The City of Nampa may award funds at a different level than requested. If the award level differs from the requested amount, the funded applicants will be required to submit a revised project budget prior to agreement signing. Additionally, they must assert that the new funding level will allow for the same level of service, or the accomplishments identified in the application will need to be revised to match the funding level and capacity of the program.
- All funded applicants shall **not** incur any costs or obligate any CDBG funding until a release of funds is received from the US Department of Housing and Urban Development and/or the City of Nampa, Economic Development Department.
- If the proposed project includes construction of any type, it is imperative that the non-City applicants work with the appropriate City department as all funded applicants with projects that include construction must have a final design plan approved by the City of Nampa prior to October 1, 2022. If the plan is not approved, award will be considered forfeit, and the funds will be returned to the CDBG program for reallocation.

Post Execution of Agreement

- Ensure recognition of the role of the **City of Nampa Community Development Block Grant** in providing services. All facilities where services are provided and/or material associated with services assisted with CDBG funding shall be prominently labeled as to the funding source. In addition, all applicants will include a reference to the support provided in all publications made possible with CDBG funds.
- All funded applicants will be required to maintain accurate records documenting that the targeted populations and/or areas are being served by the project, and to provide quarterly reports to the City demonstrating that this requirement is being satisfied. The funded applicant must collect, and track data elements associated with the program. These elements will include but are not limited to, the number of persons/households served, income levels, family size, race/ethnicity, number of elderlies served, and number of female head of households served. Additional elements may be required to be collected and track depending upon the nature of the program.

- For Construction, rehabilitation or acquisition projects, the City of Nampa’s shall retain an interest in the property. For City projects, the interest shall be retained in perpetuity. For non-City project the interest shall be retained for a minimum of 5 years and ensuring that the property maintains a CDBG eligible use for 5 years following the close of the project. A longer time of CDBG interest may be retained as specified in individual contracts. The contract will state:

The use and disposition of real property and equipment under the Agreement shall be in compliance with the requirements of 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and 24 CFR 570.502, 570.503, 570.504, 570.505 and 570.506, as applicable, which include but are not limited to the following:

1. The **Subrecipient** shall maintain real property inventory records, which clearly identify properties purchased, improved or sold.
2. Real Property that was acquired or improved, in whole or in part, with funds under this Agreement in excess of \$25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement. If the use of the CDBG assisted real property fails to meet a CDBG National Objective for the prescribed period of time, the **Subrecipient** shall pay the **CITY** an amount equal to the current fair market value of the property less any portion of the value attributed to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payments shall constitute program income to the **CITY**. The **Subrecipient** may retain real property acquired or improved under this Agreement after the expiration of the five-year period.

- In addition to the key programmatic requirements noted in the application guidance, CDBG projects are also subject to other Federal requirements, including:
 - **Fair Housing and Equal Opportunity**: Discrimination based on race, color, national origin, religion, familial status, sex or age is prohibited. 24 CFR 579.93
 - **Handicapped Accessibility**: Generally, Federally assisted buildings and facilities must be accessible to handicapped persons.
 - **Employment and Contracting**: Grantees may not discriminate in employment and must make efforts to provide training and employment opportunities to low-income residents.
 - **Environmental Review**: Grantees must undertake environmental reviews in accordance with 24 CFR Part 58.
 - **Flood Insurance**: CDBG funds may not be provided in a Federal Emergency Management Agency (FEMA) designated special flood area unless specific precautions are undertaken.
 - **Lead-based Paint**: CDBG rehabilitation and construction activities must comply with 24 CFR Part 35 and Section 401(b) of the Lead-Based Paint Poisoning Prevention Act. See Addendum B
 - **Labor Standards**: Construction activities may be required to comply with the Davis-Bacon Act and the Contract Work Hours and Safety Standards Act.

- **Section 3:** The purpose of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (section 3) is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.
- **Debarred, Suspended and Ineligible Contractors and Subrecipients:** CDBG funds cannot be provided to debarred, suspended, or ineligible contractors, subcontractors or subrecipients. *See Addendum A.*
- **Conflict-of-Interest:** CDBG recipients and subrecipients must comply with procurement requirements found at 2 CFR 200.318 and 24 CFR 570.611 and with any other applicable conflict-of-interest provisions.
- **Acquisition and Relocation:** Acquisition, rehabilitation, and/or demolition activities may be covered by the Uniform Relocation Act and/or Section 49 CFR Part 24 of the Housing and Community Development Act.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION GUIDELINES

I. CRITERIA AND SCORING:

The following criteria and scoring will be considered in developing a recommendation for applicant funding. The maximum score is 100 points.

- **Target and LMI populations** (up to 10 pts)
 - How effectively the project targets the beneficiaries.
 - The number and percentage of low- and moderate- income households or individuals to be served.
- **Consolidated Plan Objective, Goals & Priority** (up to 15pts)
 - Relationship between the proposed project and the community needs identified in the 2022-2026 Consolidated Plan.
 - Funding priority level
- **Project Description** (up to 5 pts)
 - Description of proposed program/project
 - Proposed work plan/timeline
- **Statement of Need** (up to 10 pts)
 - Community problem or need to be addressed
 - Supporting documentation; all data references must identify the source of the information; i.e. Census, study, city plans, etc.
 - Target population and target service delivery area
- **Program Delivery** (up to 10 pts)
 - Program goals and objectives are S.M.A.R.T
 - Organization chart
 - Responsibilities of persons associated with delivery of project/program
 - Number of jobs retained/obtained by applicant and clients
 - Program continuation, with or without federal funding
- **Applicant Capacity** (up to 20 pts)
 - Administrative structure of Applicant
 - Details of past program years results vs. goals
 - Evidence of board training and development
 - Financial statement and/or most recent Audit, Management Letter and Agency Response
 - Past performance with CDBG grant administration and/or another grant administration
 - Evidence of adequate fiscal planning and managerial capabilities
 - Staff experience
 - Compliance history of Grant administration
- **Coordination** (up to 5 pts)
 - Collaborations implemented to enhance services and programs
 - Community outreach for application
 - Community outreach for project
- **Leveraging Other Funds** (up to 5 pts)
 - Financial support through earned income, private giving and governmental support
- **Budget** (up to 20 pts)
 - Mathematically correct and accurate through-out application
 - Sources of other revenue and expenses (categorize)
 - Matching Funds

2021 HUD Income Guidelines for Nampa

City of Nampa	
Community Development Division	
Income Guidelines	
2021 Community Development Block Grant Income Guidelines Boise City, HUD Metro Median Family Income is	
Low Income Guidelines (80% of Median Income)	
Family Size	Annual Gross Income
1 Person	\$42,200.00
2 Person	\$48,200.00
3 Person	\$54,250.00
4 Person	\$60,250.00
5 Person	\$65,100.00
6 Person	\$69,900.00
7 Person	\$74,750.00
8 Person	\$79,550.00
Very-Low Income Guidelines (50% of Median Income)	
Family Size	Annual Gross Income
1 Person	\$26,400.00
2 Person	\$30,150.00
3 Person	\$33,900.00
4 Person	\$37,650.00
5 Person	\$40,700.00
6 Person	\$43,700.00
7 Person	\$46,700.00
8 Person	\$49,700.00
Extremely Low Income Guidelines (30% of Median Income)	
Family Size	Annual Gross Income
1 Person	\$15,850.00
2 Person	\$18,100.00
3 Person	\$20,350.00
4 Person	\$22,600.00
5 Person	\$24,450.00
6 Person	\$26,250.00
7 Person	\$28,050.00
8 Person	\$29,850.00

Debarment

Businesses and individuals that have been excluded for egregious offenses ranging from national security violations to tax fraud are improperly receiving federal contracts and other funds.

The General Services Administration (GSA), a federal agency, is required by the Federal Acquisition Regulation (FAR) to compile and maintain a list of parties debarred, suspended, or disqualified by federal agencies. Contractors as well as recipients of federal financial assistance must be registered at Sam.gov. To determine if a proposed contractor is debarred, The City of Nampa and all subrecipients must check the [federal SAM database](#). **Active registration in SAM is required to submit an application as a subrecipient or contractor and for The City of Nampa to make a payment utilizing HUD funding.** In addition to checking the name of the contracting firm, the name of the president and owner of the firm must also be checked. Staff should also review any state and local debarment lists. **Website printouts must be placed in the file.**

Per the SAM User Guide, the **No Active Exclusions field on the SAM Entity summary indicates whether the entity has a current debarment.** SAM.gov will check the exclusions list for the DUNS number of your entity and indicate whether any exclusion records exist. If an active exclusion record exists for your entity, this question will default to "Yes," meaning that the contractor is debarred. No Record Found means that the entity is not registered or has let its registration lapse. The City of Nampa will ensure that the email address is current in SAM.gov so that when automated reminders are sent to renew registration each year that this reminder does not go into spam due to an obsolete email address.

- This applies to any CDBG-assisted contract at any tier in the process
- All subrecipients and contractors receiving funding from The City of Nampa CDBG funds must be **checked for debarment annually** and before the execution of a contract or agreement. The entity listing in SAM must show "No Active Exclusions."
- No funds from CDBG are to be paid to entities that have been debarred or who do not have a record in SAM.
- All subrecipients must also ensure that any contractor that receives HUD CDBG funding from The City of Nampa is listed in SAM and shows "No Active Exclusions."

Lead Policy and Procedure

Whenever Federal funds, such as CDBG, are used to assist housing built before 1978, steps must be taken to address lead hazards.

All housing units in a project assisted with CDBG funds must comply with the regulations found at 24 CFR Part 35.

The lead-based paint regulations consolidate all lead-based paint requirements for HUD- assisted housing. The purpose of the regulation is to identify and address lead-based paint hazards before children are exposed to lead.

The regulation is divided into subparts, of which the following apply to the CDBG program:

Subpart A: Disclosure;

Subpart B: General Requirements and Definitions;

Subpart J: Rehabilitation;

Subpart K: Acquisition, Leasing, Support Services, and Operations; and

Subpart R: Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction

For CDBG projects, the lead-based paint requirements established by the regulation fall into the three major categories listed below:

Notification

Recipients must meet four notification requirements:

1. **Lead Hazard Information Pamphlet** - Occupants, owners, and purchasers must receive the EPA/HUD/Consumer Product Safety Commission (CPSC) lead hazard information pamphlet, or an EPA-approved equivalent.
 - **Pamphlets are provided to all households at time of application.** Households must complete an acknowledgement form and sign to document they received and understood the pamphlet. A copy of this acknowledgment form should then be placed in the file.
2. **Disclosure** - Check that property owners have provided purchasers and lessees with available information or knowledge regarding the presence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence.

- A disclosure notice must be provided to purchasers before closing so that they are aware that there may be lead in the home they are purchasing. A copy of the disclosure notice must be placed in the file.
 - Tenants must receive a disclosure notice before moving into the unit. Ideally, they should receive a disclosure notice at time of application so they can make an informed decision when choosing housing for their household. A copy of the disclosure notice should be kept by the landlord in the tenant's file.
3. **Notice of Lead Hazard Evaluation or Presumption** - Occupants, owners, and purchasers must be notified of the results of any lead hazard evaluation work or the presumption of lead-based paint or lead hazards. A copy of this notice must be provided to owners and tenants within 15 days of the evaluation. A copy of this notice should be kept in the project file.
4. **Notice of Lead Hazard Reduction Activity** - Occupants, owners, and purchasers must be notified of the results of any lead hazard reduction work. A copy of this notice must be provided to owners and tenants within 15 days of the project achieving clearance. A copy of this notice should be kept in the project file.

Lead Hazard Assessment/Evaluation: Assessment/evaluation methods include visual assessments, paint testing, and risk assessments. Each method has specific requirements (defined in Subpart R of the regulation) and must be done by qualified professionals. The specific method required depends on the activity undertaken.

Lead Hazard Reduction: Lead hazard reduction may include paint stabilization, interim controls, standard treatments, or abatement. Each method has specific requirements (defined in Subpart R of the regulation) and must be done by qualified professionals. The specific method required depends on the activity undertaken.

Exemptions

Some CDBG projects may be exempt from the Lead Safe Housing Rule if they meet the criteria listed below:

Housing units constructed after 1978.

Emergency repairs to the property are being performed to safeguard against imminent danger to human life, health or safety, or to protect the property from further structural damage due to natural disaster, fire or structural collapse. The exemption applies only to repairs necessary to respond to the emergency.

The property will not be used for human residential habitation. This does not apply to common areas such as hallways and stairways of residential and mixed-use properties.

Housing “exclusively” for the elderly or persons with disabilities, with the provision that children less than six years of age will not reside in the dwelling unit.

An inspection performed according to HUD standards found the property contained no lead-based paint.

According to documented methodologies, lead-based paint has been identified and removed, and the property has achieved clearance.

The rehabilitation will not disturb any painted surface.

The property has no bedrooms.

The property is currently vacant and will remain vacant until demolition.

Grantees administering emergency repair programs should pay particular attention to the exemption “The rehabilitation will not disturb any painted surfaces.” Many emergency repair programs replace only water heaters or roofs where no painted surfaces are disturbed and thus may be exempt from the Rule. **All exemptions must be documented in the project file.**

Requirements for Rehabilitation Projects

CDBG funds may be used rehabilitation of existing units. When such an activity is undertaken using Federal funds on a unit built before 1978, the Lead Safe Housing Rule applies. In short, compliance with the Lead Safe Housing Rule for such rehabilitation projects will affect the project planning, timeline, scope of work, contracting and budget.

This section briefly describes the relevant requirements.

Calculating the Level of Assistance

The lead hazard evaluation and reduction activities required for rehabilitation projects depend on the level of rehabilitation assistance received by the project. This level of assistance is determined by taking the lower of:

Per unit rehabilitation hard costs (regardless of source of funds); or

Per unit Federal assistance (regardless of the use of the funds).

To make this determination, it helps to understand several terms:

Rehabilitation Hard Costs. The rehabilitation costs are calculated using only hard costs. They do not include soft costs or the costs of lead hazard evaluation and reduction, as described below.

Lead Hazard Evaluation and Reduction Costs. Lead hazard evaluation and reduction costs include costs associated with site preparation, occupant protection, relocation, interim controls, abatement, clearance, and waste handling attributable to lead-based paint hazard reduction.

Federal Assistance. Federal assistance includes all Federal funds provided to the rehabilitation project, regardless of whether the funds are used for acquisition, construction, soft costs or other purposes. This also includes funds from program income but excludes low-income housing tax credit funds (LIHTC), Department of Energy Weatherization Program funds, or non-Federal HOME Program match funds.

Requirements for Projects Receiving Rehabilitation Assistance Up to and Including \$5,000 per Unit

The goal is to “do no harm.”

Therefore, all work must be conducted using lead safe work practices. Workers must be trained in lead safe work practices.

Rehabilitation projects where the level of assistance is less than or equal to \$5,000 per unit, workers must be trained in safe work practices, notices must be provided to owners and tenants, and clearance must be achieved.

Projects where the level of rehabilitation assistance is less than or equal to \$5,000 per unit must meet the following requirements:

Lead Hazard Evaluation. Paint testing must be conducted to identify lead-based paint on painted surfaces that will be disturbed or replaced. Alternatively, grantees may presume that these surfaces contain lead-based paint.

Lead Hazard Reduction. Grantees must repair all paint that will be disturbed during rehabilitation, unless such paint is found not to be lead-based paint.

If lead-based paint is detected or presumed, safe work practices must be used during rehabilitation.

Clearance is required by a certified clearance examiner.

Notices must be provided to owners and tenants:

The Lead Hazard Information pamphlet;

The Notice of Evaluation (if paint testing is performed) or Notice of Presumption (if paint testing is not performed); and

The Notice of Lead Hazard Reduction.

Requirements for Projects Receiving Rehabilitation Assistance Between \$5,000-\$25,000 per Unit

The goal is to “identify and address lead hazards.”

Projects where the level of rehabilitation assistance is between \$5,000 and \$25,000 per unit must meet the following requirements. A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls.

Lead Hazard Evaluation. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

Lead Hazard Reduction. If the risk assessment identifies lead-based paint hazards interim controls must be implemented to address lead-based paint hazards.

Interim controls must be performed by qualified professionals using safe work practices.

Clearance, conducted by a qualified clearance examiner, is required when lead hazard reduction activities are complete.

Options. There are two options, as follows:

1. **The grantee is permitted to presume that lead-based paint is present and that lead-based paint hazards exist.** In such cases, evaluation is not required. The grantee must perform standard treatments in lieu of interim controls on all applicable painted surfaces and presumed lead-based paint hazards.
2. **The grantee is also permitted to conduct a lead hazard screen instead of a risk assessment.** The lead hazard screen has more stringent requirements and is only recommended in units in good condition. If the lead hazard screen indicates that there is no lead contamination, no lead hazard reduction is required. If the lead hazard screen indicates the presence of lead hazards, the grantee/subrecipient must then conduct a risk assessment.
3. (Note: Passing a lead hazard screen, or a risk assessment, does not eliminate the requirement to perform interim controls on lead-based paint hazards created as a result of the rehabilitation work.)

Notices must be provided to owners and tenants:

1. The Lead Hazard Information pamphlet;
2. The Notice of Evaluation (if a risk assessment is performed) or Notice of Presumption (if a risk assessment is not performed); and
3. The Notice of Lead Hazard Reduction.

Requirements Projects Receiving Rehabilitation Assistance over \$25,000 per Unit

The goal is to “identify and eliminate lead hazards.”

Projects where the level of rehabilitation assistance is over \$25,000 per unit must meet the following requirements. A risk assessment is required to identify hazards and any identified hazards must be abated by a certified abatement professional.

Lead Hazard Evaluation. A risk assessment must be conducted prior to rehabilitation to find lead based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation or grantees may assume that lead-based paint hazards exist.

Lead Hazard Reduction.

To address hazards identified:

Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

Clearance is required when lead hazard reduction activities are complete.

Options. There are two options, as follows:

The grantee is permitted to presume that lead-based paint hazards exist. In such cases, a risk assessment is not required. The grantee must abate all applicable painted surfaces that will be disturbed during rehabilitation and all presumed lead hazards.

The grantee is permitted to conduct a lead hazard screen instead of a risk assessment. The lead hazard screen has more stringent requirements and is only recommended in units in good condition. If the lead hazard screen indicates that there is no lead contamination, no lead hazard reduction is required. If the lead hazard screen indicates the presence of lead hazards, the grantee/subrecipient must then conduct a risk assessment.

(Note: Passing a lead hazard screen, or a risk assessment, does not eliminate the requirement to perform abatement on lead-based paint hazards created as a result of the rehabilitation work.)

Notices must be provided to owners and tenants:

The Lead Hazard Information pamphlet;

The Notice of Evaluation (if a risk assessment is conducted) or Notice of Presumption (if a risk assessment is not conducted); and

The Notice of Lead Hazard Reduction. In short, compliance with the Lead Safe Housing Rule for such rehabilitation projects will affect the project planning, timeline, scope of work, contracting, and budget. In particular, it involves the engagement of a certified abatement contractor.

Compliance

Failure to comply with the lead-based paint requirements under the regulation will subject a recipient to sanctions authorized under the Federal funding programs providing assistance to the property, and violations may be subject a recipient to other penalties available under state or local law. Notifying owners, purchasers, or occupants of possible lead-based paint hazards does not relieve recipients of their responsibilities under the new regulation.

Not complying may expose households and contractors with potentially dangerous levels of lead dust and debris that can cause life threatening illnesses and developmental delays.

Certified Inspection, Risk Assessment, and Abatement Firms

The National Lead Information Center

The National Lead Information Center (NLIC) provides the general public and professionals with information about lead, lead hazards and their prevention. The NLIC operates under a contract with the U.S. Environmental Protection Agency (EPA), with funding from EPA and the U.S. Department of Housing and Urban Development (HUD).

Definitions.

The Act means the Residential Lead-Based Paint Hazard Reduction Act of 1992, [42 U.S.C. 4852d](#).

Agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.

Available means in the possession of or reasonably obtainable by the seller or lessor at the time of the disclosure.

Common area means a portion of a building generally accessible to all residents/users including, but not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, and boundary fences.

Contract for the purchase and sale of residential real property means any contract or agreement in which one party agrees to purchase an interest in real property on which there is situated one or more residential dwellings used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

EPA means the Environmental Protection Agency.

Evaluation means a risk assessment and/or inspection.

Foreclosure means any of the various methods, statutory or otherwise, known in different jurisdictions, of enforcing payment of a debt, by the taking and selling of real property.

Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.

Inspection means:

- (1) A surface-by-surface investigation to determine the presence of lead-based paint as provided in section 302(c) of the Lead-Based Paint Poisoning and Prevention Act [[42 U.S.C. 4822](#)], and
- (2) The provision of a report explaining the results of the investigation.

Lead-based paint means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Lead-based paint free housing means target housing that has been found to be free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Lead-based paint hazard means any condition that causes exposure to lead from lead-contaminated

dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

Lessee means any entity that enters into an agreement to lease, rent, or sublease target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

Lessor means any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

Owner means any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor.

Purchaser means an entity that enters into an agreement to purchase an interest in target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

Reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

Residential dwelling means:

1. A single-family dwelling, including attached structures such as porches and stoops; or
2. A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the residence of one or more persons.

Risk assessment means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:

1. Information gathering regarding the age and history of the housing and occupancy by children under age 6;
2. Visual inspection;
3. Limited wipe sampling or other environmental sampling techniques;
4. Other activity as may be appropriate; and
5. Provision of a report explaining the results of the investigation.

Seller means any entity that transfers legal title to target housing, in whole or in part, in return for consideration, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations. The term “seller” also includes:

1. An entity that transfers shares in a cooperatively owned project, in return for consideration; and
2. An entity that transfers its interest in a leasehold, in jurisdictions or circumstances where it is legally permissible to separate the fee title from the title to the improvement, in return

for consideration.

Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

TSCA means the Toxic Substances Control Act, [15 U.S.C. 2601](#).

0-bedroom dwelling means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.