

CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING

AGENDA

WEDNESDAY, AUGUST 3, 2022 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL
1801 9th Ave. N.
Texas City, TX 77590

PLEASE NOTE: Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request To Address Commission form. All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

- (1) ROLL CALL
- (2) INVOCATION
- (3) PLEDGE OF ALLEGIANCE
- (4) PROCLAMATIONS AND PRESENTATIONS
 - (a) Independence Village's 30-year anniversary
- (5) REPORTS
 - (a) Neighborhood Improvement Services Quarterly Update
 - (b) Building Inspections Departmental Report
- (6) PUBLIC HEARING
 - (a) Sherman Jones requests to rezone from District "F-1" (Outdoor Industrial) to District "E" (General Business) to open and operate Kingdom Wings, a drive-thru restaurant located at 2828 Texas Avenue, Texas City.
 - (b) Jimmy Vo requests to rezone from District "A" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to construct On Track 111, LLC - a convenience store and fuel station located at 615 Hwy 3.

(7) PRELIMINARY ZONING APPROVAL

- (a) Consider and take action on Sherman Jones' request to rezone from District "F-1" (Outdoor Industrial) to District "E" (General Business) to open and operate Kingdom Wings, a drive-thru only restaurant located at 2828 Texas Avenue, Texas City.
- (b) Consider and take action on Jimmy Vo's request to rezone from District "A" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to construct On Track 111, LLC - a convenience store and fuel station located at 615 Hwy 3.
- (c) Consider and take action on a one-year extension of the preliminary rezoning previously granted to 418 Southlake, LTD on August 18, 2021, for 438 acres of undeveloped land located north of FM 517, south of FM 646 and west of FM 3436.

(8) PUBLIC COMMENTS

(9) CONSENT AGENDA

- (a) Approve City Commission Minutes for July 20, 2022 meeting. (City Secretary)
- (b) Consider and take action on Resolution No. 2022-067, approving the submission of the Lead Hazard Reduction Grant proposal to the U.S. Department of Housing and Urban Development by the Community Development Department to provide funding for lead based paint remediation activities through the Housing Rehabilitation/Reconstruction Program. (Community Development)
- (c) Consider and take action on Resolution No. 2022-068, approving the rejection of Bid No. 2022-023 Right - Of - Way Tree Trimming Annual Contract and authorizing the option to rebid at a later date. (Public Works)
- (d) Consider and take action on Resolution No. 2022-069, consenting to the annexation of certain land comprising the Benson Trails Subdivision into Galveston County Municipal Utility District No. 66 upon certain conditions. (City Engineer)
- (e) Consider and take action on Resolution No. 2022-070, authorizing the purchase of Hurst Rescue Tools from Municipal Equipment Services through HGACBuy Program in the amount of \$60,383.82. (Fire Department)
- (f) Consider and take action on Resolution No. 2022-71, approving the purchase of services for the Bay Street Park Bridge and Pier Renovations Project from Generocity Services Inc., a member for the Choice Partners Purchasing Cooperative Contract No. 21/039MR-08. (Public Works)

- (g) Consider and take action on Resolution No. 2022-072, approving the Community Development Department's submission of the City of Texas City's 2022CDBG Annual Action Plan to the U.S. Department of Housing and Urban Development. (Community Development)
- (h) Consider and take action on Resolution No. 2022-073, approval to amend the Purchasing Policy and Procedure Manual to mirror Federal Procurement Policy changes. (Purchasing Department)
- (10) REGULAR ITEMS
 - (a) Consider and take action on proposed tax rate by record vote and schedule public hearings, if necessary. (Finance)
 - (b) Consider and take action on Ordinance No. 2022-16, amending the City's fiscal year 2021-2022 budget to appropriate funds for Moore Memorial Library air conditioning system repairs. (Finance)
 - (e) Consider and take action on Ordinance No. 2022-17, approval of a request to amend the fiscal year 2021-2022 budget to appropriate funds for increases in salaries and related benefits as a result of compensation and classification study. (Finance)
- (11) COMMISSIONERS' COMMENTS
- (12) MAYOR'S COMMENTS
- (13) ADJOURNMENT

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE BULLETIN BOARDS AT CITY HALL, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS, AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND ON THE CITY'S WEBSITE ON JULY 29, 2022, PRIOR TO 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

RHOMARI LEIGH
CITY SECRETARY

CITY COMMISSION REGULAR MTG

(5) (a)

Meeting Date: 08/03/2022

Neighborhood Improvement Services Quarterly Update

Submitted By: Rhomari Leigh, City Secretary

Department: City Secretary

Information

ACTION REQUEST

Neighborhood Improvement Services Quarterly Update

BACKGROUND (Brief Summary)

Staff Report

RECOMMENDATION

N/A

Fiscal Impact

Attachments

Staff Report



2022 Quarterly Report

2022 Complaint Statistics

- High Grass Abatement
 - 290 Projects [Internal and External]
 - 259 completed
 - 107 Voluntarily – 40% Voluntary Compliance Rate
 - 31 In Progress
- Invoiced - \$120,000 approx.
 - About 15% pay the Invoice
- 2021 – 79 high grass abatements completed

July 21,2022

2022 Complaint Statistics

- Junk Vehicle Abatement
 - 363 Projects (Internal & External)
 - 331 Completed
 - 272 Voluntarily – 82% Voluntary Compliance Rate
 - 25 In Progress
 - 7 Pending
- Invoiced - \$0.00
- 2021 – 159 Vehicle abatements completed

July 21, 2022

2022 Complaint Statistics

- Substandard Structure Abatement
 - 131 Projects (Internal & External)
 - 66 Completed
 - 22 Voluntary Abatement– 33%
 - 65 In Progress
- 2021 – 1 completed
- Invoiced - \$126,000 approx.
- Voluntary or Forced costs money

July 21, 2022

2022 Complaint Statistics

- Junk & Debris
 - 46 Projects (Internal & External)
 - 16 Completed
 - 6 Voluntarily – 37% Voluntary Compliance Rate
 - 30 In Progress
- 2021 – 23 Junk & Debris abatements completed
- Invoiced - \$8,000 approx.
- Placed on Hold in May
- Recently obtained an annual contract
- Program recently placed back On-Line

July 21, 2022

High Grass Violation Timeframe

10 Day Notice

| NOV Posted | Days | TRM Notified | Days | Mowed | Total Days |
|------------|------|--------------|------|-----------|------------|
| 12/30/2021 | 16 | 1/14/2022 | 13 | 1/27/2022 | 29 |
| 12/29/2021 | 17 | 1/14/2022 | 13 | 1/27/2022 | 30 |
| 12/29/2021 | 17 | 1/14/2022 | 10 | 1/24/2022 | 27 |
| 12/29/2021 | 17 | 1/14/2022 | 17 | 1/31/2022 | 34 |
| 10/15/2021 | 129 | 2/21/2022 | 2 | 2/23/2022 | 131 |
| 12/6/2021 | 77 | 2/21/2022 | 1 | 2/22/2022 | 78 |
| 3/10/2022 | 32 | 4/11/2022 | 7 | 4/18/2022 | 39 |
| 3/10/2022 | 32 | 4/11/2022 | 7 | 4/18/2022 | 39 |
| 3/31/2022 | 11 | 4/11/2022 | 8 | 4/19/2022 | 19 |
| 3/31/2022 | 11 | 4/11/2022 | 7 | 4/18/2022 | 18 |

Junk Vehicle Violation Timeframe

10 Day Notice

| NOV Posted | Days | Tow Notice | Days | Towed | Total Days |
|------------|------|------------|------|------------|------------|
| 7/8/2021 | 13 | 7/21/2021 | 28 | 8/18/2021 | 41 |
| 9/29/2021 | 170 | 3/18/2021 | | 3/18/2021 | 170 |
| 9/29/2021 | 170 | 3/18/2021 | | 3/18/2021 | 170 |
| 9/29/2021 | 170 | 3/18/2021 | | 3/18/2021 | 170 |
| 11/11/2021 | 47 | 12/28/2021 | | 12/28/2021 | 47 |
| 1/5/2022 | 58 | 3/3/2022 | | 3/3/2022 | 58 |
| 2/22/2022 | 18 | 3/11/2022 | | 3/11/2022 | 18 |
| 2/25/2022 | 20 | 3/17/2022 | | 3/17/2022 | 20 |
| 3/8/2022 | 27 | 4/4/2022 | | 4/4/2022 | 27 |

Junk & Debris Violation Timeframe

10 Day Notice

| NOV Posted | Days | Abatement Order | Days | Abatement | Total Days |
|------------|------|-----------------|------|-----------|------------|
| 7/8/2021 | 22 | 7/30/2021 | 62 | 9/30/2021 | 84 |
| 7/30/2021 | 26 | 8/25/2021 | 7 | 9/1/2021 | 33 |
| 8/25/2021 | 203 | 3/16/2022 | 34 | 4/19/2022 | 237 |
| 9/9/2021 | 96 | 12/14/2021 | 35 | 1/18/2022 | 131 |
| 9/20/2021 | 22 | 10/12/2021 | 189 | 4/19/2022 | 211 |
| 10/25/2021 | 46 | 12/10/2021 | 45 | 1/24/2022 | 91 |
| 2/21/2022 | 23 | 3/16/2022 | 27 | 4/12/2022 | 50 |

Monthly Committee Meeting

- George Fuller
 - Community Development
- Robert Durning
 - Neighbor Improvement Services
- Trayce Johnson
 - Neighborhood Improvement Services
- Dennis Harris
 - Fire
- Jason Brown
 - Fire
- Trevian Davis
 - Fire
- David Zacherl
 - Fire
- Herman Meyers
 - Buildings
- James Wedergren
 - Buildings
- Kim Golden
 - Planning & Engineering
- Jon Branson
 - Management Services
- Ryan McClellan
 - Finance
- Darcie Valenzuela
 - Marketing
- Derek Miller
 - Marketing
- Jack Haralson
 - Public Works
- Kyle Dickson
 - Legal

1200 Blk. of 3rd Ave. S



6000 Blk. of Mentor



10 Bk. of 19th Ave. N.



10 Bk. of 19th Ave. N.

Non-Permitted Remodel



10 Bk. of 19th Ave. N.

Non-Permitted Remodel



2600 Blk. of 3rd Ave



Voluntary Compliance



1700 Blk. Of 4th Ave. N.

Fire on 2/22/22 – Down on 3/1/22 – 7 days



700 Blk. 1st Ave. S



10 Blk. of 9th Street



10 Blk. of 9th Street



5300 Blk. Evelyn



1200 Blk. 3rd AVE. N.



700 4th Ave. N.



400 Blk. Bates



100 Blk Cobb



200 Blk. of Pecan



200 Blk. of 22nd Street





100 Blk. Algeria



100 Blk. Algeria



300 Blk. of 17th Ave.



Questions?

Comments

Concerns?

Suggestions

Criticism(s)

CITY COMMISSION REGULAR MTG

(5) (b)

Meeting Date: 08/03/2022

Building Inspections Department Presentation 2022

Submitted For: Herman Meyers, Inspections

Submitted By: Cesalie Caldwell, Inspections

Department: Inspections

Information

ACTION REQUEST

To present the Building Permits (Inspections Department) report to City Commission.

BACKGROUND (Brief Summary)

Annual report.

RECOMMENDATION

None.

Fiscal Impact

Attachments

BUILDING INSPECTION DEPT 2022 PRESENTATION 7-22-2022 1422

The background is a solid blue color with a pattern of soft, wavy, and slightly blurred lines that create a sense of motion and depth. The lines are lighter blue and blend into the darker blue background.

BUILDING INSPECTIONS

INTENT

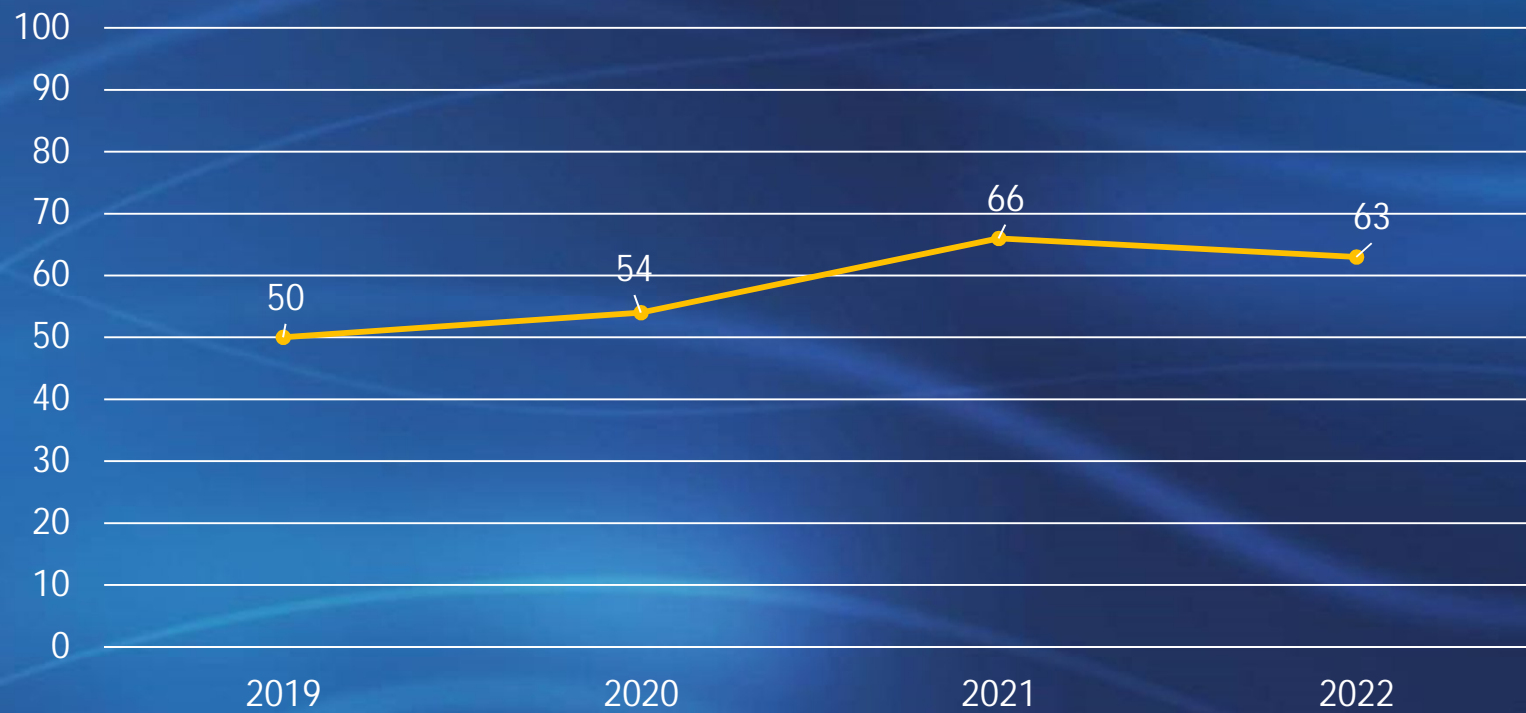
R101.3 Intent. The purpose of this code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

2022 YTD Permits Issued

| Classification Code | Jan | Feb | Mar | Apr | May | Jun | Jul | Grand Total |
|---|-----|-----|-----|-----|-----|-----|-----|-------------|
| 1-101 - Single Family Residential | 35 | 36 | 64 | 36 | 70 | 52 | 6 | 299 |
| 1500 - GLO Single Family Residential Homes | 7 | 5 | | 1 | 1 | 1 | | 15 |
| 3-318 - Amusement, social & recreation | | | 1 | | | 1 | | 2 |
| 3-319 - Churches and other religious buildings | 1 | | | | | | | 1 |
| 3-320 - Industrial | | | 1 | 2 | | 1 | | 4 |
| 3-322 - Service stations and repair shops | 1 | | | | | | | 1 |
| 3-323 - Hospitals & institutions | | 1 | 1 | 2 | | | | 4 |
| 3-324 - Offices, Banks, & Professional | | | 1 | | | 1 | | 2 |
| 3-326 - Schools & Other Educational | | | 2 | 1 | | 1 | | 4 |
| 3-327 - Stores & customer services | 1 | | | 1 | 1 | | | 3 |
| 4-434 - Residential additions and alterations | 59 | 45 | 38 | 47 | 59 | 39 | 11 | 298 |
| 4-438 - Additions to garages and carports | | 2 | 1 | | | 1 | 2 | 6 |
| 4-600 - Hurricane Harvey Residential Repairs | | | | | | 1 | | 1 |
| 5-437 - Non-residential additions and alterations | | 11 | 14 | 7 | 7 | 4 | 2 | 45 |
| 6-1000 - Commercial Certificate of Occupancy | 1 | 5 | 12 | 2 | 5 | 7 | 1 | 33 |
| 6-328 - Other non-residential buildings (storage buildings, etc) | 2 | 3 | 5 | 3 | 1 | 3 | 2 | 19 |
| 6-329 - Structures other than buildings (signs, pools, driveways, etc.) | 26 | 19 | 21 | 29 | 27 | 26 | 5 | 153 |
| 6-330 - Fence | | 3 | 4 | 4 | | 1 | | 12 |
| 7-645 - Demolition of single family residential | 15 | 2 | | 6 | 1 | 1 | | 25 |
| 7-649 - Demolition of other buildings & structures (commercial) | | 3 | 5 | 1 | 4 | 2 | 1 | 16 |
| 800 - Other (Plumbing, Electrical, HVAC etc) | 105 | 116 | 120 | 107 | 78 | 112 | 22 | 660 |
| 999 - Digging and excavation | 29 | 18 | 13 | 6 | 6 | 20 | 3 | 95 |
| Grand Total | 282 | 269 | 303 | 255 | 260 | 274 | 55 | 1698 |

Certificates of Occupancy

Certificates of Occupancy Issued
2019 through 2022



New Homes

NEW CONSTRUCTION SINGLE FAMILY RESIDENTIALS

[illegible]

Permit Process

Permit request on line



- Contractor or Homeowner Registration
- Registration application reviewed and approved
- Contractor or Homeowner activates account and proceeds to apply for permit
- Permit application is then reviewed for code and ordinance compliance. This process can take anywhere from 10 minutes up to 10 hours.
- Once approved, the payment is made and the permit is issued.
- The Inspection Process now begins

Types of Inspections and Other Things We Do

- ✓ Residential new and existing projects
Examples: Swimming pools, fences, gas lines, steps, porches, handrails, awning, pergolas, electrical service upgrades, mechanical installation or replacement of heating and cooling units, plumbing water heaters, water softeners, irrigation, restaurant type one hoods.
- ✓ Commercial new construction and remodels
- ✓ Certificate of Occupancy Inspections
- ✓ Assist Code Enforcement with stop work orders and substandard structures
- ✓ Partner with County Health Department to ensure mutual compliance with projects
- ✓ Provide data reports to external agencies like the U. S. Census Bureau, Building Statistics

***NEW COMMERCIAL
PROJECTS
COMPLETED
2021-2022***

New World Gym – Mainland Crossing



New College of the Mainland Cosmetology School – Mainland Crossing



Restaurant Row – Mainland Crossing



New Convenience Store (Replaced from Tornado) – 1230 21st St N



New Convenience Store - 6th St N



New Convenience Store – 802 25th



New Convenience Store – 2451 FM 2004



New Convenience Store – 8226 FM 1765



Simms Elementary School



Guajardo Elementary School



New La Marque Middle School



New Dickinson Jr High – 1611 Central Park Blvd.



Texas City Police and Fire Department Training Center



College of the Mainland – New Industrial Careers Building



College of the Mainland – New Police Station



Boterra Apartments – 3301 Gulf Freeway



New Eastman Chemical Blast Proof Warehouse



INSPECTIONS

Residential Inspections



Water heater vent
too close to window;
carbon monoxide
danger.

Vent too close to
siding.

Residential Inspections



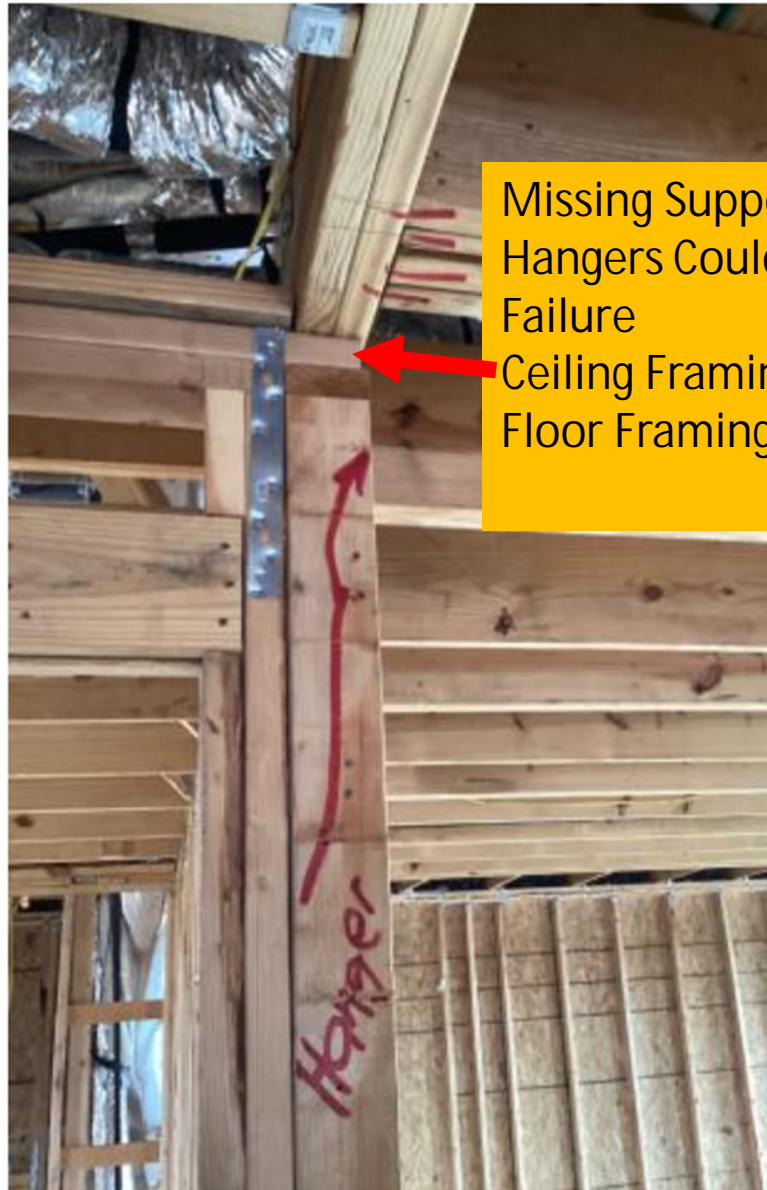
Ceiling Fan Box
Mounted with
Incorrect Screws,
Fall Hazard.

Residential Inspections



Vent Pipe Installed too Close to Roof Deck, Danger of Nail Penetration, Allowing Sewer Gas into House.

Residential Inspections



Missing Support
Hangers Could Cause
Failure
Ceiling Framing
Floor Framing



Residential Inspections



Too Many
Conductors in
Electrical Box,
Presents Fire
Hazard

Residential Inspections



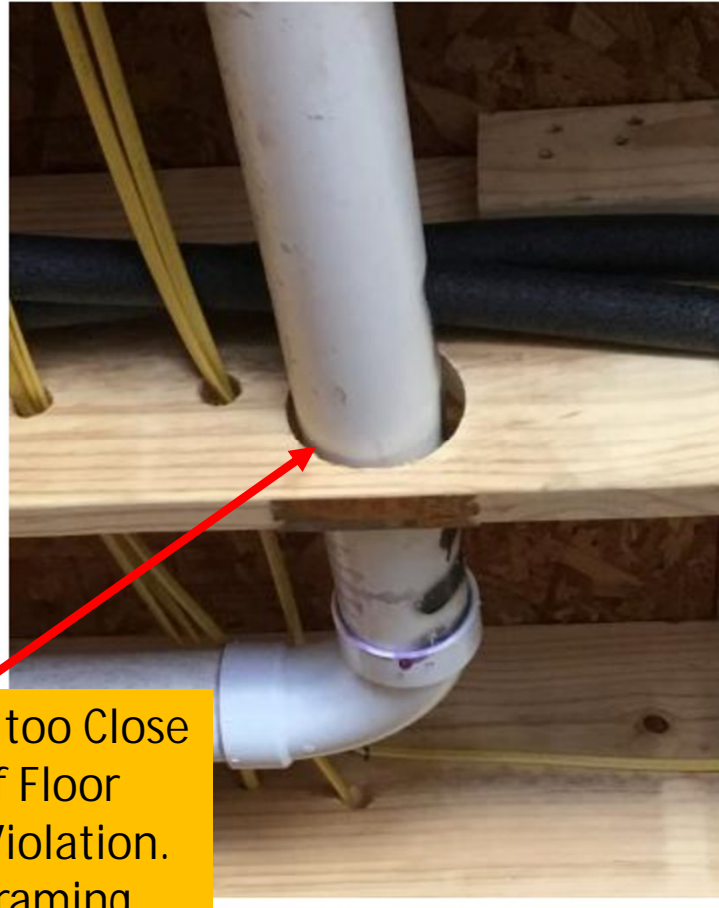
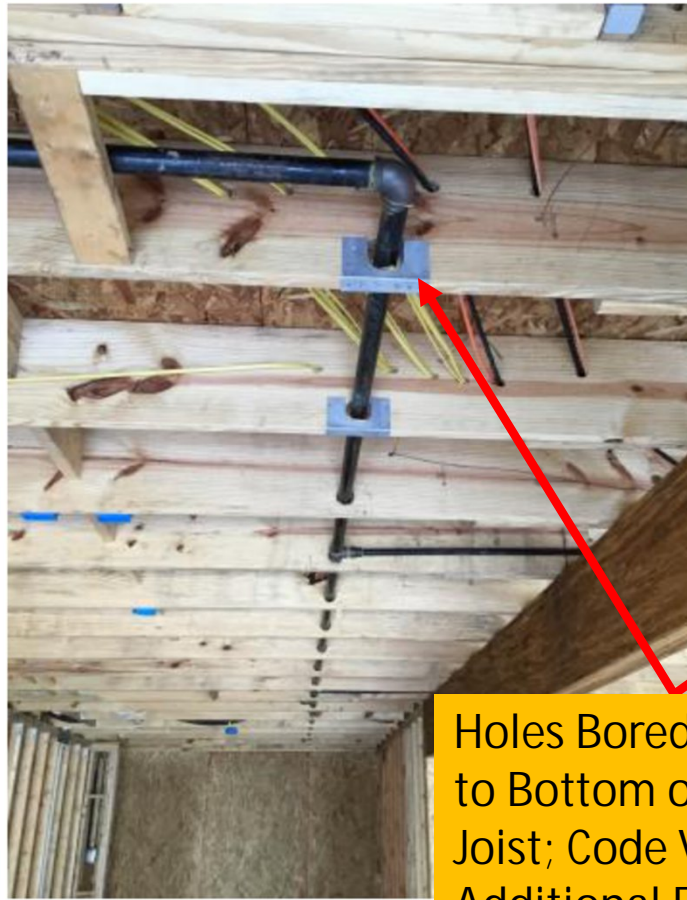
Missing Fire
Blocking Could Allow
Fire Penetration
into Attic

Residential Inspections



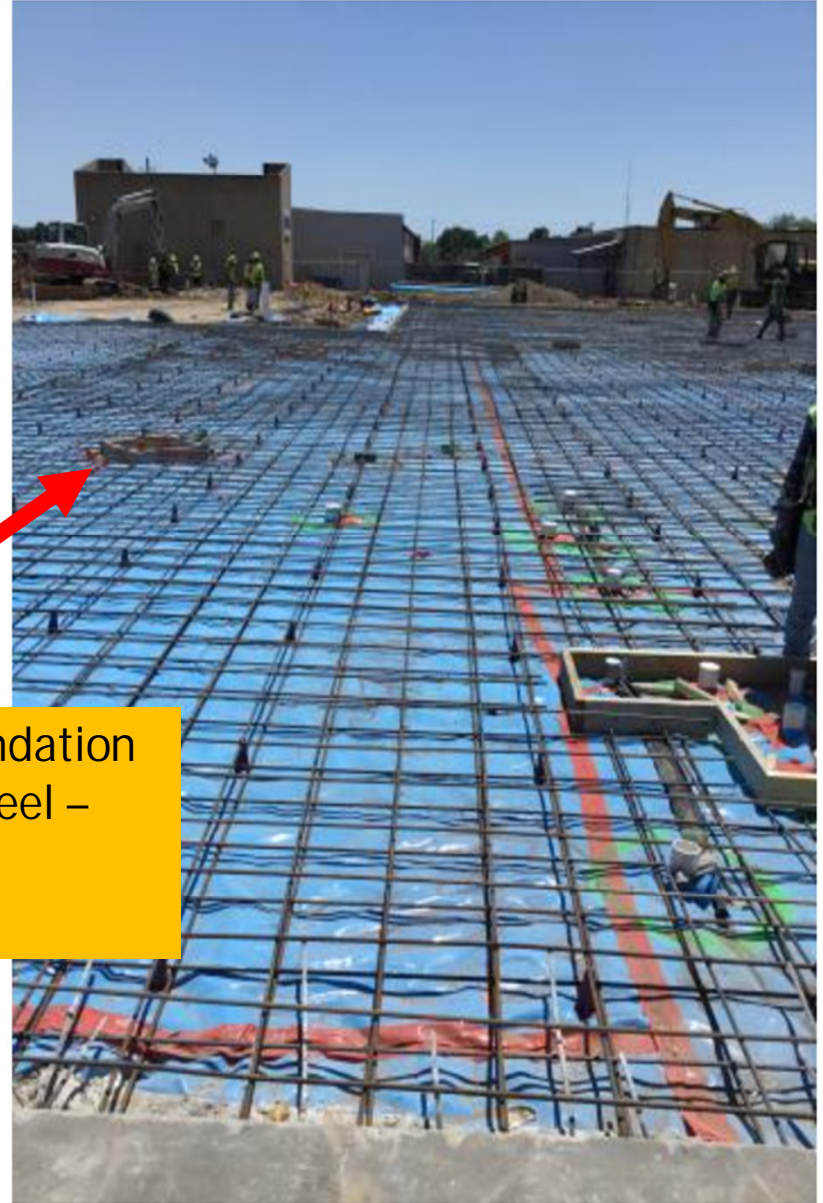
Missing Floor Joist
Hangers Could Cause
Floor Above to
Collapse

Residential Inspections



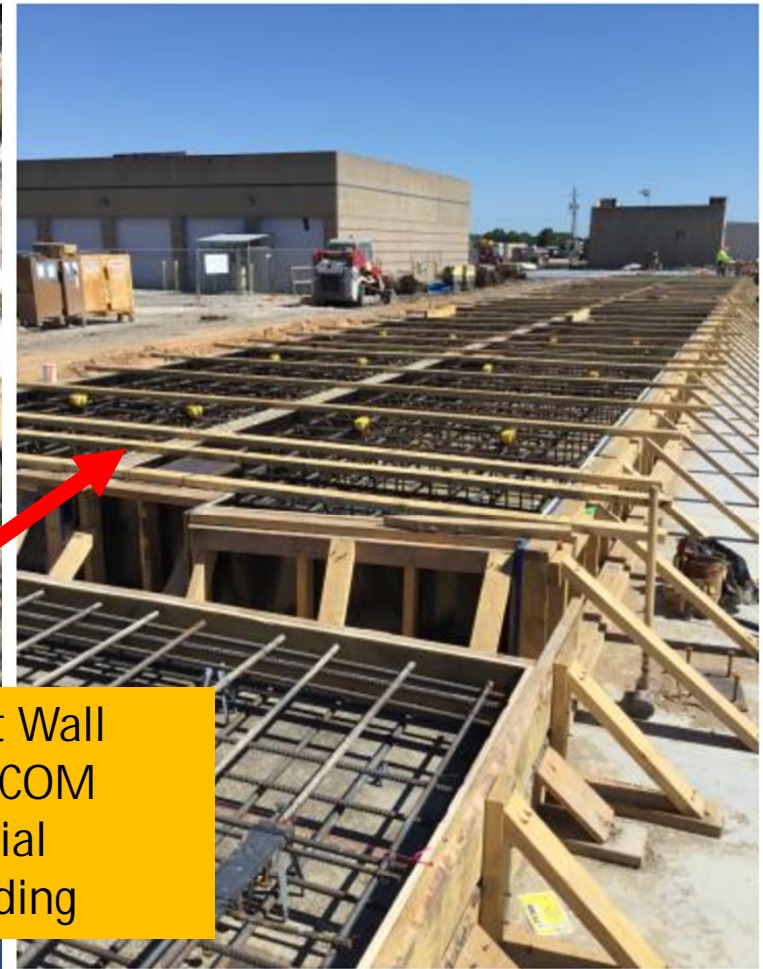
Holes Bored too Close to Bottom of Floor Joist; Code Violation. Additional Framing Members were Required to be Added Next to Each Floor Joist.

Commercial Foundation Inspections



Verifying Foundation
Reinforcing Steel –
College of the
Mainland

Commercial Foundation Inspections



Verifying Tilt Wall
Panel Steel, COM
New Industrial
Careers Building

Commercial Foundation Inspections



Verifying Below
Foundation Plumbing
at New Dickinson Jr.
High 11611 Central
Park

2023 GOALS

- Review and implement latest ICC Family of Codes
- City Ordinance review and recommend changes to reflect the state of the City
- Continue cross training In Office positions and also cross train with other City Departments

CITY COMMISSION REGULAR MTG

(6) (a)

Meeting Date: 08/03/2022

Rezoning request from Sherman Jones - 2828 Texas Avenue - Kingdom Wings with Heavenly Flavors

Submitted For: Veronica Carreon, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Sherman Jones requests to rezone from District "F-1" (Outdoor Industrial) to District "E" (General Business) to open and operate Kingdom Wings, a drive-thru restaurant located at 2828 Texas Avenue, Texas City.

BACKGROUND (Brief Summary)

Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District F – Light Industrial. The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

RECOMMENDATION

Provided the Zoning Commission recognizes the potential of the rezoning to create future conflicts between incompatible uses, Staff have no objection to the requested rezoning to District E – General Business, provided the site is made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping, and provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.

Fiscal Impact

Attachments

Staff Report for 2828 Texas Avenue

2828 Texas Avenue - Aerial View

2828 Texas Avenue - Street View

City of Texas City
Engineering & Planning
Memo

To: Zoning Commission –for meeting on 6/21/2022

From: Kim Golden, P.E., Engineering & Planning

cc: Doug Kneupper, P.E., Consulting Engineer

Date: June 10, 2022

Re: Request to rezone 2828 Texas Ave from District F (Light Industrial) to District E (General Business) to operate a drive-thru take out only food service from an existing building in use as a place of worship on Saturdays.

Background: Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District F – Light Industrial. The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

Existing conditions: The approximate 0.50 acre lot has an existing building and paved parking which is operating as a church for religious assembly one day per week. A room in the church building was converted to a kitchen as an ancillary use of the church. However, the Chief Building Official learned the kitchen was operating daily as a food service. Such operation as a principal use is not compliant with the existing zoning – District F Light Industrial. The applicant seeks to expand the food service to include drive-thru take out food service. This expansion of use will require the modification of the existing exterior of the building to add a drive-thru window. It appears the existing paved area may be sufficient for the drive-thru driveway.

Existing zoning: The subject location is currently zoned “F-1” Outdoor Industrial. The location is bounded on the south by Texas Ave, and the District IBD – Industrial Business District, which is directly south of Texas Ave. The property is bounded on the east and west by properties zoned “F-1” – Outdoor Industrial. The property is bounded on the north by property zoned District “C” – Multifamily Residential. All surrounding properties are fully developed and in compliance with the current zoning designations.

District F-1 Outdoor Industrial “is intended to provide for light industrial uses which are predominantly operated outdoors. Because of the potential visual and noise impacts of the uses permitted in the district, additional buffering may be required for protection of adjacent areas.” District E General Business is intended to provide for an extensive variety of enclosed

retail and commercial services to serve the overall needs of the community. Due to the variety and potential intensity of these uses, they should be located along major transportation corridors and be appropriately buffered from residential areas.

Applicant seeks rezoning to District E – General Business for the purpose of operating a take out food service with drive-thru window. There is nothing in the application to indicate use as a full service restaurant with on-site dining. The application indicates an intent to operate the take out food service with drive thru window on a daily basis, Monday thru Friday, 10:30am – 8:00pm and on Sundays, 11am – 6pm. The application indicates the food service will be closed on Saturdays, which is the day the location is used for religious assembly.

GATEWAY OVERLAY DISTRICT: The subject property is also subject to the requirements of Secs 160.065-160.069 Gateway Overlay District. This district requires 100% masonry construction, that all fences be masonry, that all utilities be underground, and a minimum of 15% landscaping, and other screening requirements. The site is not currently compliant with the landscaping requirements of the Gateway Overlay District.

LAND USE PLAN: The current land use plan show the subject area as developing within the guidelines of the “Revitalization Corridor” which are “the areas of Texas City where prompt action is needed to prevent or reverse deterioration, specifically along Texas Avenue and 6th Street. These corridors are characterized by dilapidated structures, fair to poor housing conditions, incompatible mixture of land uses and declining numbers of housing units and small businesses. Recommended approaches to conserving and revitalizing these areas are discussed in the ‘Goals and Strategies for Texas City’ report prepared by the Goals 2000 Committee.”

The “Goals and Strategies for Texas City” report states the following regarding the Land Use Plan; “Keeping in mind the broad perspective of an effective land use plan, it is important that the plan be flexible in guiding, but not dictating, a community’s growth and development. . . . The Land Use Plan for Texas City purposefully does not pinpoint precise districts throughout the City with exact land uses, but instead maintains the broad perspective by identifying ten generalized types of land use areas.” The ‘Revitalization Corridor’ is one of the ten generalized types. The Plan specifically references the strategy for the revitalization corridor along 6th Street and Texas at pg 82.2-83 as follows “The proposed revitalization will consider land uses such as museums, governmental facilities, senior citizen apartments and nursing homes and light industry.”

Existing infrastructure: There is sufficient vehicular access from Texas Avenue (FM 1765). Water and Sewer Services are currently available from the Texas City Municipal systems.

Analysis: The existing use as an institution for religious function is not an allowed principal use in the District F-1, nor would it be a permitted use in District E – General Business, if rezoned. The use for religious functions is an allowed principal use in the residential zones including District C – Multifamily Residential. The subject location is adjacent to District C – Multifamily Residential on its northern boundary.

The rezoning to District E – General Business could be seen as a transition zone from the light industrial and outdoor industrial uses of the surrounding Districts F-1 and IBD to the residential use of District C – Multifamily Residential. However, the requirements of the Gateway Overlay

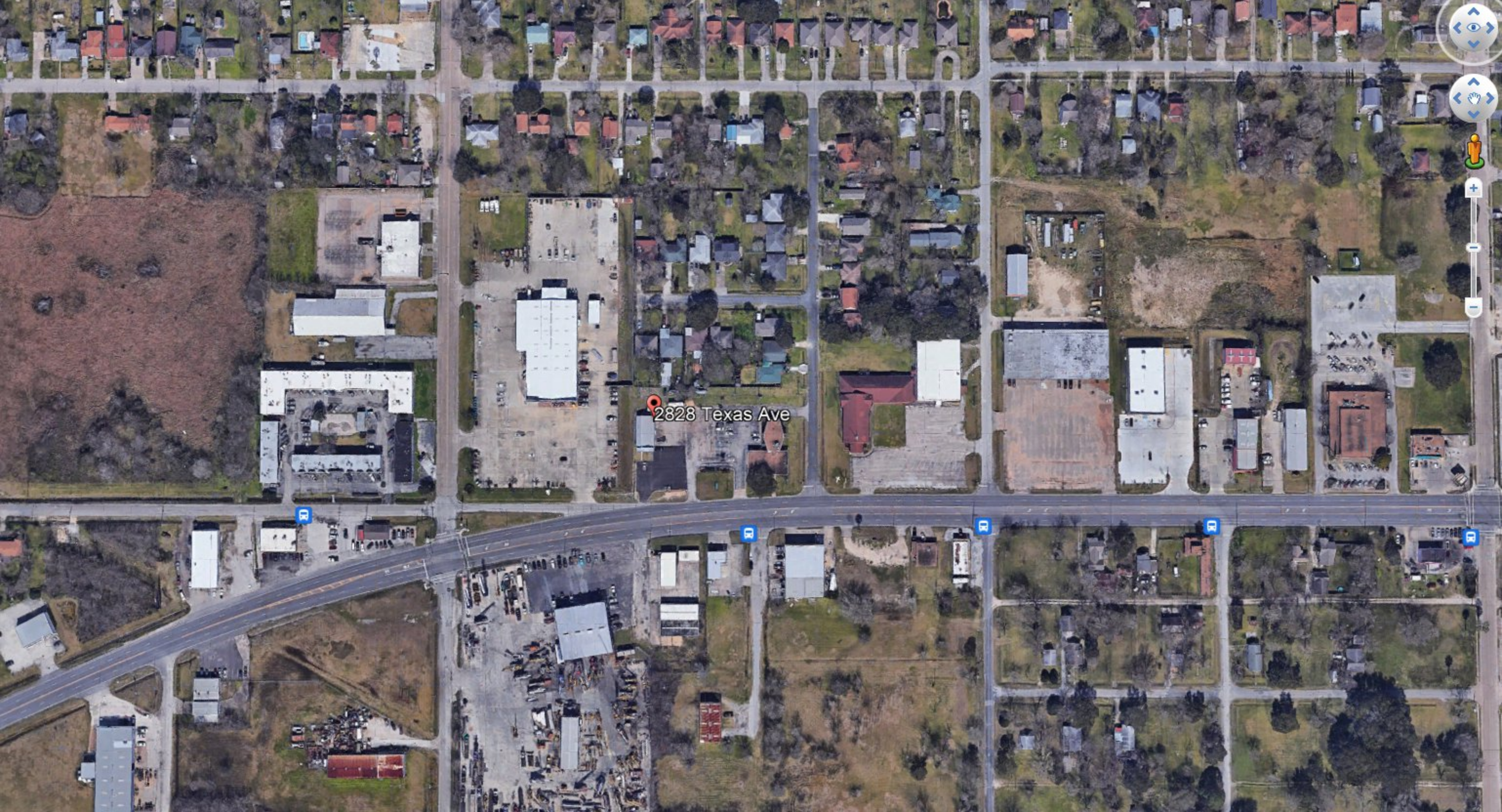
District should be satisfied. The site is 0.561 acres, which has a 15% landscaping requirement of 3,665sq ft. There should also be appropriate buffering installed between the site and the residential District C. The Gateway Overlay District requires all fencing and screening walls to be 100% masonry.

It should be noted that the rezoning to District E – General Business will open the site to a wide variety of retail and commercial uses. Once the preliminary zoning approval is made permanent by the granting of a building permit, the future use of the site not be limited to the take-out food service, only. Once the rezoning is made permanent, the site can be used for any of the allowed principal uses of District E – General Business, subject to the permitting process. The allowed principal uses include any use permitted in O-P (Office Professional), D (Neighborhood Service), or D-1 (Limited Service), subject to the regulations of District E.

The other allowed principal uses for District E General Business are automobile repair garages; automobile, motorcycle and light load truck sales and leasing, new or used; hospitals; ambulance services; motion picture theatres within an enclosed building; spa, health studio or fitness center; coin-operated amusement machine arcades; bowling alley and skating rinks; establishment where alcoholic beverages are sold or consumed on premises; car washes; any retail sales, commercial business or service not included in the O-P, D or D-1 Zoning Districts provided that, all such uses shall be completely within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing, or treatment of products or equipment shall be permitted “except as clearly incidental to an allowed use. **For this reason the rezoning to District E could be creating some potential for a future use which could be deemed incompatible with the surrounding F-1 and IBD classification.** However, no objections have been received in response to the notice letters sent to all adjacent properties within 200ft as required by state statute and city ordinances.

Because the site may be operating a food service without permits, there may be several non-compliant code conditions at the existing site. Re-zoning can be recommended and approved subject to the reconciliation of the non-compliant code conditions through the development plan review and building permitting processes. Recommending the zoning change does not pre-approve or grandfather in any existing non-compliant code conditions. The development plan review and building permitting processes are independent and will commence after City Commission acts upon the request for rezoning.

Provided the Zoning Commission recognizes the potential of the rezoning to create future conflicts between incompatible uses, Staff have no objection to the requested rezoning to District E – General Business, provided the site is made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping, and provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.



2828 Texas Ave



CITY COMMISSION REGULAR MTG**(6) (b)****Meeting Date:** 08/03/2022

Rezoning request from Jimmy Vo - 615 Hwy 3 - On Track 111, LLC

Submitted For: Kim Golden, Transportation and Planning**Submitted By:** Veronica Carreon, Transportation and Planning**Department:** Transportation and Planning

Information**ACTION REQUEST**

Jimmy Vo requests to rezone from District "A" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to construct On Track 111, LLC – a convenience store and fuel station

BACKGROUND (Brief Summary)

This site was the subject of a previous rezoning application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the property located at 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area.

RECOMMENDATION

Based on the surrounding land uses, development and zoning, city staff has no objections to approval of rezoning to District D – Neighborhood Service provided the use and development comply with the requirements of the Gateway Overlay District and adequate buffering is provided for adjacent residential uses. However, it is also appropriate for the Zoning Commission and the City Commission to consider any objections presented from adjacent property owners and residents in the area. Denial of the request for re-zoning would be consistent with prior actions by the City Commission relating to this subject location and to sites in close proximity.

Fiscal Impact

CITY COMMISSION REGULAR MTG**(7) (a)****Meeting Date:** 08/03/2022

Consider and take action on the Zoning Change Request from Sherman Jones for 2828 Texas Avenue

Submitted For: Veronica Carreon, Transportation and Planning**Submitted By:** Veronica Carreon, Transportation and Planning**Department:** Transportation and Planning

Information**ACTION REQUEST**

Consider and take action on the Zoning Change Request from Sherman Jones for 2828 Texas Avenue - Kingdom Wings with Heavenly Flavors (a drive-thru only restaurant).

BACKGROUND (Brief Summary)

Applicant, Sherman Jones, is the pastor of the religious assembly called Betmidrash which operates at 2828 Texas Ave on Saturdays only, 11:30 am – 4pm. The location is currently zoned District F – Light Industrial. The applicant seeks to add a drive thru window to expand the food service which is already operating as Kingdom Wings with Heavenly Flavors without a permit from a room converted to a kitchen as an ancillary use of the church.

RECOMMENDATION

On Tuesday, June 20, 2022, the Zoning Commission voted 2-1 to recommend approval of the rezoning from District "F" (Light Industrial) to District "E" (General Business). Commissioner Owens voted to deny.

Provided the City Commission recognizes the potential of the rezoning to create future conflicts between incompatible uses, Staff have no objection to the requested rezoning to District E – General Business, provided the site is made compliant with the requirements of the Gateway Overlay District, especially the requirement for landscaping, and provided the use is buffered from the adjacent residential use with an appropriate fence or screening wall of 100% masonry content.

Fiscal Impact

CITY COMMISSION REGULAR MTG

(7) (b)

Meeting Date: 08/03/2022

Consider and take action on the Zoning Change Request from Jimmy Vo for 615 Hwy 3

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Jimmy Vo requests to rezone from District "A" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services) to construct On Track 111, LLC – a convenience store and fuel station.

BACKGROUND (Brief Summary)

This site was the subject of a previous rezoning application in 2018 which was denied by the City Commission on February 20, 2019. A similar application for rezoning the property located at 2.485 acre site located +/- 750 feet southeast of the intersection of Memorial Drive and SH 3 was denied by City Commission in October 2021. Both previous applications were met with organized opposition from the existing nearby residential area.

RECOMMENDATION

On Tuesday, June 20, 2022, the Zoning Commission voted 2-1 to recommend approval of the rezoning from District "A-1" (Single Family Residential) and District "F" (Light Industrial) to District "D" (Neighborhood Services). Commissioner O'Brien voted to deny.

Based on the surrounding land uses, development and zoning, city staff has no objections to approval of rezoning to District D – Neighborhood Service provided the use and development comply with the requirements of the Gateway Overlay District and adequate buffering is provided for adjacent residential uses. However, it is also appropriate for the Zoning Commission and the City Commission to consider any objections presented from adjacent property owners and residents in the area. Denial of the request for re-zoning would be consistent with prior actions by the City Commission relating to this subject location and to sites in close proximity.

Fiscal Impact

CITY COMMISSION REGULAR MTG

(7) (c)

Meeting Date: 08/03/2022

Extension of Preliminary Zoning Approval - Lakeside Bayou (formerly presented as Southlake Subdivision)

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

Consider approval of a one-year extension of the preliminary rezoning previously granted to 418 Southlake, LTD on August 18, 2021 for 438 acres of undeveloped land located north of FM 517, south of FM 646 and west of FM 3436 (Lakeside Bayou S/D f/k/a/ Southlake S/D).

BACKGROUND (Brief Summary)

This request to rezone from District "A-1" (Single Family Residential) to District "I" (Planned Unit Development) was recommended for approval by the Zoning Commission on July 20, 2021 and granted preliminary approval by the City Commission on August 18, 2022. Section 160.106(D)(#) and (4) of the Zoning Ordinance requires the applicant to apply for a building permit and for an ordinance to permanently rezone the property to be done within one year from the date of preliminary approval unless placed on the City Commission agenda for further consideration before such time. Applicant requests an extension of time on the preliminary approval to complete the processes of platting and approvals required by the Texas City subdivision ordinance. Applicant also seeks to change the name of the subdivision to Lakeside Bayou Subdivision based upon a marketing analysis and recommendations. Applicant does not seek any changes to the PUD or the master plan as previously submitted. Staff supports the request for an extension of the preliminary zoning approval to allow applicant additional time to apply for a building permit consistent with the application.

RECOMMENDATION

Upon review, staff recommends **approval of the extension of time** the preliminary zoning request for twelve additional months until August 18, 2023. The request for extension is timely because the preliminary zoning approval has not yet expired. The extension appears warranted because the project is large and complex, and Applicant has diligently continued its development activities and remained in satisfactory contact with city staff. No significant changes have occurred which warrant a reconsideration of any of the infrastructure development. The terms and conditions of the approved PUD remain compliant with current city planning and development policies.

Fiscal Impact

Attachments

Lakeside Bayou (fka Southlake) Extension Request

Staff Report

Lakeside Bayou (fka Southlake) PUD Exhibits

LAKESIDE BAYOU
(fka Southlake)

July 13, 2022

Ms. Kim Golden
City Engineer
Texas City
7800 Emmet F Lowry Expy.
Texas City, TX 77591

Re: Lakeside Bayou (fka Southlake) PUD Time Extension and Name Change Request

Ms. Golden,

I am respectfully requesting two actions from the Planning Board and City Commission related to the approvals received on August 18, 2021. The first would be a name change from Southlake to Lakeside Bayou. We worked with a local marketing firm to explore naming options and feel that Lakeside Bayou more accurately represents and embodies the project with the Lake adjacent to Gum Bayou, which we will incorporate into parklands as contemplated in the Planned Unit Development, as the project gets constructed.

The second request would be a time extension on the Planned Unit Development Zoning. Since we obtained the approvals last August, we have continued to work on numerous items for this very large and complicated project, despite the challenges of COVID, as follows:

- We undertook a Fault Study to confirm that there is not a fault on the project. The weather was uncooperative with us on this study and it took much longer than anticipated. But, because the study area was partially located within Phase I we could not proceed with design and engineering until the results were in. The results showed that there was no fault on the property.
- We coordinated with the City Engineer (Doug Kneupper) on the sizing of the lift station to accommodate the adjacent parcels in the future pursuant to the Utility Services Agreement.
- We have obtained an easement for our entry roadway (in League City's Jurisdiction) from Texas New Mexico Power company.
- We are in final negotiations with Centerpoint and KinderMorgan on similar easements.
- We are working with TX DOT on our Driveway Permits for both 646 and 3436 access points.
- We have completed survey work and have submitted 2 Phase 1 Plats.
- We will be submitting an additional 3 plats by 7/15, and the detention plat no later than 7/22/22.



LAKESIDE BAYOU
(fka Southlake)

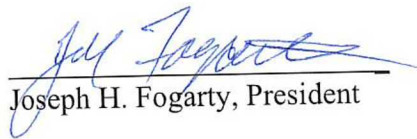
While we were not able to submit our plats in time to receive the approvals by 8/18/2022, we are certainly working toward that goal, and feel that we are well within the spirit of the requirement that would warrant an extension.

Respectfully Submitted,

418 SOUTHLAKE, LTD.,
a Texas limited partnership

By: NEHC Properties, Inc.,
a Texas corporation,
its General Partner

By:


Joseph H. Fogarty, President

Memo

To: Planning Board – July 18, 2022 Regular Meeting

From: Kim Golden, P.E., City Engineer

cc: Doug Kneupper, P.E.

Date: July 14, 2022

Re: Request for name change and extension of time – Lakeside Bayou Subdivision (f/k/a Southlake Subdivision)

Background: On August 18, 2021 the City Commission gave preliminary zoning approval to the request by 418 Southlake LTD to rezone from “A” (Single Family Residential) to “I” (Planned Unit Development) approximately 438 acres of undeveloped land located north of FM517, south of FM 346 and west of FM 3436. Planning Board reviewed and recommended the master plan and development agreement for approval at its meeting on June 21, 2021, and the Zoning Commission held a public hearing and recommended approval of the zoning change at its meeting on July 20, 2021. Texas City ordinances require preliminary zoning approval to be made permanent by applying for a building permit within twelve months from the date of approval. Applicant has submitted several sections for preliminary plat approval, but is not yet in a position to apply for a building permit. Copies of the approved PUD with final exhibits and the previous staff memos to the Planning Board and Zoning Commission are attached for convenient reference.

Requested Action: Applicant requests an extension of twelve months on the preliminary zoning approval to complete the processes of platting and approvals required by the Texas City subdivision ordinance. Applicant also seeks to change the name of the subdivision to Lakeside Bayou Subdivision based upon a marketing analysis and recommendations. Applicant does not seek any changes to the PUD or the master plan as previously submitted.

Staff Analysis and Recommended Action:

The project is approved to develop approximately 438 acres into approximately 1200 single family units with approximately 15 acres adjacent to FM3436 and FM 517 designated for commercial development. The approved lot mix in the PUD is as follows:

45' lots – 10%

50' lots – 40%

60' lots - 40%

70' lots – 10%

The PUD development agreement includes the development of a major recreational facility to be fully complete before the completion of the 500th home. The project will have entry monuments at FM 646 and FM 3436. The Neighborhood Collector roadway will have decorative fencing for the adjacent lots. Also, lots adjacent to a detention / amenity lake will have open, decorative fencing next to the water feature.

Roadway access into Southlake will be from a new Neighborhood Collector roadway. The first phase will be off FM 646 and will provide adequate access for the initial phases of the project. Ultimately the new collector road will be extended to FM 3436 and will provide good access and circulation through the subdivision. In conjunction with construction of the Neighborhood Collector, paved sidewalks will be included to provide pedestrian and bicycle connectivity throughout the neighborhood.

Water and sewer facilities are available for this project. Water is along FM 3436 and can be extended directly into the property. Ultimately, an upgrade to the water distribution plant will be required to serve the entire project. For sewer, Southlake will construct a regional lift station inside their project and pump to the city's sewer line on FM 517.

Drainage and stormwater management will be provided by a significant lake / detention system that drains into Gum Bayou. There is no drainage district with jurisdiction in this area, so city staff will provide review and approval for the Drainage Impact Analysis.

EXTENSION OF TIME: Applicant's development activities have continued without interruption since receiving preliminary zoning approval from the City Commission on August 18, 2021. Applicant completed a Fault Study which confirmed no faults on the property; worked with Engineering & Planning department to size the lift station to accommodate adjacent parcels in accordance with the City's master sewer plan, has obtained easements for its entry roadway and submitted access permit applications to TxDOT for its driveways on FM 646 and FM 3436, continues its acquisition for other required easements from Centerpoint and KinderMorgan; completed survey work needed to begin preliminary platting and preliminary engineering for one-line submittals for water, sewer, streets and drainage; and has applied for preliminary plat approval of several sections. Applicant represents that challenges attributable to COVID have delayed some of these processes.

Upon review, staff recommends **approval of the extension of time** the preliminary zoning request for twelve additional months until August 18, 2023. The request for extension is timely because the preliminary zoning approval has not yet expired. The extension appears warranted because the project is large and complex, and Applicant has diligently continued its development activities and remained in satisfactory contact with city staff. No significant changes have occurred which warrant a reconsideration of any of the infrastructure development. The terms and conditions of the approved PUD remain compliant with current city planning and development policies.

NAME CHANGE: Applicant also seeks a name change based upon marketing analysis and recommendation from Southlake Subdivision to Lakeside Bayou Subdivision. Applicant indicates the marketing analysis shows the name is more representative and better embodies the project with the detention lake system adjacent to Gum Bayou and incorporation of extensive parkland and green space with pathways as contemplated in the PUD. There was

also some confusion attributed to the designation as “south” because the project is generally located in the northeast region of Texas City.

Upon review staff recommends **approval of the requested name change to Lakeside Bayou Subdivision.** The request is based upon a marketing analysis. The name change is requested sufficiently early in the platting and approval process that it will not create confusion in the public property records.

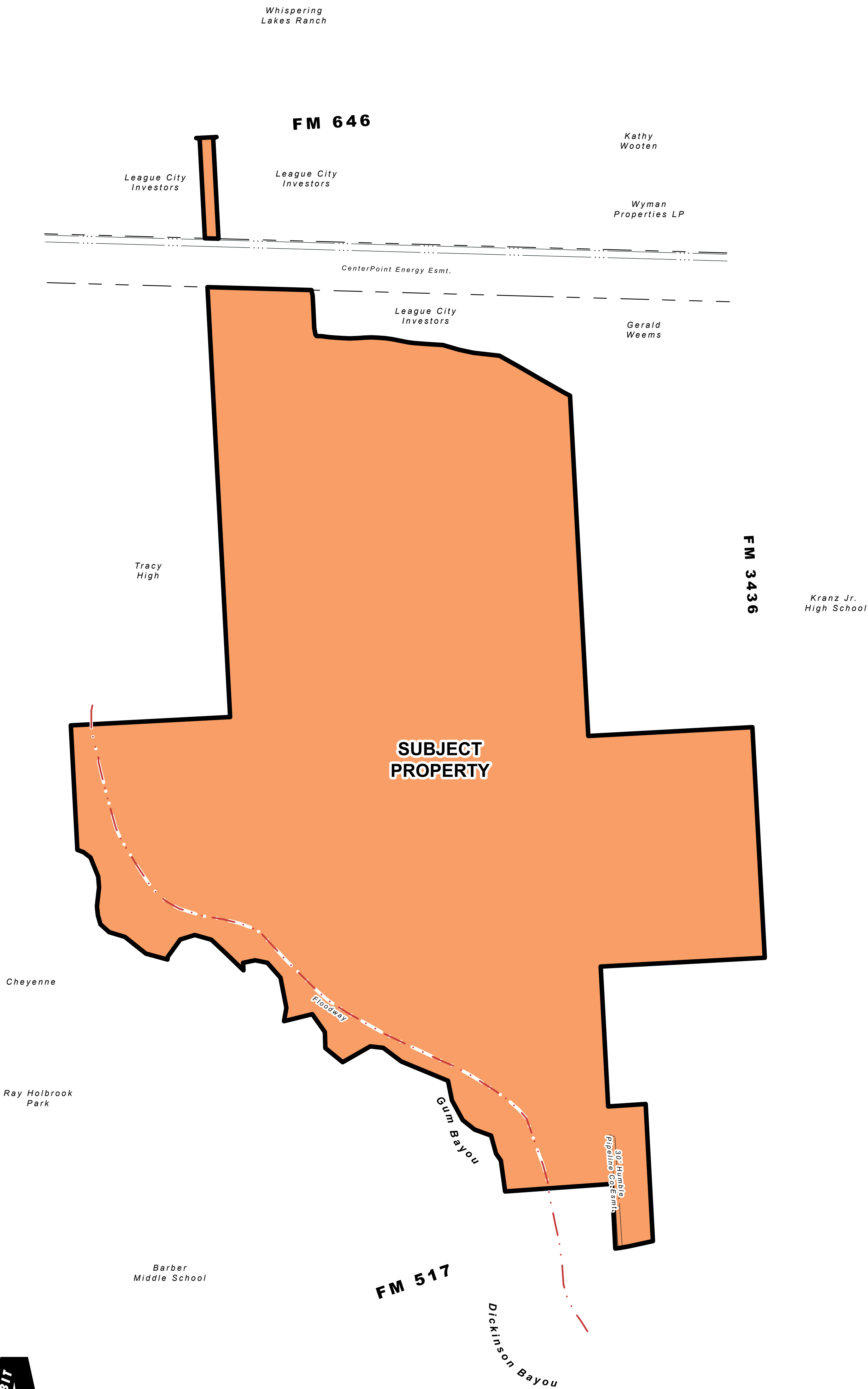


EXHIBIT A

an area map for
SOUTHLAKE
4438.3 ACRES OF LAND
prepared for
418 SOUTHLAKE, LTD.



24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

NOT TO SCALE

MTA-55001
MAY 21, 2021

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FM 646

League City
Investors

League City
Investors

Wyman
Properties LP

CenterPoint Energy Esmt.

League City
Investors

Gerald
Weems

65' Drainage Esmt.

SF-1

25 LOTS
MODEL PARK
±8.1 Ac.

**LINEAR
PARK**
±1.2 Ac.

SF-3

114 LOTS
(TYP.50'x120')
±25.8 Ac.

SF-2

36 LOTS
(TYP.60'x120')
21 LOTS
(TYP.70'x120')
±17.6 Ac.

SF-6/7

100 LOTS
(TYP.60'x120')
±27.5 Ac.

SF-8

61 LOTS
(TYP.70'x120')
±18.4 Ac.

PARK
±0.7 Ac.

DET
±2.9 Ac.

STREAM
(Existing)
±4.4 Ac.

DETENTION
±21.5 Ac.

LS

DETENTION
±82.9 Ac.

REC
±3.3 Ac.

SF-4

93 LOTS
(TYP.45'x120')
±19.3 Ac.

PARK
±0.5 Ac.

SF-5

88 LOTS
(TYP.50'x120')
±19.1 Ac.

SF-11

113 LOTS
(TYP.50'x120')
23 LOTS
(TYP.60'x120')
±30.3 Ac.

PARK
±0.4 Ac.

SF-12

50 LOTS
(TYP.50'x120')
±12.0 Ac.

COM
±7.4 Ac.

COM
±5.4 Ac.

Cheyenne

SF-9

91 LOTS
(TYP.60'x120')
±23.9 Ac.

SF-10

126 LOTS
(TYP.60'x120')
14 LOTS
(TYP.70'x120')
±38.7 Ac.

DETENTION
±46.9 Ac.

Gum Bayou

30" Humble
Pipeline Co.-Esmt.

COM
±2.5 Ac.

Ray Holbrook
Park

**EXHIBIT
B**

a conceptual land plan for

SOUTHLAKE

4438.3 ACRES OF LAND

prepared for

418 SOUTHLAKE, LTD.

META
PLANNING + DESIGN

24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE
0 150 300 600

MTA-55001
MAY 21, 2021

FM 517

Dickinson Bayou

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FM 646

League City
Investors

League City
Investors

Wyman
Properties LP

CenterPoint Energy Esmt.

League City
Investors

Gerald
Weems

65" Drainage Esmt.

LINEAR
PARK
±1.2 Ac.

PARK
±0.7 Ac.

DET
±2.9 Ac.

STREAM
(Existing)
±4.4 Ac.

DETENTION
±21.5 Ac.

Tracy
High

PARK
±0.5 Ac.

FM 3436

PARK
±0.4 Ac.

COM
±7.4 Ac.

REC
±3.3 Ac.

COM
±5.4 Ac.

DETENTION
±82.9 Ac.

Cheyenne

Ray Holbrook
Park



an parks and open space plan for

SOUTHLAKE

4438.3 ACRES OF LAND

prepared for

418 SOUTHLAKE, LTD.



24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE
0 150 300 600

MTA-55001
MAY 21, 2021

FM 517

Dickinson Bayou

30" Humble
Pipeline Co-estm.

COM
±2.5 Ac.

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NEIGHBORHOOD GARDEN



LITTLE FREE LIBRARY



LAKE EDGE/TRAIL



LAKE EDGE/TRAIL



FIELDS



PLAYGROUND



LAKE EDGE



FITNESS CIRCUIT

a park and openspace character for
SOUTHLAKE
4438.3 ACRES OF LAND
prepared for
418 SOUTHLAKE, LTD.

META
PLANNING + DESIGN

24275 Katy Freeway, Ste. 200
Katy, Texas 77494
Tel: 281-810-1422

SCALE: NTS

MTA-55001
JUNE 01, 2021

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CITY COMMISSION REGULAR MTG

(9) (b)

Meeting Date: 08/03/2022

Approval of Submission of HUD Lead Hazard Reduction Grant Proposal

Submitted For: Titilayo Smith, Community Development, Housing Autho

Submitted By: Titilayo Smith, Community Development, Housing Autho

Department: Community Development, Housing Autho

Information

ACTION REQUEST

Approve the submission of the Lead Hazard Reduction Grant proposal to the U.S. Department of Housing and Urban Development by the Community Development Department to provide funding for lead based paint remediation activities through the Housing Rehabilitation/Reconstruction Program.

BACKGROUND (Brief Summary)

The purpose of the Lead-Based Paint Hazard Reduction (LHR) grant program is to maximize the number of children, under the age of six, protected from lead poisoning by assisting states, cities, counties/parishes, Native American Tribes or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing populations. In addition, there is Healthy Homes Supplemental funding available that is intended to enhance the lead based paint hazard control activities by comprehensively identifying and addressing other housing hazards that affect occupant health.

RECOMMENDATION

It is the recommendation of the Community Development Department that the City of Texas City apply for funds under HUD's Lead Hazard Reduction Grant to assist with the rehabilitation of low to moderate-income owner-occupied single family homes built prior to 1978 in Texas City through the Housing Rehabilitation/Reconstruction Program.

Fiscal Impact

Attachments

NOFO

Resolution



U.S. Department of Housing and Urban Development

Lead Hazard Control and Healthy Homes

Lead Hazard Reduction Grant Program

FR-6600-N-13

08/08/2022

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Program Office:

Lead Hazard Control and Healthy Homes

Funding Opportunity Title:

Lead Hazard Reduction Grant Program

Funding Opportunity Number:

FR-6600-N-13

Assistance Listing Number:

14.905

Due Date for Applications:

08/08/2022

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):
2539-0015

I. FUNDING OPPORTUNITY DESCRIPTION.

A. Program Description.

- **Purpose**

The purpose of the Lead-Based Paint Hazard Reduction (LHR) grant program is to maximize the number of children under the age of six protected from lead poisoning by assisting states, cities, counties/parishes, Native American Tribes or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing populations. In addition, there is Healthy Homes Supplemental funding available that is intended to enhance the lead based paint hazard control activities by comprehensively identifying and addressing other housing hazards that affect occupant health.

Program funds will be awarded to applicants through this NOFO to accomplish the following objectives:

a. (Targeted Units) Target lead hazard control efforts in housing units where children less than 6 years of age are at greatest risk of lead poisoning (pre-1960, and, especially, pre-1940 construction), which has historically included children in low-income and minority neighborhoods, to reduce the likelihood of elevated blood lead levels in these children.

b. (Cost Effectiveness) Utilize cost-effective lead hazard control methods and approaches that ensures the long-term safety of the building occupants.

c. (Capacity) Build local capacity of trained and certified individuals and firms to address lead hazards safely and effectively during lead hazard control, and renovation, remodeling, and maintenance activities. Another core element for capacity includes the development of comprehensive, community-based approaches to integrating this grant program within other local initiatives through public and private partnerships that address housing related health and safety hazards and/or serve low income families with children under the age of six (6).

d. (Affirmative Marketing) Establish and implement a detailed process of monitoring and ensuring that units made lead-safe are affirmatively marketed, and priority given, to families with children under age 6 years for not less than three years.

e. (Data Collection) Gather pre- and post-treatment data that supports and validates lead hazard control investments. Program data collected should support the evaluation of grant program

activities and outcomes.

f. (Targeted Outreach and Education) Conducting targeted outreach, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention designed to increase the ability of the applicant to deliver the specified lead hazard control services through this program; including educating owners of eligible rental properties, tenants, and others on the benefits and expectations of participating in this program provided by "Title X" of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

- **Changes from Previous NOFO.**

- If you received Lead Hazard Reduction grant funding in 2020 or 2021, you are not eligible to apply under this program.
- This NOFO uses a 48-month project period and budget period, which is changed from the previous 42-month project period and budget period.
- Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, section 223, Justice40 Initiative, applies to this grant program. The initiative sets an Administration “goal that 40 percent of the overall benefits [of covered programs] flow to disadvantaged communities.” Your application must specify the percentage of the census tracts within its target area that are disadvantaged communities, as per Office of Management and Budget guidance. See section V.A, Rating Factor Two, Justification of Applicant Need.
- Using, for Rating Factor Two and elsewhere, the Center for Disease Control and Prevention’s (CDC’s) current blood lead reference value (BLRV) for children under age 6 of 3.5 micrograms per deciliter as part of identifying jurisdictions with the highest need, in contrast to the previous NOFO’s use of CDC’s previous BLRV of 5.0 micrograms per deciliter.
- The teletype (TTY) number that may be used by individuals who are deaf or hard of hearing, or who have speech disabilities, to reach telephone numbers mentioned in this NOFO has been changed from the Federal Relay Service’s 800 TTY number, for which the service has expired, to the Federal Communication Commission’s TTY service number, 711.

- **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.

Promise Zones (PZs) are high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community. [See Promise Zones.](#)

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.

Program definitions are provided in Appendix D.

B. Authority.

The Lead-Based-Paint Hazard Reduction (LHR) Grant Program is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992) (42 U.S.C. 4852) and funding is provided by 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), and the Further Consolidated Appropriations Act, 2020 (Public Law 116-94, enacted December 20, 2019).

The Healthy Homes Supplemental funding is intended to enhance the lead-based paint hazard control activities by comprehensively identifying and addressing other housing hazards that affect occupant health. The Healthy Homes Supplemental activities are authorized by Section 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-2) and funding is provided by the Consolidated Appropriations Act, 2022 (Public Law 117-103, enacted March 15, 2022), and the Consolidated Appropriations Act, 2021 (Public Law 116-260, enacted December 27, 2020).

II. Award Information.

A. Available Funds

Funding of approximately **\$520,824,833** 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.

Approximately \$30,000,000.00 of the amount above is available for the Healthy Homes Supplemental funding and is available only to applicants who are awarded a LHR grant and only for work in homes for which lead hazard control work (not just lead hazard evaluation work) is being done under the grant.

Of the total funding through this NOFO, approximately \$22,743,801 of the approximately \$520,824,833 was appropriated under the Fiscal Year 2020 appropriation for the Lead Hazard

Reduction grant program category of High Impact Neighborhoods grants. This Fiscal Year 2020 amount would become available for award under this NOFO only if the amount otherwise available for one or more of the programs included in this NOFO is oversubscribed by qualified and eligible applicants. If an otherwise available amount is oversubscribed, the Department may use some or all of this approximately \$22,743,801 to make additional awards or increase the amount of otherwise partially funded awards.

B. Number of Awards.

HUD expects to make approximately 75 awards from the funds available under this NOFO.

For information on the methodology used to make award determinations under this NOFO, please see Section V.B Review and Selection Process below.

Funding will be set aside for applicants that have never received an award under the Lead Hazard Reduction grant program or whose grant period of performance ended 2 or more years ago. If there are an insufficient number of eligible applicants to use this set-aside, the funding will be made available to other eligible grant applicants. If there are more eligible applicants for this set-aside than can be funded using the set aside, the highest rated applicants will be awarded a grant under this set aside, and the remaining eligible applicants will be evaluated along with the remaining group of eligible applicants.

C. Minimum/Maximum Award Information

For the purposes of application under this NOFO; you should consider the minimum and maximum funding amounts below as you develop your program approach and budget for consideration.

The following is a breakdown of estimated total funding available for Lead-Based Paint Hazard Reduction

- Highest Lead-Based Paint Abatement Needs: approximately \$137,814,754.00
- Other Jurisdictions: approximately \$330,266,278.00
- High Impact Neighborhoods Funding: approximately \$22,743,801.00
- Healthy Homes Supplemental funding: approximately \$30,000,000.00
- Total \$520,824,833.00

1. The minimum award for any applicant to request under this NOFO is \$1,000,000. The maximum award amounts for the Lead-Based Paint Hazard Reduction grant program will be divided into the following categories:
2. Areas with the Highest Lead-Based Paint Abatement needs with at least 3,500 pre-1940 occupied rental housing units = minimum award of \$1,000,000; maximum award of \$8,000,000.
3. Other Jurisdictions = minimum award of \$1,000,000; maximum award of \$5,000,000.
4. Jurisdictions that have never received a Lead-Based Paint Hazard Control (LBPHC) or Lead Hazard Reduction Demonstration (LHRD) grant or whose grant period of performance ended two (2) or more years ago = minimum award of \$1,000,000; maximum award of \$4,000,000.

Healthy Homes Funding

The maximum award amount for the Healthy Homes Supplemental funding will be divided into the following categories:

1. Highest Lead-Based Paint Abatement Needs

jurisdictions, and other jurisdictions (but see below) = \$700,000

2. Jurisdictions that have never received an LBPHC or LHRD grant or whose grant period of performance ended two (2) or more years before the due date for applications for this NOFO = \$400,000

Please Note: As described in section III.C.3.a, below, in the event you request an amount over the maximum award, on line 18a of the SF-424, the application will not pass threshold and will not be reviewed.

Estimated Total Funding:

\$520,824,833

Minimum Award Amount:

\$1,000,000

Per Project Period

Maximum Award Amount:

\$8,000,000

Per Project Period

D. Period of Performance

Estimated Project Start Date:

09/30/2022

Estimated Project End Date:

09/30/2026

Length of Project Periods:

48-month project period and budget period

Length of Periods Explanation of Other:

N/A

E. Type of Funding Instrument.

Funding Instrument Type:

G (Grant)

F. Supplementation

HUD is providing grantees with an option to request Healthy Homes Supplemental funding. The Healthy Homes Supplemental funding request is an additional amount distinct from the requested federal lead hazard control grant award amount for this program and must be treated as such. A separate SF 424 must be filled out and attached to the grant application package in the grants.gov system to receive these funds in addition to the required narrative and budget documents as detailed in the rating factors below.

The Healthy Homes Supplemental request must also be clearly indicated in your abstract. It is your responsibility to include the additional SF 424 requesting the Healthy Homes Supplement

amount as a separate additional award and to clearly define in the abstract and the narrative submitted the exact dollar amount requested for both the Lead Based Paint Hazard Reduction Grant award and any total amount of Healthy Homes Supplement requested to ensure that the breakdown of the total request is accurately reflected on any such awarded application. Please Note: As described in section III.C.3.a, below, in the event you request an amount over the maximum award, on line 18a of the SF 424, the application will not pass threshold and will not be reviewed.

III. Eligibility Information.

A. Eligible Applicants.

00 (State governments)

01 (County governments)

02 (City or township governments)

04 (Special district governments)

07 (Native American tribal governments (Federally recognized))

25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))

Additional Information on Eligibility

Only cities, counties/parishes, and other units of local government, and certain States and Native American Tribes (those that have an U.S. Environmental Protection Agency- (EPA) authorized lead abatement certification program on the submission deadline) are eligible applicants. Multiple entities may apply as a consortium, including nonprofit co-applicants, provided an eligible entity is the principal (lead) applicant responsible for ensuring compliance with NOFO requirements, and each entity must meet the Resolution of Civil Rights Matters threshold requirement.

If your department or agency does not report directly or through a direct chain of command to your jurisdiction's chief executive officer (governor, county executive, mayor, etc.), you must identify the specific statute(s) (e.g., 1 MyState Revised Code 2345) establishing it as a part of the government, and either attach the relevant wording, or include the specific freely accessible web address(es) in the application.

An applicant with at least 3,500 pre-1940 occupied rental housing units (either alone or through a consortium) may apply under the Highest Lead-Based Paint Abatement Needs grants category for up to \$8,000,000.

An applicant that would be a first-time grantee or whose previous lead hazard control grant ended two (2) or more years before the deadline may request up to \$4,000,000. An applicant whose previous grant ended less than two (2) years ago may request up to \$5,000,000 (Other Jurisdictions). An applicant requesting funding under the Highest Lead-Based Paint Abatement Needs category that does not meet the applicable criteria will be put into the general applicant's pool and the requested amount lowered to the maximum for the category under which they are assigned, i.e., \$4,000,000 or \$5,000,000, as above, if the requested funding exceeded the applicable maximum. An applicant that is eligible for a grant under the Areas with the Highest

Lead-Based Paint Abatement Needs grant category may choose to apply under the Other Jurisdictions category instead.

B. Ineligible Applicants.

The following are not eligible entities for this competition and applications will not be reviewed:

1. Individuals.
2. 2020 and 2021 Lead Hazard Reduction grant awardees.
3. Foreign entities.
4. Sole proprietorship organizations.

C. Cost Sharing or Matching.

This Program requires cost sharing or matching as described below.

Match is required for this program by statute 42 U.S.C. 4852(h). Generally, Federal sources are not allowed to be used as cost share or match unless otherwise permitted by a program's authorizing statute (for example, HUD's Community Development Block Grants program). The chart below describes the match percentage requirement, minimum percentage of Federal funds for lead hazard control activities, and maximum administrative cost (as a percentage of federal funds). **The minimum match requirement applies to the federal lead hazard control requested amount for applicants for each of the lead hazard reduction funding categories and excludes the requested Healthy Homes (HH) Supplemental funding amount.**

Match and Cost Requirements Table.

| Program | Minimum Match (of federal request) | Minimum Lead Hazard Control Costs | Maximum Administrative Costs |
|-----------------------------------|---|---|---|
| Lead Based Paint Hazard Reduction | 10 percent (excluding HH Supplemental funds) | 65 percent (excluding HH Supplemental funds) | 10 percent (excluding HH supplemental funds) |

Matching Funds Evaluation.

Applicants must include the Matching Contribution Table below and should have the corresponding information on the commitment as on the form HUD-424 CBW and the SF-424 application documents submitted under this opportunity. The SF-424 and the match table will constitute the applicants' commitment to fund the match requirement. The applicant is responsible for all match commitments, including those from donors, discounts and property owners, should those contributions not materialize. The table should indicate the source, proposed eligible uses, and amounts of match committed on the SF-424 and Form HUD_424_CBW. Add additional rows to the table, as needed, for each match.

| Source of Allowable Match | Purpose of the Match | |
|---------------------------|----------------------|--|
|---------------------------|----------------------|--|

| | | |
|--|--|--------|
| | | Amount |
| | | |
| | | |
| | | |

Shared costs or matching funds and contributions must not be paid by another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs.

NOTE: Community Development Block Grant (CDBG) funds may be used as match to satisfy the matching resource requirements, provided they are specifically designated for the activities and costs allowed in this NOFO. Proposed matching commitments that are not eligible, such as, funding sources that are federal (e.g., HOME or Weatherization Assistance Program funds) or that are not committed for allowable uses (e.g., rehabilitation, code compliance) will not be counted towards satisfying the match requirements of the programs in this NOFO, although the funds may be used for the units being treated under this grant.

Evidence of match commitment. You must provide documentation of all match indicated on the SF-424 and the Form HUD_424_CBW by letters of firm commitment, such as Memoranda of Understanding or other signed agreements from those entities identified as partners in the application with your submission to this NOFO. All letters of commitment, including those provided by your organization, MUST clearly identify the dollar amount or value, the source(s) of the funds, and the proposed uses of matching funds being committed. Commitments for match to be supplied by your organization must be supported by a letter signed by the authorized official whose signature appears on the SF-424 detailing sources and uses of the committed match. The commitment documentation must mention this NOFO and have been signed on or after the date this NOFO was published. You must show that matching contributions will be used specifically for allowable program costs and come from allowable non-federal sources. Both the source of the funds and use of the funds must comply with the requirements of this NOFO. The Department will track and monitor all match commitments according to Office of Management and Budget (OMB) and program requirements.

Permissible Match Contributions. Examples of eligible sources that are permissible as match contributions include:

- Documentation of Contributions from Property Owners. Homeowners or landlords (owners) may contribute match dollars. You must provide detailed documentation of the cost to be paid by the homeowner or landlord. Only owner contributions for eligible activities will count as match. Owner contributions must be supported and verified by a third party: for example, materials or labor that the owner paid for or provided must be

substantiated via receipts/records. You must document and verify all owner-provided labor through a third party, and this labor must be valued at market rates.

- The value of in-kind donated items, such as paint and other materials or equipment that are used for lead-based paint hazard control, must be established at market rates.
- For services or products provided at a discounted rate and used an eligible use under the grant, the discounted part of the fee or price is the eligible match, not the entire value of the services or products. For example: if a supply company provides a product to the contractor at a lower rate, the difference in the cost of the product the supplier would typically charge, and the discounted rate is a match if otherwise eligible. You must document that the vendors that provide discounts are knowingly providing support for this federal award.
- Third Party In-Kind Contributions. See 2 CFR 200.306 for additional information on third party in-kind contributions.

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.

- a. **Request Funding Amount.** You must clearly document the requested federal funding amount on line 18a of the SF-424 (Application for Federal Assistance), and the Form HUD_424_CBW (HUD Detailed Budget Worksheet including Total Budget).
- b. **Applications Not in Scope with Program Purpose.** Applications submitted to conduct activities other than lead-hazard control evaluation and remediation and, if Healthy Homes Supplement funding is also being requested, evaluation and control of housing-related health and safety hazards, will not be reviewed.
- c. **Duplicate Application.** Only one application will be accepted from any given state, tribal or local government under this NOFO. Title X requires that each award be made to "A State or unit of local government" (42 U.S.C. § 4852(b)) or, by extension based on an EPA determination, to a federally recognized tribe that is authorized by that Agency to administer its lead activities certification program, rather than to an individual agency of

such a government, so that only one award may be made to an eligible government. If more than one application is received from a state, tribal or local government, whether from the same or a different government agency, the most recent application that was received by [Grants.gov](https://www.hud.gov) that meets the timely receipt requirements will be considered for review and funding, and the other applications will not be reviewed.

- d. **Match Requirement.** If the application does not include documentation that details the minimum ten percent (10%) matching requirement as described in the Cost Sharing or Matching section, above, it will not be reviewed.
- e. **Required Documents.** If the application does not contain each of the required application documents as indicated in Section IV, below, it will not be reviewed.
- f. **Jurisdiction Identification.** If the applicant does not clearly identify in the application the jurisdiction in which it intends to utilize these program resources, the application will not be reviewed. State applicants may list more than one city, town or borough, or other comparable local jurisdiction terminology (e.g., parish if appropriate), as the focus of their jurisdiction.

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.

1. **Allowable Costs and Activities.** This section applies to allowable costs and activities funded under this NOFO. Allowable costs are determined in accordance with the cost principles in 2 CFR part 200, subpart E - Cost Principles. Costs and activities outlined in sections 2) below are not considered administrative costs and, therefore, do not count as part of the ten percent (10%) administrative cost cap of this program.
** For more information on Allowable Costs, please see Policy Guidance 2015-01 Clarification of Costs for Lead Based Paint Hazard Reduction Programs. Available at https://www.hud.gov/sites/documents/201501_COST_CATEGORIES.pdf

2. For the purposes of application under this NOFO, you should consider the minimum and maximum funding amounts below as you develop your program approach and budget for consideration See Section II.C, above.

Healthy Homes Supplemental funding is exclusively for direct costs associated with the identification and remediation of the housing related health and safety hazards identified in each individual eligible unit. A complete Healthy Homes Assessment of each individual unit results in a report and scope of work. The Assessment prioritizes hazards found and corresponds with priorities based on the community needs identified while reflective of a maximum amount per unit. Those costs allowable with the Healthy Homes Supplemental funding include costs for completing an assessment to identify housing hazards that affect health, development of scopes of work of the identified hazards, and conducting remediation of identified and documented health and safety hazards that are individualized for each of the housing units selected to receive this funding where lead hazard control activities are being completed. Eligible costs also include reevaluation of the completed work, reporting, and notification to occupants and owners, if different, of the nature and results of the remediation. There are additional limitations for the use of this funding; See Policy Guidance PG 2018-01, Revision of the Purpose and Use of Healthy Homes Supplemental Funding, at <https://www.hud.gov/program offices/healthy homes/lbp/pg> for additional information.

a. Administrative Costs. You can utilize up to ten percent (10%) of the federal award for payments of reasonable grant administrative costs related to planning and executing the project, preparation/submission of HUD reports, etc. Administrative costs must be reflected under each appropriate line items (e.g., salaries, fringe, supplies, on the Form HUD_424_CBW) and a detailed cost element breakdown in the budget narrative must be provided. The ten percent (10%) administrative cost cap for this program must include any indirect cost rates placed in the HUD share budget columns, as well as the sum of the budget line items that have inherent administrative costs per OLVCHH Policy Guidance 2015-01, plus any administrative costs of sub recipient organizations (also detailed by budget line item and budget narrative). There are two categories of administrative costs: direct administrative costs and indirect costs. For the purposes of this grant, all direct administrative costs and all indirect costs count towards the ten percent (10%) administrative cost limit.

i.) Direct Administrative Costs.

Direct administrative costs are the reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration). Such costs include, but are not necessarily limited to, expenditures for: Salaries, wages, fringe benefits, and related costs of the recipient's staff engaged in program administration that can be specifically identified with the grant. (See OLVCHH Policy Guidance 2012-01 (www.hud.gov/sites/documents/PGI_2012-01.PDF))

ii). Indirect Costs, if applicable. Indirect facilities and administrative (F&A) costs are, by nature, administrative and represent the expenses of doing business that are not readily identified exclusively with a specific grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of activities it performs. 2 CFR 200, subpart E Cost Principles, establishes the federal requirements for the determination of allowable and unallowable direct and indirect (F&A) costs, and is available at [Code of Conduct](#). Indirect

(F&A) costs may only be charged to an OLHCHH grant program under a cost allocation plan or an indirect cost rate agreement or in accordance with the requirements of 2 CFR 200.414(f), on the de minimis rate.

iii). Lead Hazard Control Direct Costs. Lead Hazard Control direct costs are defined specifically as the performance of lead-based paint identification and remediation activities. Awardees must expend at least sixty-five percent (65%) of grant funds on direct lead-based paint hazard control remediation and related activities in the home and this must be documented when preparing the program budget. (See OLHCHH Policy Guidance 2012-01 (www.hud.gov/sites/documents/PGI_2012-01.PDF); see Attachment 2.)

iv). Other Allowable Costs. Costs for the activities below are allowable costs but should not be counted as direct costs toward the minimum sixty-five (65%) requirement:

- Targeted Outreach, Education, and Training. Conducting targeted outreach, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention that will result in increased lead hazard control activities or that are designed to increase the ability of the program to deliver lead hazard control services, including educating owners of rental properties, tenants, and others on the Residential Lead-Based Paint Hazard Reduction Act, Lead Disclosure Rule, Lead Safe Housing Rule (24 CFR part 35, subparts A, and B-R, respectively), the EPA Renovation, Repair and Painting (RRP) Rule (40 CFR 745, especially subpart E), and applicable provisions of the Fair Housing Act, especially as it pertains to familial status (e.g., families with children) and disability discrimination, providing meaningful access to these program benefits and information to Limited English Proficient (LEP) individuals through language assistance strategies and services, in accordance with Title VI of the Civil Rights Act of 1964 and the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons published on January 22, 2007 in the Federal Register (72 FR 2732), and providing training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (e.g., Braille, audio, and large type) pursuant to 24 CFR 8.6(b) and Titles II and III of the Americans with Disabilities Act, as applicable.
- The registry of lead-safe units that must be developed and provided to families as part of the outreach program.
- Purchasing or leasing items having a per-unit cost under \$5,000.
- Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such data as may be required by HUD.
- Evaluating the effectiveness of hazard remediation conducted under this grant to assess how healthy homes interventions affect the health of the population being served relative to the population at large.
- Securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities. This is considered either an indirect cost or an administrative cost, depending on the relationship of the insurance applicable for this grant to the applicant's overall insurance policy portfolio

- **Occupant Blood Testing.** Conducting pre-hazard control blood lead testing of persons residing in or frequently visiting units enrolled for or undergoing lead hazard control work.
- **Research and Studies.** Participating in technical studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities; or to facilitate targeting and consolidating resources to further childhood lead poisoning prevention efforts. For this program, we do not expect research that could affect human subjects to be conducted.

This program requires a certification of Consistency with the Consolidated Plan under [24 CFR 91.2](#). This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan.

Program Requirements and Prohibitions

- Blood Lead Testing.** The applicant should request testing of each child under the age of six years who resides in a housing unit under contract to receive lead hazard control work, or document that a child has been tested for blood lead levels within the six months preceding the lead hazard control work, unless it is documented that the child's parent or legal guardian chooses not to have the child tested. You must refer any child with an elevated blood lead level for appropriate medical follow-up with his or her health care provider or local health department. See also, the [CDC Response to Advisory Committee on Childhood Lead Poisoning Prevention Recommendations in Low Level Lead Exposure Harms Children: A Renewed Call of Primary Prevention](#) (2012) and the [Advisory Committee's recommendations report](#).
- Code of Conduct.** If you are awarded a grant, you must be prepared to submit a copy of your Organization's Code of Conduct and describe the methods you will use to ensure that all officers, employees, and agents of their organization are aware of your Code of Conduct, prior to entering into a grant agreement with HUD.
- Public Private Partnerships.** You must work to further collaboration and coordination with public private partnerships to assist in meeting your program goals. HUD encourages collaboration and coordination with other agencies and partners to identify and eliminate lead-based paint and housing-related health and safety hazards. You are encouraged to enter into formal arrangements with partners, such as childhood lead poisoning prevention programs, health agencies, community development agencies, public housing agencies (noting, however, that lead hazard control funds may not be used for evaluating or controlling lead-based paint hazards in public housing but may be used in housing choice voucher units), weatherization assistance agencies, fair housing organizations, code enforcement agencies, state Medicaid agencies, community-based non-profit organizations, and faith-based or other community-based organizations. These formal arrangements may be in the form of a contract, a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or other comparable documentation of agreement. Such relationships must be established prior to the execution of an award or be contingent upon award, becoming effective within 60 days after award. In particular, your workplan to be developed after award must include implementing a mechanism for providing rapid response (i.e., several business days) to requests from a public housing agency participating in the HUD housing choice voucher program (see Policy Guidance

PG 2017-05, [Income Verification Guidance](#)) or the OLHCHH's upcoming Lead Risk Assessment Demonstration grant program under the 2022 or later OLHCHH appropriations (see section I.B of this NOFO), at the time of initial assistance for a particular target housing unit. Agreements for goods and services to be paid for the award must be eligible and must be procured through a competitive process as defined in 2 CFR sections 200.317 and 200.326 as applicable.

- d. Compliance with HUD Regulations and Guidelines. You must conduct lead hazard evaluation and control work in compliance with HUD's Title X, the current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (current HUD Guidelines, applicable OLHCHH Program Policies, and applicable federal, state, and local regulations and guidance, including, but not limited to the EPA's Renovation, Repair, and Painting (RRP) Rule (found within 40 CFR part 745; see <https://www.epa.gov/lead/renovation-repair-and-painting-program-resources>).
- e. Prohibited Practices. Grantees are not permitted to engage in practices prohibited under HUD's Lead Safe Housing Rule at 24 CFR 35.140, EPA's RRP Rule at 40 CFR 745.83(a)(3), or EPA's lead abatement rule at 40 CFR 745.227(e)(6).
- f. Compliance with Section 504 of the Rehabilitation Act. Facilities where program participants come for assistance (e.g., for intake and enrollment in the program), training or education, must be held in facilities that are accessible to persons with disabilities in accordance with Section 504 of the Rehabilitation Act and its implementing regulations at 24 CFR Part 8, and with Titles II and III of the Americans with Disabilities Act, as applicable.
- g. Compliance with Title VI of the Civil Rights Act of 1964 and Limited English Proficiency. You must take steps to ensure meaningful access for persons with Limited English Proficiency (LEP). As an aid to grantees, HUD published the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). The LEP guidance and additional LEP information is available [here](#). Grantees must take steps to ensure meaningful access for persons with LEP when program participants come for assistance, training or education, or when grantees conduct outreach activities.
- h. Consolidated Plans. You must submit Form HUD2991. (By submitting Form HUD2991, you certify that the work will be conducted in accordance with your and other jurisdictions' Consolidated Plans for areas where the project will be carried out. You must also submit, as an attachment, the current lead-based paint element from your approved Consolidated Plan or a web site address where the Consolidated Plan is located and provide page number). Be sure to verify that the web address is active, and available without cost. If the jurisdiction does not have a currently approved Consolidated Plan, but is otherwise eligible for this grant program, you must include the jurisdiction's abbreviated Consolidated Plan that includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235. (An Indian tribe applying for a grant for which the target area for projects under the grant will be located on a reservation of the tribe need not submit a Consolidated or abbreviated Consolidated Plan. (24 CFR 583.155(c)). If a non-tribal jurisdiction does not include such a strategy, it is ineligible to participate in the grant.

- i. Continued Availability of Lead-Safe Housing to Low-Income Families with children under 6 years of age. Units in which lead hazards have been controlled under this program must be occupied by or continue to be available to low-income residents with children under 6 years of age for a minimum of three years as required by Title X, Section 1011. You must describe previous efforts, whether on your own or in partnership with others, such as the organizations listed in paragraph c, above, if applicable, to maintain a publicly accessible registry (listing) of low-income units made lead-safe because of previous activities. You must also describe the plans you have on your own or in partnership with others, for continuing an existing registry or establishing a new registry, and procedures for monitoring and affirmatively marketing these units to low-income families with children less than six years of age. Your approach must include the entire period of performance, the process, persons responsible and actions that will occur when violations are noted.
- j. Control/Elimination Strategies. All lead-based paint hazards identified in housing units and in common areas of multifamily housing enrolled in this grant program must be controlled or eliminated by either of the following strategies or a combination of the two methods below within 10 days or less:
 - 1. Interim Controls. Interim controls of lead-based paint hazards including paint-lead hazards, dust-lead hazards, and soil-lead hazards, as defined by EPA at 40 CFR §§ 745.65 and 745.227, shall be conducted in accordance with the current HUD Guidelines, and shall be completed by conducting and passing clearance, including visual inspection and, on applicable interior and patio surfaces, dust-lead sampling and analysis demonstrating residual dust lead below the lower of EPA's or HUD's dust lead hazard standards or clearance levels
 - 2. 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; and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures; however, for clearances under this NOFO on applicable interior and patio surfaces, dust-lead sampling and analysis shall demonstrate residual dust lead below the lower of EPA's or HUD's dust lead hazard standards or clearance levels (40 CFR 745.227, or 24 CFR 35.1320 and 35.1340).
- k. Cooperation with Related Research and Evaluation. Grantees must cooperate fully with any research or evaluation sponsored by HUD or another government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators, or HUD. This may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in the original proposal. Participant data must be subject to the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA and the Privacy Rule can be found at www.hhs.gov/ocr/privacy/ For the program in this NOFO, HUD does not expect research to be conducted that could affect human subjects.

- l. Data Collection. You must collect, maintain, and provide to HUD the data necessary to document and evaluate grant program outputs and outcomes, including pre- and post-lead hazard control sampling and clinical management follow-up.
- m. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. § 1701u) is applicable to grants funded under this lead hazard control and healthy homes grant program NOFO (see 24 CFR 75.3(a)(2)(i)). All grantees under this NOFO that conduct any lead hazard reduction project exceeding \$100,000 are required to comply with Section 3 for those projects. The lead hazard reduction project is the residential dwelling(s) that are under common ownership, management, and financing. If you plan to hire any new employees or award contracts to carry out the project(s), you must comply with the Section 3 requirements found at 24 CFR part 75, subpart C. If a project will also have housing and community development financial assistance, you must also comply with 24 CFR part 75, subpart D. For projects for which you are required to comply with Section 3, any contractor, subcontractor or sub-grantee must also comply with the Section 3 requirements for any new training, hiring or sub-contracting opportunities provided under those contracts. Applicants for this grant program must plan to recruit and collect the level of detailed information to report out to the federal government the success of their efforts to meet these goals annually. For more information about Section 3, see HUD's Section 3 website, https://www.hud.gov/program_offices/field_policy_mgt/section3, particularly its Frequently Asked Questions document, which discusses lead hazard control and healthy homes grants, and HUD's Section 3 regulations (24 CFR Part 75), <https://www.ecfr.gov/current/title-24/subtitle-A/part-75>.
- n. Required Grantee Training. If you are awarded a grant under this NOFO, you will be required to attend at a minimum of two trainings per year of award. These training will consist of a onetime OLHCHH New Grantee Orientation (within the DC area, if travel-related COVID-19 pandemic business disruptions have decreased by that time, or remotely if not) and an annual Program Manager School (either in person or remotely, similarly). You are required to send a minimum of two key staff from each active award to each required training, as applicable. If your grant agreement is not signed prior to the New Grantee Orientation, you will be reimbursed for any reasonable costs you incur to attend the New Grantee Orientation that are allowable in accordance with 2 CFR part 200, especially 2 CFR 200.458 and 2 CFR 200.474. HUD reserves the right to disallow costs that are not reasonable, allowable and allocable in accordance with OMB Cost Principles, 2 CFR part 200, subpart E.
- o. Institutional Review Board (IRB). For the program in this NOFO, HUD does not expect research that could affect human subjects to be conducted. However, if such research is conducted, it shall be conducted in accordance with 24 CFR part 60, Protection of Human Subjects, which invokes the Department of Health and Human Services' Common Rule at 45 CFR part 46, subpart A.
- p. Lead-Based Paint and Lead-Based Paint Hazard Identification. A complete lead-based paint inspection and lead hazard risk assessment, evaluating each housing unit, common area, exterior surface, and bare soil (and not a sample of any of them), including either separate reports or a combined report is required for all properties enrolled under this program. **Presumption of the presence of lead-based paint or lead-based paint hazards is not permitted.** Paint inspections and risk assessments must follow the

procedures as defined in paragraph d, above, the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, and as defined by the policies of the Lead Hazard Reduction Grant Program. Refer to Policy Guidance 2013-01 the OLHCHH website, posted at [PGI 2013-01](#) for additional requirements.

- q. Notification Requirements. A copy of EPA's Renovate Right brochure (available in English and Spanish; see the EPA RRP homepage below) must be provided to the owner of the unit and to an adult occupant of the unit (whether or not RRP work will be conducted). All lead-based paint testing results, summaries of lead-based paint hazard control treatments, and clearances 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 (see 24 CFR 35.88 of the Lead Disclosure Rule). Grantees must ensure that this information is provided in a manner that is effective for persons with disabilities (24 CFR 8.6) and, also that persons with limited English proficiency (LEP) will have meaningful access to it (see Executive Order 13166). Grant files must contain verifiable evidence of providing lead hazard evaluation and control reports to owners and tenants, such as a signed and dated receipt. You must also describe how you will provide owners with lead hazard evaluation and control information generated by activities under this grant, so that the owner can comply with the Lead Disclosure Rule (24 CFR part 35, subpart A, or the equivalent 40 CFR part 745, subpart F), the Lead Safe Housing Rule (24 CFR part 35, subparts B-R), and the EPA's Renovation, Repair, and Painting (RRP) Rule (see 40 CFR part 745 and <http://www2.epa.gov/lead/renovation-repair-and-painting-program>).
- r. Priority Treatment for Elevated Blood Lead Cases. The grantee shall develop and implement, in its workplan and policies, written procedures for an expedited process (including expedited intake, evaluation, procurement, and hazard control work) for treating housing of children under the age of six years who have an elevated blood lead level. The norm for completing lead hazard control work in such units and the common areas that service them shall be within 50 days after the program receives the referral, with the environmental investigation to be completed within 15 days (whether the whole investigation or the increment from a risk assessment conducted within the past 12 months) and the lead hazard control work within 30 days of receiving the environmental investigation report. The grantee shall negotiate with the local housing authority(ies) with Housing Choice Voucher units in the grantee's target area for this grant, a Memorandum of Understanding (or Agreement, etc.) to ensure tenants in Housing Choice Voucher target units who report a child with an elevated blood lead are protected from losing their assistance, and the unit does not lose its voucher eligibility status. See also, the CDC Response to Advisory Committee on Childhood Lead Poisoning Prevention Recommendations in Low Level Lead Exposure Harms Children: A Renewed Call of Primary Prevention (2012) at https://www.cdc.gov/nceh/lead/ACCLPP/CDC_Response_Lead_Exposure_Recs.pdf.
- s. Procurement Requirements. All goods and services must be procured through a competitive process. Recipients must follow federal procurement requirements as defined in 2 CFR 200.317 through 200.326, as applicable. The designation of an entity as a subrecipient or contractor must follow program policies and 2 CFR 200.330.
- t. Temporary Relocation. HUD expects that the lead hazard control work and temporary relocation will take 10 days or less. Assisting with reasonable costs of temporary relocation for those persons required to vacate housing while participating in this

voluntary maintenance program for lead hazard reduction is an eligible activity of the program described in this NOFO. Occupants who enroll in the programs described in this NOFO must be treated fairly and equitably, in particular, regarding removing participation barriers created by relocation requirements if housing must be vacated while lead hazard reduction measures are being conducted. Such tenant-occupants may be entitled to receive temporary relocation assistance where applicable if relocation is required in excess of 15 days to complete the lead hazard control work pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), 42 U.S.C. §§ 4601-4655, as described in regulations at 49 CFR 24.2(a)(9)(ii)(D)) and the corresponding Appendix A to Part 24. (These regulations can be accessed from the Government Publishing Office website at [49 CFR Part 24](#)).

- u. Owner-occupants temporarily relocating while hazard reduction measures are conducted pursuant to a program described in this NOFO may receive assistance but are not entitled to URA relocation assistance for relocation based on needs assessment completed at enrollment and based on the discretion of the program policy and procedures approved by the Government Technical Representative (GTR) for this grant. When tenant occupants with physical disabilities are temporarily relocated, they must be offered housing that is compliant with Section 504 of the Rehabilitation Act. For additional information on relocation requirements, see the HUD Handbook 1378 (Real Estate Acquisition and Relocation Policy and Guidance). All relocation assistance is expected to support the approved occupant protection plan received and approved by the program manager for each unit under this award.
- v. Occupant protection plan. The grantee shall ensure that an occupant protection plan is written and implemented for each housing unit in which hazard reduction work will be conducted. For lead hazard control work, the plan shall conform to the HUD Guidelines chapter 8, Resident Protection and Worksite Preparation.
- w. Testing, sampling, and laboratory analysis. All testing, sampling and laboratory analysis for lead must comply with Title X, Section 1011, and conform to the current HUD Guidelines, the EPA lead-based paint and lead-based paint hazard standards and clearance levels at 40 CFR part 745, OLHCHH Program Policy 2017-01 (https://www.hud.gov/program/offices/healthy_homes/lbp/pg), and federal, state, or tribal regulations developed as part of the appropriate contractor certification program, whichever is most protective of children. Paint chip sampling alone is not a cost effective or practical method for grantees to use alone in the identification of all lead hazards for the purposes of this grant. It is expected that an XRF will be utilized to complete each Lead Inspection / Risk Assessment in combination with dust wipes, paint sampling, and soil sampling as applicable. Paint chip sampling in accordance with the HUD Guidelines chapters 5 and 7 (https://www.hud.gov/sites/documents/CH05_12-13-12.PDF and <https://www.hud.gov/sites/documents/LBPH09.pdf>) may be used in certain cases. All laboratory analyses conducted on paint chips, soil and/or dust samples must be performed by an environmental laboratory recognized by EPA under the National Lead Laboratory Accreditation Program pursuant to the Toxic Substances Control Act (15 U.S.C. 2685) (See the list of laboratories at <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-list>).
- x. Trained and Certified Professionals. Funded activities must be conducted by firms certified or licensed for, and persons certified for, the activities according to 24 CFR part

35, subparts B-R (possessing certification as risk assessors, inspectors, abatement supervisors, abatement workers, or sampling technicians (clearance inspections); or certified renovator (for workers and supervisors performing non-abatement work after clearance of all lead hazard control scopes of work), as applicable to each unit. Any lead hazard control activities conducted under this grant program requires a certified or licensed lead abatement firm, a certified lead abatement supervisor, and certified lead abatement workers to complete all scopes of work whether interim or abatement is identified in the scope of work for any unit. Each certified person must work for an appropriately certified or licensed firm, e.g., a certified risk assessment, certified inspection, licensed abatement as applicable. All abatement firms, workers and supervisors must hold an RRP license if any interim control work is conducted as a result of this award alone or in combination with abatement methods. Please NOTE: EPA RRP certification alone is NOT sufficient for completion of interim control work under this program based on the intent of the program being to remove and reduce lead-based paint hazards specifically.

- y. This program requires a certification of Consistency with the Consolidated Plan under 24 CFR 91.2. This certification means the proposed activities in the application are consistent with the jurisdiction's strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. The Consolidated Plan also includes the jurisdiction's certification to affirmatively further fair housing. For competitive programs, a certification of consistency of the application with the approved consolidated plan for the jurisdiction may be required, whether the applicant is the jurisdiction or another applicant. If you fail to provide the certification, and you do not cure the omission as a curable deficiency, HUD will not fund the application.

aa. Waste Disposal. You must handle waste disposal according to the requirements of the appropriate local, state, and federal regulatory agencies, and the HUD Guidelines. The HUD Guidelines are available

here https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines

bb. Worker Protection Procedures. You must observe the procedures for worker protection established in the current HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (in particular, 29 CFR 1910.1025, Lead, and/or 29 CFR 1926.62, Lead Exposure in Construction, as applicable), or the state or local occupational safety and health regulations, whichever are most protective.

cc. Written Policies and Procedures. You will be required to develop written policy and procedures during the first 60 days. The policies and procedures must describe how your program will handle items such as, but not limited to, procurements (contracting), unit eligibility, unit selection and prioritization, all phases of lead hazard evaluation and control, including risk assessments, inspections, development of specifications for contractor bids, pre-hazard control blood lead testing, financing, temporary relocation and clearance examinations, unit monitoring and sub recipient monitoring. You, and your subcontractors, sub-grantees, sub-recipients, and their contractors at all tiers must adhere to these policies and procedures.

G. Criteria for Beneficiaries.

Funds must only be used under this grant program to provide assistance for pre-1978, privately owned housing that is not federally assisted and that meets the following criteria:

- For rental housing, at least fifty percent (50%) of the units must be occupied by or made available to families with incomes at or below fifty percent (50%) of the area median income level and the remaining units must be occupied or made available to families with incomes at or below eighty percent (80%) of the area median income level, and in all cases the landlord must give priority in renting units assisted under this section, for not less than three years (3) following the completion of lead abatement activities, to families with a child under the age of six years (6), except that buildings with five (5) or more units may have twenty percent (20%) of the units occupied by families with incomes above eighty percent (80%) of area median income level; or
- For housing owned by owner-occupants, all units assisted with grants under this section must be the principal residence of families with income at or below eighty percent (80%) of the area median income level, and not less than ninety percent (90%) of the units assisted with grants must be occupied by a child under the age of six years or must be units where a child under the age of six years (6) spends a significant amount of time visiting. See Policy Guidance PG 2014-01, Eligibility of Units for Assistance, at https://www.hud.gov/sites/documents/2014-01_UNIT_ELIGIBILITY.pdf for additional information. The income requirements above are considered on a program-wide basis (cumulatively), not a project-by-project basis.

Procedures for determining if a family is income-eligible are found in Policy Guidance PG 2017-05, [Income Verification Guidance](#).

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:

Yolanda Brown

Email:

Yolanda.A.Brown@hud.gov

HUD Organization:

OLHCHH

Street:

451 7th Street SW Room 8236

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410

Yolanda Brown can also be reached by phone at 202-903-9576. 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 711.

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.

| Forms/Assurances/Certifications | Submission Requirement | Notes/Description |
|--|--|--------------------------------|
| 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 | Required for all applications. |

| Forms/Assurances/Certifications | Submission Requirement | Notes/Description |
|--|---|---|
| | application due date. | |
| 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 executed copy of the Certification Regarding Lobbying prior to award. |
| SF-424B Assurances for Non-Construction Programs | | |
| SF-424D (Assurances for Construction Programs) | | |
| Form HUD-424 CBW Detailed Budget Worksheet | Must submit with your application | Amounts on HUD-424 CBW must be consistent with the requested and matched amounts on lines 18b-f of the SF-424; Application for federal assistance. As with the SF-424, if you are requesting Healthy Homes Supplement funds you will need to include a SF-424-CBW for the application as a whole, a separate 424-CBW for the request for federal funds for lead hazard control only (excluding the Homes Supplement funds requested) and a separate SF-424-CBW for Healthy Homes Supplement funds requested only. |

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

2. Format and Form.

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

15 Pages maximum length of narratives

Other

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

A. 2-page abstract (project summary) must contain the information detailed below (abstracts are not evaluated with your application, but they provide required documentation of threshold elements regarding target area, confirmation of Healthy Homes Supplement amount requests (if such a request is being made), and a plain language (see <https://www.plainlanguage.gov/guidelines/>) introduction to your proposed program):

1. Applicant Table. Please include this table at the beginning of your abstract.

| | | |
|--|--|---|
| Type of applicant | New Current Recent/Prior | |
| Type of jurisdiction | $\geq 3,500$ occupied housing units (large, urban jurisdiction) | $< 3,500$ occupied rental housing units |
| List Complete Target Area | | |
| Total Federal Amount Requested | \$ _____ | |
| Lead Funding. LBPHC / LHRD Requested | \$ _____ | |
| Healthy Homes Supplemental Request | \$ _____ | |
| Match Commitment | \$ _____ | |
| Total Lead-Safe Units Proposed | | |
| Total Healthy Homes Interventions Proposed | | |

2. A general summary of your target area, why funding is needed, partners you intend to work with, and the lead hazard control and healthy homes work you intend to undertake.

B. The narrative responses to Rating Factors 1 to 3, below, are limited to:

1. A **maximum of fifteen (15) pages** (excluding appendices, budget forms/narrative, and worksheets)
2. Double Spaced
3. Letter sized paper, 8-½ x 11 inches
4. 12-point (minimum) Times New Roman font
5. At least 1-inch margins on all sides

NOTE: **Any information submitted in response to the Rating Factors beyond the page limit will not be reviewed.**

C. Appendices and Attachments:

1. Budget Narrative. Your application must include a budget narrative separate from the rating factor narrative that details the eligible cost amounts and items for each budget line proposed. The narrative must provide details on administrative costs, which are a maximum of ten percent (10%) of the federal requested amount excluding the Healthy Homes Supplement request amount, details on staffing costs, details on which costs are included in the minimum sixty-five percent (65%) lead hazard control cost requirement, and, if applicable, details on how you will budget your Healthy Homes Supplemental request amount. See section IV.F, Funding restrictions, below, regarding restrictions on the use of funds, and, especially, section IV.F.6, on the use of Healthy Homes Supplemental funds.
2. Consolidated Plan Lead-Based Paint Element. You must provide a copy of your jurisdiction's Lead-Based Paint Element or the link to the website identifying where the Lead-Based Paint Element can be found, from its Consolidated Plan or abbreviated Consolidated Plan (as applicable; see section III.C.5.g, above).
3. Résumés for key staff or position descriptions for vacant positions.
4. Supporting match documentation (Letters of Commitment)
5. Target area census tracts table (you must fill this in with information about each census tract that is within your target area, as described in section V.A.1, regarding Rating Factor Two, using the template spreadsheet in Appendix F)

Material provided in the appendices must support Rating Factor narrative information and will not be used in lieu of information provided in the fifteen (15) page limited response to the Rating Factors. You are strongly urged to submit only information that is required and/or requested in the NOFO or relevant to a specific narrative response. All attachments must identify the related Rating Factor in the page footer by providing the related Rating Factor number and the page number of the attachment (e.g., Factor 1 Attachment, page 1).

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>.

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

08/08/2022

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. 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 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 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.

1. **Administrative Costs.** Administrative costs, as defined above, may not exceed ten percent (10%) of the grant award, excluding the Healthy Homes Supplemental funds. Administrative costs are determined based on the nature of the activity being performed and, therefore, may be found in both the direct and indirect cost categories. OLHCHH considers all costs included in your negotiated indirect cost rate as “administrative costs”.
2. **Lead Hazard Control Costs.** This NOFO requires awardees to expend not less than sixty-five percent (65%) of the federal award on direct lead hazard control activities, as outlined in Section III.C, above. The federal award amount for lead program activities alone is used to determine the minimum percent of expenditure and does not include the requested Healthy Homes Supplemental funds.
3. **Ineligible Costs and Activities.** You may not use grant funds for any of the following activities:
 - a. Purchase of real property.
 - b. Purchase or lease of equipment having a per-unit cost in excess of \$5,000, except for the purchase or lease of up to two (2) X-ray fluorescence analyzers to be used exclusively by the grant program.
 - c. Chelation or other medical treatment costs, including case management, related to children with elevated blood lead levels (EBLs). Non-federal funds used to cover these costs may not be counted as part of the matching contribution.
 - d. Lead hazard evaluation or control activities in public housing, project-based Section 8 housing, housing for the elderly, housing for persons with disabilities, or any 0-bedroom dwelling or housing built after 1977. However, elderly, disabled or 0-bedroom dwellings are eligible for grant funds if a child who is less than six years of age resides or is expected to reside in such housing.
 - e. Complete or gut rehabilitation, demolition of housing units or detached buildings.
 - f. Lead hazard evaluation or control activities in housing covered by a pending or final HUD, EPA, and/or Department of Justice (DOJ) settlement agreement, consent decree, court order or other similar action regarding violation of the Lead Disclosure Rule (24 CFR part 35, Subpart A, or the equivalent 40 CFR part 745, subpart F), or by HUD or DOJ regarding the Lead Safe Housing Rule (24 CFR part 35, subparts B–R).

g. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. § 3501).

h. Lead-hazard control or rehabilitation of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. §§ 4001– 4128) as having special flood hazards unless:

- 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
- 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.

4. Replacing Existing Resources. Funds received under the grant programs covered under this NOFO must not be used to replace existing community resources dedicated to any on-going project.

5. Healthy Homes Supplemental Funds. Healthy Homes Supplemental funds may not be used to pay for salary or fringe benefits, indirect costs, administrative costs, or outreach costs. Refer to Policy Guidance 2018-01 for additional detail.

6. Radon Testing. If you receive Healthy Homes Supplemental funding you must conduct radon testing and, if elevated radon levels are detected, mitigation in all units that are recruited into your LHR program if your target area is located within EPA radon zones 1 or 2 (a spreadsheet with radon zone designation by county is available at on EPA’s website: <https://www.epa.gov/radon/epa-maps-radon-zones-and-supporting-documents-state>. If your target area is in zone 3 you are encouraged to test for radon in all units because, although radon levels are generally lower than in zones 1 and 2, some housing units in zone 3 (see below) have radon levels at or above the EPA action level (4 picocuries per liter (pCi/L)) (EPA. A Citizen’s Guide to Radon, page 6. EPA402/K-12/002.

https://www.epa.gov/sites/default/files/2016-12/documents/2016_a_citizens_guide_to_radon.pdf). If testing identifies a radon level at or above 4 picocuries per liter of air (4 pCi/L), mitigation must be conducted by a professional that is credentialed by the National Radon Proficiency Program (NRPP) or the National Radon Proficiency Program NRSB and licensed/certified in the state in which the work is being conducted, if required by the state.

- Testing must be conducted by a professional who is currently credentialed by the NRPP or the NRSB and licensed/certified in the state in which the work is being conducted if the state has this requirement. Radon testing and mitigation must be conducted according to the current AARST/ANSI consensus standards for the specific housing type <https://standards.aarst.org/>. The EPA estimates that about 1 in 15 homes (~ 7%) in the U.S. have elevated radon levels. This ranges from about 20% of homes in EPA highest risk radon zone (Zone 1) to about 2% of homes in the lowest risk zone (Zone 3).

- The EPA's radon zone map for the U.S. and a spreadsheet with radon zone designation by county is available at on EPA's website: <https://www.epa.gov/radon/find-information-about-local-radon-zones-and-state-contact-information> Many states have also developed radon maps for their states which use more data than was available for the development of the EPA map in the early 1990's.
- The average cost of professional radon testing is about \$140 for a single-family home, with an average mitigation cost of \$1,500 for a single-family home.

7. Pre-award Costs. Pre-award costs are not eligible for reimbursement. All costs reimbursed must be incurred within the established period of performance, not before. Any expenses for application preparation or coordination are the responsibility of the applicant in full.

Indirect Cost Rate.

Normal indirect cost rules under [2 CFR part 200, subpart E](#) apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional) rate and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in [2 CFR 200.403](#), costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to [2 CFR Part 200](#).

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR Part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal.

Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in [2 CFR 200.403](#), costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until your department or agency chooses to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

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.

HUD will consider whether your application is clear, concise and well organized. Each rating factor is reviewed independently. Be sure your response for each rating factor does not include information that belongs with another rating factor.

| Summary of Applicant Scoring, point distribution | |
|---|--|
| Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience | 40 points |
| Rating Factor 2: Justification of Applicant Need | 30 points |
| Rating Factor 3: Budget Proposal | 30 points (including 2 points for Section 3) |
| Preference Points | 2 points |
| Total Points Possible | 102 points |

When determining score for the narrative responses reviewers will utilize the following scale to apply % of points available consistently for each applicant reviewed.

| Qualitative Rating | Rating level explanation | % |
|---------------------------|---|----------|
| Outstanding | Answer is thorough and provides high confidence that the criteria are surpassed, or that the applicant will likely surpass the performance criteria covered by the question within the time and cost established. There were no | 100 % |

| | | |
|------------------------|--|------|
| | weaknesses noted. The description gives confidence of high probability of success. | |
| Excellent | No significant weakness noted. Weaknesses or concerns can be corrected with just a moderate amount of effort. In general, the answer gives confidence that the applicant will likely meet the performance criteria covered by the question with the time and cost established. | 75 % |
| Good | Answer provided generally meets the standards required, but has information weaknesses, or design or concept flaws that, while correctable, will likely require considerable effort. The applicant may not have fully answered the question. The answer is mediocre, and therefore, gives concern whether the applicant will meet the performance criteria covered by the question within the time and cost established. | 50 % |
| Fair | Answer is vague or has substantial programmatic weaknesses that would require substantial efforts to correct. There is a low likelihood that the applicant will meet the performance criteria covered by the question within the time and cost established. | 25 % |
| Poor or Non-Responsive | Applicant did not address question or answer shows a lack of understanding of requirements and/or concepts. Poor design concept and no or very little confidence that the applicant will meet the performance criteria covered by the question within the time and cost established. Success regarding this element is very unlikely. | 0 % |

Rating Factor One

Maximum Points: 40

For this NOFO, the three categories of funding for applicants to apply for are:

Sub-category A: Large, urban jurisdictions that have had an LBPHC or LHRD grant:

1. Applicants that do not have current funding

Sub-category B: Other state and local jurisdictions that have had an LBPHC or LHRD grant

1. Applicants that do not have current funding

Sub-category C: Jurisdictions that will be considered new:

1. Applicants that have never had a LBPHC or LHRD grant
2. Applicants for which the last LBPHC or LHRD grant period of performance ended two (2) or more years before the application submission deadline for this program.

To assist applicants in responding to the appropriate sections of this rating factor; a table is provided to guide applicants based on the sub-category of applicant described above:

Subfactor Title and Points Possible by applicant sub-category for Rating Factor 1

| Subfactor | Sub-Category A Points Possible | Sub-Category B Points Possible | Sub-Category C Points Possible |
|------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| a. Performance History | NA | NA | NA |

| | | | |
|--|----|----|----|
| b. Program Administration and Oversight | 21 | 21 | 21 |
| c. Sub-recipient and Sub-grantee | 7 | 7 | 7 |
| d. Partnerships | 7 | 7 | 7 |
| e. Contractor Capacity and Public Private Partnerships | 5 | 5 | 5 |

Provide a narrative response for each prompt within the sub-category that best fits your organizational type. These responses are to be included in the fifteen (15) page limit:

a. Performance History: (Sub-Category A and B only)

HUD will consider numerous factors of your prior performance, performance against benchmarks, and other relevant information, to evaluate capacity and relevant organization experience. If you have a current LBPHC or LHRD grant at the time of application, and your grant's performance is below seventy-five percent (75%) of any of the performance benchmarks as documented in the Healthy Homes Grants Management System (HHGMS) on the submission deadline, or the grant is in a High Risk Status at the time of application deadline, or if you had a previous LBPHC or LHRD grant for which the period of performance ended in calendar years 2020 or 2021 with the grant on High Risk Status: Your narrative must describe the structural and operational reforms you have made to address those issues (not merely, e.g., replacing the program manager and/or other staff).

b. Program Administration and Oversight: (All applicants)

1. Describe how you will administer this program, including how you will address oversight and financial management and provide examples of current financial reports.
2. Describe how funding will flow from you to those who will perform work under you in this program, as well whether and, if so, how you will ensure that acceptable work is conducted, and acceptable products were provided before you pay invoices and before you submit invoices to HUD.
3. If awarded a grant, you are committing to working in the described target area and shall develop a work plan for which the recruitment, evaluation and control elements are provided proportionately to the need in each.
4. You must describe the safeguards in place to avoid co-mingling of funds whether funded by HUD, or other agencies. Current Lead-Based Paint Hazard Control grantees must describe their plans to implement lead hazard control activities under this NOFO with other ongoing Lead-Based Paint Hazard Control grant program funds.
5. Describe the procedures and electronic management systems you will use to ensure proper program oversight and monitoring, and if you will conduct it, targeted monitoring, of all sub-recipients and contractors to ensure conformity to the terms, conditions and specifications of contracts or other formal agreements.

6. Your key personnel must include at minimum a Project Director (PD), Program Manager (PM), and Fiscal Officer (FO). Describe the roles and responsibilities of each key personnel and include their resumes up to three (3) pages in length. Key personnel must not work on another LBPHC, LHRD, or LHR grant unless such other grant has reached the end of its period of performance.
7. The Program Manager must commit seventy-five percent (75%) of his/her time to the program and obtain lead abatement supervisor and lead inspector risk assessor certifications within sixty days (60) of hire. A candidate may be approved conditionally, based on acquiring the certification within sixty days (60) and working with a mentor that has the responsibility of reviewing and approving unit documents. The Government Technical Representative (GTR) for this grant will determine the candidate's readiness before final approval of the candidate. In addition, if the Program Manager oversees or completes onsite unit monitoring, then a lead safe work practices class is also expected to be completed. If you have not yet hired a Program Manager, you must attach the job announcement, as well as a letter of commitment for the intent to hire from the leadership of your agency. Additional **Program Manger** details for this NOFO are provided in Appendix C.

c. Sub recipient and Sub grantee: (All applicants)

1. You must list and describe sub-recipients, sub-contractor organizations, partners or consultants at all tiers that will provide critical services and activities as part of program. Also, include qualifications and experience in initiating and implementing related environmental, health, or housing programs.
2. List the respective roles and responsibilities of key personnel; their qualifications, experience, and the percentages of time to be committed. Include the UEI number and Legal Business Name of all partnering organizations.

d. Partnerships (All Applicants)

1. Demonstrate your organizational experience or most recent lead hazard control grant achievements; a measurable outcome by collaborating with public private partnerships in the community you served such as, Women Infants, and Children (WIC), Health Department, Housing Authorities, Code Enforcement, Community Development, etc. Indicate what enduring enhancements or expansion of the local infrastructure or program services, reach or policy resulted from your activities. HUD strongly encourages the collaboration with the Historic Black Colleges and Universities (HBCUs) and Hispanic Serving Institutions (HSIs) (20 U.S.C. § 1101a(5)) as partners.
2. Engaging with External Agencies: Describe your involvement in coordination among critical agencies, including participation in the state-wide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major health problem.

3. Involving Grass-roots Organizations. Describe how grassroots community-based nonprofit organizations, including faith-based organizations, will be involved in your grant program's activities. These activities may include outreach, community education, marketing, program sustainability activities and lead-based paint inspections/risk assessments and lead hazard control work.

e. **Contractor Capacity and Public Private Partnerships (All applicants)**

1. Describe the quality and number of lead abatement contractors; Lead Abatement Supervisor and Lead Abatement Worker (LAS/LAW) capacity to support unit production in a competitive contracting environment. Include activities that will be taken to recruit and retain additional contractor firms and workers to serve the program production benchmarks.
2. What resources will be used to implement capacity building in the intensive reduction of lead hazards during and after the start of the grant?

Rating Factor Two: Justification of Applicant Need

Maximum Points: 30

Target Area Need

It is the intent of the program to ensure lead hazard reduction applicants serve community residents with highest lead needs, per Title X criteria. In order to effectively leverage grant resources, each applicant must identify one or more high need target areas in its jurisdiction for proposed lead hazard evaluation and control activities. The target area(s) must be clearly specified, and may include more than one city, town, borough, or comparable local jurisdiction within the applicant's jurisdiction.

Points for Rating Factor Two will be determined according to the need for lead hazard control outlined in the description of the targeted area.

In addition to the Title X criteria above, Executive Order 14008, [Tackling the Climate Crisis at Home and Abroad](#), section 223, Justice40 Initiative, applies to this grant program. The Justice40 Initiative (J40) sets an Administration "goal that 40 percent of the overall benefits [of covered programs] flow to disadvantaged communities. The recommendations shall focus on investments in the areas of ... affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; ..."

As part of implementing J40, OMB issued its [Memorandum 21-28, Interim Implementation Guidance for the Justice40 Initiative](#), which identified, in its Appendix A, HUD's Lead Hazard Reduction and Healthy Homes Grants as J40 pilots that are "to maximize the benefits that are directed to disadvantaged communities." OMB's interim guidance lists 13 factors that may be included in determining if a community is disadvantaged; among these are factors regarding environmental or climate indicators and socioeconomic indicators. The Council on Environmental Quality has developed a [Climate and Economic Justice Screening Tool](#) that identifies, for each census tract in the U.S., whether that small-population area (averaging 4,400

people, and 1700 housing units, nationally) is a disadvantaged community according to the OMB guidance.

As part of your application, you must identify the Census tracts that will constitute the target area for your grant using the target area selection tool linked from Appendix F of this NOFO; instructions on using the tool are in that appendix.

If you wish to be awarded points for the rating subfactor on disadvantaged communities, then, as shown in Scoring for Table 1A: Target Area Data, or Table 1B: High Priority Target Area Data, as applicable, you must set a percentage of disadvantaged communities in your target area that is at least three-quarters of the 40 percent Justice40 criterion, i.e., 30 percent, for which you will receive 1 point. For meeting the Justice40 criterion of 40%, you will receive 3 points; for exceeding the criterion with 50%, 4 points, and exceeding the criterion with 60%, 5 points. As described above, you must identify your target area communities' census tracts target area using the selection tool link from Appendix F.

As part of reporting on your grant's implementation, you will be identifying the census tract in which each of the homes you treated (evaluated and made lead safe (and, if applicable, healthy)) is located. This will enable you and HUD to monitor if you are meeting your application's minimum percentage of housing units benefitted being within one of your target area's disadvantaged community census tracts.

The prevalence of elevated blood lead levels reported should be significantly higher in the target area than the state average.

1. Housing Stock and Blood Lead Data - Quantitative Data **(27 Points)**

Using one of the tables 1A or 1B below, all applicants must provide the following data for designated target area(s)

- Total # of Occupied Pre-1978 Housing Stock for both Rental and Owner Occupied
- Total # of Occupied Housing Stock
- Number of Children under six years (6) of age;
- Total Population;
- Numbers of census tracts, and disadvantaged community census tracts in target area

Table 1A: Target Area Data (Other Jurisdictions and Never-Before-Grantee Applicants Only)

All Other Jurisdiction and Never-Before-Grantee Applicants must complete Table 1A: Target Area Data. To obtain percentages for Table 1A, divide the Target Area Data by the Comparison Data. Points will be applied based on the following scale for each resulted target data category. If the applicant's jurisdiction, such as a county includes another jurisdiction that will not be a part of the target area (e.g., the county's health department works only in the suburbs because the city's health department works within the city limits), reduce the numbers of units, children, and families to reflect that exclusion, and calculate the percentages accordingly. For all information provided, sources of data, including website addresses, must be included in the second part of the table; data without a valid source will be considered not to have been provided. The applicant is responsible for expending funds proportionately within the total

jurisdiction in which the funds are being requested and for which points will be awarded.

| Table 1A: Target Area Data | | | | | |
|---|---|---|-----------------------------------|-------------------------|----------------------------------|
| Maximum Points | Target Area Data | Target Area Results | Comparison Data | Comparison Data Results | Justification of need percentage |
| 10 points | # of Pre-1978 Housing Units | # | Total Housing Units (ALL) | # | % |
| 10 points | # of Children under six (6) years of age | # | Total Population (ALL AGES) | # | % |
| 5 points | # of Disadvantaged communities census tracts in target areas | # | # of Census tracts in target area | # | % |
| | | | | | |
| Data Sources, including Website Addresses, for Table 1A: | | | | | |
| | # of Pre-1978 Housing Units | | | | |
| | # of Children under six (6) years of age | | | | |
| | # of Census tracts and disadvantaged communities census tracts in target area | Climate and Economic Justice Screening Tool (https://screeningtool.geoplatform.gov/) | | | |
| | | | | | |

Scoring for Table 1A: Target Area Data

| # of Housing Units (Points) | |
|-----------------------------|--------------------------|
| 10 | >10% |
| 5 | <=5% |
| 0 | No data provided or <=5% |

| | |
|--|-----------------------------|
| # of Children (Points) | |
| 10 | >10% |
| 5 | >5% |
| 0 | No data provided or <=5% |
| % of Disadvantaged communities census tracts in target area (Points) | |
| 5 | >=60% |
| 4 | >=50% |
| 3 | >=40% |
| 1 | >=30% |
| 0 | <30% or No data provided |

Table 1B: High Priority Target Area Data (Highest Lead-Based Paint Abatement Needs Applicants Only)

All applicants for Highest Lead-Based Paint Abatement Needs category grant must complete Table B. If the applicant's jurisdiction, such as a county includes another jurisdiction that will not be a part of the target area (e.g., the county's health department works only in the suburbs because the city's health department works within the city limits), reduce the numbers of units, children and families to reflect that exclusion, and calculate the percentages accordingly. For all information provided, sources of data, including website addresses, must be included in the second part of the table; data without a valid source will be considered not to have been provided. The applicant is responsible for expending funds proportionately within the total jurisdiction in which the funds are being requested and for which points will be awarded.

| Table 1B: High Property Target Area Data | | | | | |
|---|---|---------------------|-----------------------------------|-------------------------|----------------------------------|
| Maximum Points | Target Area Data | Target Area Results | Comparison Data | Comparison Data Results | Justification of need percentage |
| 10 points | # of Pre-1940 Housing Units | # | Total Housing Units (ALL) | # | % |
| 10 points | # of Children under six (6) years of age | # | Total Population (ALL AGES) | # | % |
| 5 points | # of Disadvantaged communities census tracts in target area | # | # of Census tracts in target area | # | % |

| | | | | | |
|--|---|---|--|--|--|
| | | | | | |
| | Data Sources, including Website Addresses, for Table 1B: | | | | |
| | | # of Pre-1940 Housing Units | | | |
| | | # of Children under six (6) years of age | | | |
| | | # of Census tracts and disadvantaged communities census tracts in target area | Climate and Economic Justice Screening Tool (https://screeningtool.geoplatform.gov/) | | |
| | | | | | |

Scoring for Table 1B: High Priority Target Area

| | |
|--|--------------------------|
| # of Housing Units (Points) | |
| 10 | >10% |
| 5 | >5% |
| 0 | <=5% |
| <u>Ineligible</u> | No data provided |
| # of Children (Points) | |
| 10 | >10% |
| 5 | >5% |
| 0 | <=5% |
| % of Disadvantaged communities Census Tracts in target area (Points) | |
| 5 | >=60% |
| 4 | >=50% |
| 3 | >=40% |
| 1 | >=30% |
| 0 | <30% or No data provided |

Table 1C: Elevated Blood Lead Level Prevalence

All applicants must complete table 1C, Elevated Blood Lead Level Prevalence. The table is to show the number and percentage of children under age six (6) in the applicant's jurisdiction tested for their blood lead level and having a confirmed elevated blood lead level; and the

number and percentage of children under age six (6) in the target area having a confirmed elevated blood lead level.

- In the first data row, all applicants must show the percentage of children under age 6 in their jurisdiction tested for confirmed Elevated Blood Lead Level (EBLL), using the jurisdiction's definition, and the data from which that percentage is calculated.
- As described in the data sources portion of table 1C, if the state uses an EBLL threshold of 3.5 µg/dL, the applicant must use the CDC National Childhood Blood Lead Surveillance Data website's National Surveillance Data table, or, if the state uses another EBLL threshold, the applicant must specify the threshold and provide the data source, including website address.
- Applicants for other grant categories need not complete the second data row.
- In the third data row, all applicants must show the percentage of children under age six (6) in the target area with a confirmed EBLL (≥ 3.5 µg/dL), and the data from which that percentage is calculated.

If the applicant's jurisdiction, such as a county includes another jurisdiction that will not be a part of the target area (e.g., the county's health department works only in the suburbs because the city's health department works within the city limits), reduce the numbers of children in the various blocks to reflect that exclusion, and calculate the percentages accordingly. For all information provided, sources of data, including website addresses, must be included in the second part of the table; data without a valid source will be considered not to have been provided. The applicant is responsible for expending funds proportionately within the total jurisdiction in which the funds are being requested and for which points will be awarded.

Using table 1C below, all applicants must provide the following data for your jurisdiction and your proposed target area:

For all information provided, sources of data, including website addresses, must be included in the second part of the table; data without a valid source will be considered not to have been provided.

- Provide the total number of children in your jurisdiction (city, county, or reservation) under the age of six (6), and the number of children in your jurisdiction under the age of six (6) who were tested for confirmed elevated blood lead levels per the definition used by your jurisdiction (whether federal, state, tribal, or local), in the most recent year (a calendar year or the end of a twelve (12)-month period) in 2015-2019 for which data are available for both measures.
- Provide the total number of children under the age of six (6) in the proposed target area, and the number of children under the age of six (6) in the proposed target area with a blood lead level of 3.5 µg/dL or above in the proposed target area(s), in the most recent year (a calendar year or the end of a twelve (12)-month period) in the 2015-2019 for which data are available for both measures.

| Table 1C | | | | | |
|-----------------|-----------|-------------------|--------------------------|------------------------------|----------------------------------|
| Maximum Points | Data year | Jurisdiction name | Number of children under | Number of children under age | Percentage of children under age |

| | | | | | |
|----------------|-----------|--|--|---|---|
| | | | age six (6) in jurisdiction | six (6) in jurisdiction tested for confirmed EBLL | six (6) in jurisdiction tested for confirmed EBLL |
| 1 point | # | | # | # | % |
| Maximum Points | Data year | Number of children under age six (6) in jurisdiction | Number of children under age six (6) in jurisdiction with a confirmed EBLL | Percentage of children under age six (6) in jurisdiction with a confirmed EBLL | Percentage of children under age six (6) in state with a confirmed EBLL |
| 0 points | # | # | # | % | % |
| Maximum Points | Data year | Target area name | Number of children under age six (6) in target area | Number of children under age six (6) in target area with a confirmed EBLL ($\geq 3.5 \mu\text{g/dL}$) | Percentage of children under age six (6) in target area with a confirmed EBLL ($\geq 3.5 \mu\text{g/dL}$) |
| 1 point | # | | # | # | % |

Data Sources, including Website Addresses, for Table 1B:

| | | |
|--|--|--|
| | Number of children under age six (6) in jurisdiction | |
| | Number of children under age six (6) in jurisdiction tested for confirmed EBLL | |
| | <u>Number of children under age six (6) in jurisdiction with a</u> | |

| | | |
|--|---|---|
| | <u>confirmed EBLL</u> | |
| | Percentage of children under age six (6) in state with a confirmed EBLL | If the state uses an EBL threshold for children < six (6) years of 3.5 µg/dL, use www.cdc.gov/nceh/lead/data/national.htm , the CDC National Childhood Blood Lead Surveillance Data website, especially the National Surveillance Data table, www.cdc.gov/nceh/lead/docs/CBLS-National-Table-Update-042619.xlsx , using the most recent year's data. If no data are shown for the state, use the most recent national percentage (for 2018), 3.0% of tested children < six (6) years with BLL ≥ 3.5 µg/dL. If the state uses another EBL threshold, specify the threshold and provide the data source, including website address. |
| | Number of children under age six (6) in target area | |
| | Number of children under age six (6) in target area with a confirmed EBLL (≥ 3.5 µg/dL) | |

Scoring for Table 1C: Blood Lead Levels

| % of children under age six (6) in jurisdiction tested for confirmed EBLL | |
|--|------------|
| ≥23% | 1 point |
| ≥20% | 0.75 point |
| ≥17% | 0.5 point |
| ≥11% | 0.25 point |
| <11% | 0 point |
| % of children under age six (6) in target area with a confirmed EBLL (≥ 3.5 µg/dL) | |
| >5% | |
| ≥2.6% | 1 point |
| ≥2.1% | 0.75 point |
| ≥1.8% | 0.5 point |

| | |
|--------------|------------|
| $\geq 0.8\%$ | 0.25 point |
| $< 0.8\%$ | 0 point |

2. Target Area Need - Narrative Responses (3 points)

After completing the requested tables in Section One, all applicants must answer the following questions in narrative form and provide the data source for each.

1. Describe the defined Elevated Blood Lead Level (EBLL) and blood lead testing requirements for your jurisdiction (city, county, or state). (1 point)
2. Provide a link and brief description of the city or state's Case Management Plan. (1 point)
3. Provide a brief explanation of how you will use the data to select and prioritize housing units for lead hazard control work under the grant. (1 point)

An applicant that has never had an LHC grant may have applied previously, so it may not be a new applicant.

Rating Factor Three

Maximum Points: 30

Budget Estimate of Costs

You must thoroughly estimate all applicable costs, including direct, indirect, and administrative expenses, and present them in a clear and coherent format. **Note that HUD is not required to approve or fund all proposed activities if awarded.** In completing your estimations, you must document and justify all budget categories and costs and all major tasks of your organization, sub-recipients, major sub-contractors, joint venture participants, or others contributing resources to the project.

Budget Planning Documentation (Required Attachments) (10 Points)

1. A separate budget must be submitted using the HUD_424_CBW: HUD Detailed Budget Worksheet for yourself and for each partner that would receive more than ten percent (10%) of the federal budget request, for the lead hazard control activities.
2. Similarly, if you are applying for Healthy Homes' Supplemental funding, you must submit a HUD_424_CBW: HUD Detailed Budget Worksheet for yourself and for each partner that would receive more than ten percent (10%) of the Healthy Homes Supplemental funding, for the healthy homes activities.
3. HUD 424 CBW: The Primary Budget must include the following specific information in the appropriate columns when attached:
 - a. Plan for using high level of funding:
 1. If you have had a previous LBPHC, LHRD, or LHR grant, describe your plan for using the increased amount of funding if awarded a grant under this NOFO compared to how funding was used under the previous grant. A particular emphasis on how you would use your funds to produce at least proportionately greater numbers of:
 - Housing units made lead safe,

- Individuals trained in lead-safe work practices and certified in EPA or State (as applicable) lead certification disciplines, and
 - Members of the target area community educated in residential lead safety.
2. If you have not had a previous LBPHC, LHRD, or LHR grant:
 - a. Describe your plan for using and managing the large amount of funding, with particular emphasis on how you would use your funds to produce large numbers of housing units made lead safe and individuals trained, as defined above for applicants that have had a grant.
 - b. Describe your plan to ensure proper use of funds if awarded a grant under this NOFO with a high level of funding, considering, especially, the criteria of 2 CFR 200.302, Financial Management, and other regulatory sections cited there, and applicable state and local laws, regulations, and policies on funding controls.
 - c. You must identify the number of units and average expected cost in your budget documents. You will be evaluated on the extent to which resources are appropriate for the scope of the proposed project.
 - d. You must provide clear details on administrative costs (maximum ten percent (10%) of grant, excluding Healthy Homes Supplemental funds), staffing costs and details on which costs are included and not included in the direct lead hazard control minimum cost requirement.
 - e. You must clearly identify the funding or cash equivalent amounts being provided as matching resources. These descriptions must include: the amounts and sources and use of any contributions being received and must be detailed and supported by letters of commitment.
 - f. Applicants must include all amounts they detailed in response to Section III.B, Cost Sharing or Matching, above, regarding the minimum match requirement.

Additional Match (3 points)

If you provide any additional match beyond the minimum ten percent (10%) statutory requirement your application will receive additional points during the review process. Additional match must be provided using the same methods in Section III.B, Cost Sharing or Matching, above, identifying the additional contributions from State, local, government, and private (e.g., philanthropies, nongovernmental organizations, community development corporations, for-profit firms, landlords).

The following table describes the points available for additional match: In awarding points, fractional percentages will be rounded down to whole number percentages, and will not be rounded up (e.g., a Lead-Based Paint Hazard Control application providing 13.99% match resources will be treated as 13% and receive 1 points).

Match Resources Point Table

| Match Resources as Percentage of Requested Federal Amount | Points Awarded |
|---|----------------|
|---|----------------|

| | |
|-------------------------|----------|
| 10 Percent | 0 |
| 11 to 14 percent | 1 |
| 15 percent | 2 |
| Over 15 percent | 3 |

Budget Justification Narrative (Required Attachments): (10 points)

All cost proposed must be reasonable, allowable, allocable and necessary to the project per the requirements of 2 CFR 200 Subpart E- Cost Principles.

You must submit the budget narrative justification attachment associated with each budget HUD 424 CBW that includes all budgeted costs as part of the Total Budget (Federal Share and Matching) that correspond to that HUD 424 Budget including those submitted for partners and Healthy Homes funds.

1. Submit a separate narrative justification for yourself and for each partner that is submitting a separate HUD 424 CBW Detailed Budget Worksheet to comply with the requirement for those that would receive 10 percent or more of the federal award amount for lead hazard control activities. Each and every HUD 424 CBW submitted must be accompanied by a detailed budget justification that describes what you are expecting to accept as invoices under each line item total. Each expense must be unique, reasonable and eligible under the requirements and limitations of this award as described above either by summary or reference.
2. Similarly, if you are applying for Healthy Homes Supplemental funding, a separate narrative justification must be submitted for yourself and each partner that would receive 10 percent (10%) or more of the Healthy Homes Supplement funding, for healthy homes activities. Please refer to the OLVCHH Policy Guidance PG 2017-5; the Healthy Homes Supplemental Funds (https://www.hud.gov/program/offices/healthy_homes/lbp/pg); to identify what cost are eligible to include.

The Budget narrative document should include all the following details:

1. Detail or denote administrative costs, indirect costs, staffing costs and details on which costs are included and not included in the direct lead hazard control minimum cost requirement for each category/line items.
2. Detail or denote the funding or cash equivalent amounts being provided as matching resources for both resources which are statutorily required and those resources above the statutory minimum.
3. Detail, with examples, that the activities of all staff included for HUD-funded share or match are providing an eligible, unique, and reasonable contribution to the OLVCHH award.
4. Justify the allocation of funds among successfully completed tasks, units within your organization, and your partners, in support of the scope of the proposed project. Your narrative should show enough detail by line and category that provides transparency and linkage between production of successfully treated housing units, whether for lead or both lead and healthy homes, and payments associated with activities that resulted in those units being treated, from the outreach stage through recruitment, enrollment,

evaluation and control, and clearance for re occupancy. (For lead, clearance is as described in section III, above; for healthy homes, this may be quantitative or qualitative, as appropriate for the intervention, as you should detail in your narrative). A **Sample Budget Narrative** for this NOFO is provided in Appendix B.

Answer the following questions by including a narrative response within the fifteen (15)-page maximum:

Fiscal Oversight and Financing Strategy Narrative (included in fifteen (15)-page maximum):
(3 points)

1. Discuss your lead hazard control financing strategy (i.e., the type of assistance - grants, deferred/forgivable loans, etc.), including verification of income eligibility requirements, terms, conditions, dollar limits, amounts available for lead hazard control work in the various categories of housing (e.g., single-family, multi-family, vacant, owner or tenant-occupied).
2. Identify who is responsible and their technical program expertise for establishing, administering and overseeing the fiscal aspect of the program which may include bidding, procurement, and contracting the unit work.
3. Describe the role of other fiscal resources such as private sector financing and matching, if any, including from rental property owners.
4. Describe how the recapture of grant or loan funds to owners of housing units treated under this program will occur if recipients fail to comply with any terms and conditions of the financing arrangement (e.g., failure to comply with fair housing and civil rights requirements, affordability, affirmative marketing and providing priority to renting units to families with a child under the age of six (6) years for a period of three (3) years, sale of property requirements).
5. Describe how you will keep costs per housing unit under tight control, so that the maximum number of children and families will have their health and safety protected as an outcome of your work.

Section 3 Strategy (2 Points):

1. Describe your strategy for hiring local low-income residents, providing training opportunities and awarding contracts to local Section 3 businesses.
2. Applicants should:
 - a) outline their plan to notify residents and contractors about jobs and contracts that may become available
 - b) notify potential contractors about the requirements of Section 3;
 - c) hire community residents and award contracts to local businesses; and
 - d) assist in obtaining compliance among contractors and subcontractors.

Sustainability of Fiscal Resources (2 Points):

1. Describe in detail your plan for sustaining your lead hazard control accomplishments in additional housing units within and/or outside of your target area after the end of the period of performance of this grant, preferably including letters of commitment explicitly for that period.
2. If you are applying for Healthy Homes Supplemental funding, describe in detail your plan for sustaining your healthy homes accomplishments in additional housing units within and/or outside of your target area after the end of the period of performance of this grant, preferably including letters of commitment explicitly for that period.

2. Other Factors.

Section 3.

In accordance with HUD's Section 3 regulations at [24 CFR 75.7](#), your application will receive up to 2 points based the quality of Section 3 plans.*

* The inclusion of Section 3 points will be determined “as appropriate for the specific NOFO.” HUD anticipates that program offices/areas will include scoring for Section 3 plans where relevant and exclude Section 3 scoring where the nature of the grant being awarded is incompatible with Section 3 endeavors. If points are included, the applicable program office/area will be responsible for determining how the “quality of Section 3 plans” will be evaluated.

Preference Points

HUD encourages activities in support of the interdepartmental initiatives. HUD may award no more than four total preferences 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 Environmental Justice

HBCU.

This program does not offer HCBU preference points.

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;

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.

In addition to the performance review described in previous sections; each grant program must have a framework for evaluating the degree of risks posed by applicants before they receive Federal awards. As a result of the risk evaluation an applicant may be awarded with special conditions applied to the award that correspond to the degree of risk assessed or the applicant may be determined ineligible due to the operational risk it has historically posed to HUD, OLHCHH or other federal agencies as applicable. Possible risk indicators that could impact the risk evaluation determination could include the following elements of the described approach for use of funds:

1. Size of potential subaward
2. Size and diversity of federal award portfolio of entity applying
3. Impact of subaward on operations

4. Past federal award experience of applicant with OLHCHH with HUD or other Federal Agencies
5. Past federal award experience of applicant of Key staff
6. Extent of other oversight (audits, monitoring)

Minimum Score. Applications scoring seventy-five (75) points or more will be eligible to receive an award. Applications will be scored and ranked, based on the total number of points allocated for each of the rating factors described in Section V.A of this NOFO. The maximum number of points to be awarded is 102.

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.

Successful applicants will receive a letter from the Office of Lead Hazard Control and Healthy Homes providing details regarding the effective start date of the grant agreement and any conditions, additional data and information to be submitted to execute the grant. They will then participate in negotiations to determine the specific terms of the grant agreement, budget, work plan, benchmarks, or other requirements. If HUD is not able to successfully conclude negotiations with a selected applicant within a period determined by HUD, an award will not be made.

If you accept the terms and conditions of the grant agreement, you must return a signed grant agreement by the date specified. Instructions on how to have the grant agreement account entered into HUD's Electronic Line of Credit Control System (eLOCCS) payment system will be provided. In accordance with 2 CFR part 200, subpart F—Audit Requirements, if you expend \$750,000 in federal funds in a single year, you must follow the requirements of the Single Audit Act and must submit your completed audit-reporting package along with the Data Collection Form (SF-SAC) to the Single Audit Clearinghouse. The address can be obtained from its website. The SF-SAC can be downloaded from: [Single Audit Clearinghouse](#).

NOTE: HUD reserves the right to delay execution of the grant award based on performance of current awards. Delays will be considered and assessed based on the following criteria:

1. Period of Performance Extension Status at the time of a currently funded grant
2. High Risk Status placement on a currently funded grant during the application review period
3. Unresolved monitoring or HUD Office of Inspector General Audit or Investigation findings regarding a currently funded grant
4. OLHCHH Discretion

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.

- 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.

- Accessible Technology. See <https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>

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

3. Participation in HUD-Sponsored Program Evaluation.

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

5. Drug-Free Workplace.

6. Safeguarding Resident/Client Files.

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

8. Accessibility for Persons with Disabilities. See https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview

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

Environmental Review

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

Environmental Requirements for this NOFO are provided in Appendix E

13. Davis-Bacon Wage Rates. The Davis-Bacon Act (40 U.S.C. § 3141–3144, 3146, and 3147) (DBA) requires that federal contractors and subcontractors must pay the laborers and mechanics performing under contracts of over \$2,000, no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. In general, grants under this NOFO's grant programs are not subject to DBA. However, if you use these grant funds in conjunction with other federal programs, DBA requirements apply to that work to the extent required under the other federal programs. <https://www.dol.gov/agencies/whd/government-contracts/construction>. For example, work performed under this NOFO's grants as well as the Department of Energy's Weatherization Assistance Program in multifamily buildings with 5 or more units to be weatherized with funding under § 40551 of the Infrastructure Investment and Jobs Act (P.L. 117-58 (Bipartisan Infrastructure Law)) is subject to payment of prevailing wages determined under the DBA. Grantees conducting such work should contact the Government Technical Representative (GTR) for this grant for more information.

14. Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417) ("Section 872"). Section 872 requires the establishment of a government wide data system - the Federal Awardee Performance and Integrity Information System (FAPIIS) - to contain information related to the integrity and performance of entities awarded federal financial assistance and making use of the information by federal officials in making awards. Grantees must follow OMB guidance regarding federal agency implementation of Section 872 requirements for grants, at 2 CFR Subtitle A, Chapter I, and Part 25 (75 FR 55671-76, September 14, 2010).

Prohibition on Surveillance

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

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](#))).

Discrepancies between the NOFO on [Grants.gov](#) and other Documents

The Program NOFO posted at the [Grants.gov](#) website is the official document HUD uses to solicit applications. Applicants are advised to review their application submission against the requirements in the posted Program NOFO. If there is a discrepancy between the Program NOFO posted on [Grants.gov](#) and other information provided in any other copy or version or supporting documentation, the posted Program NOFO located at [Grants.gov](#) prevails. If discrepancies are found, please notify HUD immediately by calling the program contact listed in the Program NOFO. HUD will post any corrections or changes to a Program NOFO on the [Grants.gov](#) website. Applicants must enroll an email address at the application download page to receive an e-mail alert from [Grants.gov](#) in the event the opportunity is changed.

Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation

In accordance with HUD Secretary Fudge's April 12, 2022, memorandum, *Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participating in HUD Programs*, you must not exclude a person's housing unit or property from enrollment in this grant program, nor exclude a person from participating in a program, service, or activity under this grant program, based on arrest records only. You must ensure that any reliance on a person's conviction history is based on records and evidence showing that it will actually promote safety. You must also ensure that no person is excluded for criminal history without taking into account mitigating circumstances, such as the length of the time since the offense, the nature and severity of the offense, and evidence of rehabilitation. Before excluding an individual because of a criminal record, you should offer that individual the opportunity to provide evidence of mitigating circumstances or that the record is inaccurate.

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.

FOIA Reporting. HUD makes frequently requested materials, including information on the highest-scoring funding grant applications available on its [Freedom of Information Act \(FOIA\) website](#). To avoid disclosure of personally identifiable information (45 CFR 75.2; PII), proprietary information, business confidential information, or other content that should not be disclosed to the public, HUD will only post applications redacted pursuant to FOIA. Those recipients who receive the highest score in each competition must provide a redacted version of their applications within 30 days of notification from HUD that they submitted the highest-scoring application. If multiple applicants receive the same score, all of them will be asked to submit redacted applications. When submitting a redacted version, recipients may black out information that would be considered trade secrets and commercial or financial information and the information is privileged or confidential, as provided in 5 U.S.C. §552(b)(4), should the information be disclosed to the public. HUD will take the recipient's proposed redactions under advisement when determining what information should be released to the public.

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.

You must comply with reporting requirements of subpart E (Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. § 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects)) and the HUD regulations at 24 CFR 75 for projects for which Section 3 applies (see, within section IV.F, Program Requirements and Prohibitions).

You must collect demographic data throughout the performance period through an appropriate method that allows for annual reporting and filing of the Form HUD-27061, Race and Ethnic Data Reporting Form (<https://www.hud.gov/sites/dfiles/OCHCO/documents/27061.pdf>), and file that reporting form annually.

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. 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

If you execute a grant under this NOFO, reports must comply with the specific program reporting requirements as described below.

-If you purchase X-ray fluorescence (XRF) analyzers in excess of \$5,000 a piece, you must complete and submit to OLHCHH the General Services Administration's annual Tangible Personal Property Report. This report has five components: cover sheet (SF-428), Annual Report (SF-428-A), the Final (Award Closeout) Report (SF-428-B), the Disposition Report/Request (SF-428-C), and, if needed, the Supplemental Sheet (SF-428-S); these forms can be accessed through https://www.gsa.gov/reference/forms?search_keyword=tangible. Generally, the average estimated time to complete each of these components is 0.5 hours; it is likely to be less for this grant program.

-Transparency Act Reporting. You must report on funding and expenditures for yourself and sub recipients to meet the requirements of the Federal Funding Accountability and Transparency Act of 2006.

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.

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:

Yolanda Brown

Phone:

202-903-9576

Email:

Yolanda.A.Brown@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.

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at [24 CFR part 50](#), which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The FONSI is available for inspection at [HUD's Funding Opportunities](#) web page.

HUD's Office of Lead Hazard Control and Healthy Homes administers this program, which is aligned with HUD's Fiscal Year 2022 – 2026 Strategic Plan (<https://www.hud.gov/sites/dfiles/CFO/documents/FY2022-2026HUDStrategicPlan.pdf>) and supports HUD's activities pursuing environmental justice (https://www.hud.gov/climate/environmental_justice). The Strategic Plan includes a Strategic Objective to Strengthen Environmental Justice, specifically, to reduce exposure to health risks, environmental hazards, and substandard housing, especially for low-income households and communities of color. HUD's environmental justice efforts include eliminating health risks caused by environmental injustices.

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

HUD OLHCHH FY 2022 LEAD HAZARD REDUCTION NOFO APPENDICES

APPENDIX A: Highest Lead-Based Paint Abatement Needs Areas jurisdictions table an applicant for the Highest Lead-Based Paint Abatement Needs Areas grant category funding must be a jurisdiction that is one of the counties or cities listed in the Highest Lead-Based Paint Abatement Needs Areas jurisdictions. If your jurisdiction, such as a county, includes another jurisdiction, such as a city within, that will not be part of your target area (e.g., the county's health department works only in the suburbs because the city's health department works within the city limits), reduce the number of units accordingly. The table lists eligible jurisdictions sorted by state, and then county or city.

| City or county | State | Occupied pre-1940 rental units* |
|-----------------------|-------|---------------------------------|
| Birmingham | AL | 5,965 |
| Jefferson County | AL | 8,668 |
| Maricopa County | AZ | 7,085 |
| Phoenix | AZ | 4,896 |
| Pima County | AZ | 5,086 |
| Tucson | AZ | 4,486 |
| Alameda | CA | 4,581 |
| Alameda County | CA | 51,514 |
| Berkeley | CA | 8,735 |
| Contra Costa County | CA | 6,945 |
| East Los Angeles | CA | 4,052 |
| CDPFresno | CA | 6,883 |
| Fresno County | CA | 9,929 |
| Glendale | CA | 7,278 |
| Humboldt County | CA | 4,354 |
| Kern County | CA | 6,176 |
| Long Beach | CA | 18,201 |
| Los Angeles | CA | 167,441 |
| Los Angeles County | CA | 267,016 |
| Marin County | CA | 4,665 |
| Monterey County | CA | 4,041 |
| Oakland | CA | 31,645 |
| Orange County | CA | 12,101 |
| Pasadena | CA | 6,928 |
| Riverside County | CA | 7,138 |
| Sacramento | CA | 9,006 |
| Sacramento County | CA | 11,456 |
| San Bernardino County | CA | 9,807 |
| San Diego | CA | 18,473 |
| San Diego County | CA | 24,756 |
| San Francisco | CA | 103,369 |
| San Joaquin County | CA | 8,349 |
| San Jose | CA | 7,148 |
| San Mateo County | CA | 6,415 |
| Santa Barbara | CA | 3,706 |
| Santa Barbara | CA | 5,745 |

| City or county | State | Occupied pre-1940 rental units* |
|---------------------|-------|---------------------------------|
| Douglas County | NE | 16,326 |
| Lancaster County | NE | 6,638 |
| Lincoln | NE | 6,253 |
| Omaha | NE | 16,029 |
| Cheshire County | NH | 3,534 |
| Grafton County | NH | 3,516 |
| Hillsborough County | NH | 16,267 |
| Manchester | NH | 9,163 |
| Merrimack County | NH | 5,830 |
| Nashua | NH | 4,297 |
| Rockingham County | NH | 5,465 |
| Strafford County | NH | 4,998 |
| Atlantic County | NJ | 5,985 |
| Bayonne | NJ | 5,936 |
| Bergen County | NJ | 21,372 |
| Burlington County | NJ | 4,812 |
| Camden | NJ | 4,764 |
| Camden County | NJ | 9,812 |
| East Orange | NJ | 4,166 |
| Elizabeth | NJ | 5,288 |
| Essex County | NJ | 38,989 |
| Hoboken | NJ | 5,514 |
| Hudson County | NJ | 59,407 |
| Jersey City | NJ | 26,312 |
| Mercer County | NJ | 12,987 |
| Middlesex County | NJ | 10,258 |
| Monmouth County | NJ | 9,048 |
| Morris County | NJ | 6,766 |
| Newark | NJ | 17,445 |
| Passaic | NJ | 4,405 |
| Passaic County | NJ | 18,367 |
| Paterson | NJ | 8,846 |
| Somerset County | NJ | 3,762 |
| Trenton | NJ | 9,176 |
| Union City | NJ | 6,110 |
| Union County | NJ | 15,115 |

| | | |
|---------------------|----|--------|
| Santa Clara County | CA | 13,035 |
| Santa Cruz County | CA | 5,188 |
| Santa Monica | CA | 3,995 |
| Solano County | CA | 4,361 |
| Sonoma County | CA | 6,158 |
| Stanislaus County | CA | 5,035 |
| Stockton | CA | 4,545 |
| Tulare County | CA | 4,338 |
| Ventura County | CA | 4,713 |
| Colorado Springs | CO | 4,355 |
| Denver | CO | 21,913 |
| El Paso County | CO | 5,327 |
| Pueblo | CO | 3,895 |
| Pueblo County | CO | 4,135 |
| Bridgeport | CT | 13,274 |
| Fairfield County | CT | 29,412 |
| Hartford | CT | 13,419 |
| Hartford County | CT | 34,124 |
| Litchfield County | CT | 6,056 |
| Meriden | CT | 4,482 |
| Middlesex County | CT | 4,717 |
| New Britain | CT | 6,457 |
| New Haven | CT | 16,965 |
| New Haven County | CT | 41,545 |
| New London County | CT | 9,991 |
| Waterbury | CT | 7,401 |
| Windham County | CT | 4,697 |
| New Castle County | DE | 7,668 |
| Wilmington | DE | 5,236 |
| Washington | DC | 41,037 |
| Duval County | FL | 7,170 |
| Hillsborough County | FL | 6,081 |
| Jacksonville | FL | 6,889 |
| Miami | FL | 10,727 |
| Miami-Dade County | FL | 18,260 |
| Palm Beach County | FL | 3,584 |
| Pinellas County | FL | 6,293 |
| St. Petersburg | FL | 4,216 |
| Tampa | FL | 5,231 |
| Atlanta | GA | 9,446 |

| | | |
|--------------------|----|---------|
| West New York town | NJ | 4,512 |
| Albany | NY | 12,990 |
| Albany County | NY | 19,252 |
| Binghamton | NY | 4,760 |
| Broome County | NY | 8,914 |
| Buffalo | NY | 39,316 |
| Cattaraugus County | NY | 3,844 |
| Cayuga County | NY | 3,800 |
| Chautauqua County | NY | 7,103 |
| Chemung County | NY | 4,865 |
| Dutchess County | NY | 7,233 |
| Elmira | NY | 3,534 |
| Erie County | NY | 52,908 |
| Jefferson County | NY | 5,588 |
| Monroe County | NY | 31,894 |
| Mount Vernon | NY | 6,333 |
| Nassau County | NY | 18,768 |
| New Rochelle | NY | 5,054 |
| New York | NY | 863,220 |
| Niagara County | NY | 8,839 |
| Niagara Falls | NY | 3,940 |
| Oneida County | NY | 12,636 |
| Onondaga County | NY | 16,492 |
| Ontario County | NY | 4,208 |
| Orange County | NY | 12,552 |
| Oswego County | NY | 3,706 |
| Rensselaer County | NY | 10,372 |
| Rochester | NY | 25,554 |
| Rockland County | NY | 5,119 |
| Saratoga County | NY | 5,412 |
| Schenectady | NY | 5,446 |
| Schenectady County | NY | 6,663 |
| Steuben County | NY | 4,107 |
| Suffolk County | NY | 9,745 |
| Syracuse | NY | 12,267 |
| Tompkins County | NY | 4,586 |
| Troy | NY | 6,967 |
| Ulster County | NY | 6,472 |
| Utica | NY | 6,812 |
| Westchester County | NY | 42,715 |

| | | |
|--------------------|----|---------|
| Chatham County | GA | 5,115 |
| Fulton County | GA | 9,577 |
| Savannah | GA | 4,652 |
| Honolulu County | HI | 4,917 |
| Aurora | IL | 5,517 |
| Berwyn | IL | 3,928 |
| Champaign County | IL | 3,540 |
| Chicago | IL | 245,327 |
| Cicero town | IL | 7,625 |
| Cook County | IL | 283,938 |
| DuPage County | IL | 4,061 |
| Evanston | IL | 5,266 |
| Joliet | IL | 3,698 |
| Kane County | IL | 10,581 |
| Lake County | IL | 7,044 |
| Madison County | IL | 4,864 |
| Oak Park village | IL | 4,232 |
| Peoria | IL | 4,576 |
| Peoria County | IL | 5,680 |
| Rock Island County | IL | 4,440 |
| Rockford | IL | 6,074 |
| Sangamon County | IL | 4,666 |
| Springfield | IL | 3,681 |
| St. Clair County | IL | 4,753 |
| Vermilion County | IL | 3,857 |
| Will County | IL | 5,866 |
| Winnebago County | IL | 7,046 |
| Allen County | IN | 5,675 |
| Elkhart County | IN | 3,689 |
| Evansville | IN | 4,246 |
| Fort Wayne | IN | 5,220 |
| Indianapolis | IN | 22,686 |
| Lake County | IN | 10,645 |
| Marion County | IN | 23,331 |
| South Bend | IN | 3,608 |
| St. Joseph County | IN | 5,515 |
| Tippecanoe County | IN | 4,061 |
| Vanderburgh County | IN | 4,409 |
| Vigo County | IN | 3,616 |
| Black Hawk County | IA | 3,549 |

| | | |
|--------------------|----|--------|
| Yonkers | NY | 12,097 |
| Buncombe County | NC | 4,510 |
| Charlotte | NC | 3,684 |
| Durham | NC | 3,610 |
| Durham County | NC | 3,722 |
| Forsyth County | NC | 3,578 |
| Guilford County | NC | 4,340 |
| Mecklenburg County | NC | 4,059 |
| Akron | OH | 12,555 |
| Allen County | OH | 3,501 |
| Butler County | OH | 6,789 |
| Canton | OH | 5,749 |
| Cincinnati | OH | 26,175 |
| Clark County | OH | 5,886 |
| Cleveland | OH | 47,730 |
| Cleveland Heights | OH | 3,807 |
| Columbus | OH | 19,686 |
| Cuyahoga County | OH | 69,453 |
| Dayton | OH | 9,891 |
| Franklin County | OH | 21,992 |
| Hamilton | OH | 3,518 |
| Hamilton County | OH | 35,396 |
| Lakewood | OH | 6,929 |
| Lorain County | OH | 6,373 |
| Lucas County | OH | 17,037 |
| Mahoning County | OH | 6,347 |
| Montgomery County | OH | 13,792 |
| Springfield | OH | 4,927 |
| Stark County | OH | 10,620 |
| Summit County | OH | 15,841 |
| Toledo | OH | 15,855 |
| Trumbull County | OH | 4,147 |
| Youngstown | OH | 3,875 |
| Oklahoma City | OK | 9,267 |
| Oklahoma County | OK | 10,141 |
| Tulsa | OK | 6,350 |
| Tulsa County | OK | 7,090 |
| Lane County | OR | 4,916 |
| Multnomah County | OR | 28,708 |
| Portland | OR | 27,887 |

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|-----------------------------|----|--------|
| Davenport | IA | 3,708 |
| Des Moines | IA | 8,019 |
| Dubuque County | IA | 3,581 |
| Polk County | IA | 8,962 |
| Scott County | IA | 4,406 |
| Sioux City | IA | 4,030 |
| Woodbury County | IA | 4,345 |
| Kansas City | KS | 4,772 |
| Sedgwick County | KS | 6,763 |
| Shawnee County | KS | 3,689 |
| Wichita | KS | 6,269 |
| Wyandotte County | KS | 4,881 |
| Covington | KY | 4,200 |
| Fayette County | KY | 4,563 |
| Jefferson County | KY | 19,735 |
| Kenton County | KY | 5,416 |
| Lexington-Fayette | KY | 4,563 |
| Louisville/Jefferson County | KY | 19,156 |
| New Orleans | LA | 25,742 |
| Androscoggin County | ME | 6,671 |
| Cumberland County | ME | 12,902 |
| Kennebec County | ME | 4,182 |
| Lewiston | ME | 3,916 |
| Penobscot County | ME | 4,353 |
| Portland | ME | 8,347 |
| York County | ME | 7,115 |
| Baltimore | MD | 48,570 |
| Baltimore County | MD | 7,253 |
| Frederick County | MD | 3,726 |
| Montgomery County | MD | 4,604 |
| Prince George's County | MD | 4,733 |
| Washington County | MD | 4,153 |
| Berkshire County | MA | 8,102 |
| Boston | MA | 77,818 |
| Bristol County | MA | 37,945 |
| Brockton | MA | 6,189 |
| Brookline CDP | MA | 5,000 |
| Cambridge | MA | 11,265 |
| Chelsea | MA | 5,718 |
| Chicopee | MA | 4,348 |

| | | |
|-----------------------|----|---------|
| Allegheny County | PA | 54,224 |
| Allentown | PA | 7,436 |
| Beaver County | PA | 5,270 |
| Berks County | PA | 14,403 |
| Bethlehem | PA | 3,761 |
| Blair County | PA | 4,584 |
| Bucks County | PA | 7,166 |
| Cambria County | PA | 4,445 |
| Chester County | PA | 10,963 |
| Crawford County | PA | 3,516 |
| Cumberland County | PA | 6,259 |
| Dauphin County | PA | 9,829 |
| Delaware County | PA | 11,901 |
| Erie | PA | 8,151 |
| Erie County | PA | 11,397 |
| Fayette County | PA | 4,593 |
| Franklin County | PA | 4,017 |
| Harrisburg | PA | 5,286 |
| Lackawanna County | PA | 11,559 |
| Lancaster | PA | 6,894 |
| Lancaster County | PA | 17,919 |
| Lebanon County | PA | 5,118 |
| Lehigh County | PA | 11,927 |
| Luzerne County | PA | 13,929 |
| Lycoming County | PA | 4,284 |
| Montgomery County | PA | 16,902 |
| Northampton County | PA | 10,981 |
| Northumberland County | PA | 4,889 |
| Philadelphia | PA | 105,837 |
| Pittsburgh | PA | 28,740 |
| Reading | PA | 7,769 |
| Schuylkill County | PA | 6,936 |
| Scranton | PA | 7,041 |
| Washington County | PA | 6,192 |
| Westmoreland County | PA | 8,275 |
| York | PA | 5,178 |
| York County | PA | 11,635 |
| Kent County | RI | 4,738 |
| Newport County | RI | 4,614 |
| Pawtucket | RI | 6,971 |

| | | |
|------------------|----|--------|
| Essex County | MA | 49,361 |
| Everett | MA | 5,882 |
| Fall River | MA | 15,477 |
| Franklin County | MA | 4,038 |
| Hampden County | MA | 28,151 |
| Hampshire County | MA | 6,889 |
| Haverhill | MA | 4,718 |
| Holyoke | MA | 4,360 |
| Lawrence | MA | 9,826 |
| Lowell | MA | 10,578 |
| Lynn | MA | 12,054 |
| Malden | MA | 6,125 |
| Medford | MA | 4,327 |
| Middlesex County | MA | 81,495 |
| New Bedford | MA | 12,567 |
| Norfolk County | MA | 20,282 |
| Pittsfield | MA | 3,690 |
| Plymouth County | MA | 14,294 |
| Quincy | MA | 5,924 |
| Revere | MA | 3,828 |
| Salem | MA | 5,007 |
| Somerville | MA | 11,957 |
| Springfield | MA | 13,476 |
| Suffolk County | MA | 89,154 |
| Waltham | MA | 3,968 |
| Worcester | MA | 21,101 |
| Worcester County | MA | 46,747 |
| Calhoun County | MI | 3,652 |
| Detroit | MI | 39,182 |
| Genesee County | MI | 4,896 |
| Grand Rapids | MI | 12,173 |
| Ingham County | MI | 6,613 |
| Kalamazoo | MI | 3,661 |
| Kalamazoo County | MI | 4,753 |
| Kent County | MI | 14,732 |
| Lansing | MI | 4,380 |
| Macomb County | MI | 4,024 |
| Oakland County | MI | 9,973 |
| Saginaw County | MI | 3,696 |
| Washtenaw County | MI | 6,774 |

| | | |
|--------------------|----|--------|
| Providence | RI | 20,172 |
| Providence County | RI | 47,217 |
| Woonsocket | RI | 6,312 |
| Charleston County | SC | 3,700 |
| Chattanooga | TN | 3,612 |
| Davidson County | TN | 5,927 |
| Hamilton County | TN | 4,181 |
| Knox County | TN | 4,820 |
| Knoxville | TN | 4,213 |
| Memphis | TN | 9,065 |
| Nashville-Davidson | TN | 5,681 |
| Shelby County | TN | 9,376 |
| Austin | TX | 4,325 |
| Bexar County | TX | 11,900 |
| Dallas | TX | 12,702 |
| Dallas County | TX | 14,414 |
| El Paso | TX | 4,327 |
| El Paso County | TX | 4,680 |
| Fort Worth | TX | 6,867 |
| Harris County | TX | 17,881 |
| Houston | TX | 16,127 |
| San Antonio | TX | 11,114 |
| Tarrant County | TX | 8,042 |
| Travis County | TX | 4,424 |
| Salt Lake City | UT | 9,304 |
| Salt Lake County | UT | 11,550 |
| Burlington | VT | 4,385 |
| Chittenden County | VT | 6,720 |
| Norfolk | VA | 6,508 |
| Richmond | VA | 14,705 |
| Roanoke | VA | 4,719 |
| King County | WA | 40,859 |
| Pierce County | WA | 12,251 |
| Seattle | WA | 34,170 |
| Snohomish County | WA | 5,569 |
| Spokane | WA | 10,402 |
| Spokane County | WA | 11,929 |
| Tacoma | WA | 9,004 |
| Whatcom County | WA | 4,232 |
| Yakima County | WA | 3,953 |

| | | |
|------------------|----|--------|
| Wayne County | MI | 51,979 |
| Duluth | MN | 5,403 |
| Hennepin County | MN | 34,677 |
| Minneapolis | MN | 32,052 |
| Ramsey County | MN | 19,069 |
| St. Louis County | MN | 7,407 |
| St. Paul | MN | 17,866 |
| Buchanan County | MO | 3,526 |
| Greene County | MO | 5,184 |
| Jackson County | MO | 19,703 |
| Kansas City | MO | 17,478 |
| Springfield | MO | 4,502 |
| St. Louis | MO | 38,996 |
| St. Louis County | MO | 10,655 |

| | | |
|------------------|----|--------|
| Brown County | WI | 4,217 |
| Dane County | WI | 10,256 |
| Kenosha | WI | 4,028 |
| Kenosha County | WI | 4,484 |
| Madison | WI | 7,310 |
| Milwaukee | WI | 49,408 |
| Milwaukee County | WI | 58,471 |
| Racine | WI | 5,429 |
| Racine County | WI | 6,654 |
| Rock County | WI | 4,989 |
| Sheboygan County | WI | 3,662 |
| Waukesha County | WI | 3,683 |
| Winnebago County | WI | 4,559 |

APPENDIX B: Sample Budget Narrative

[This budget example can be used for the Master Budget and for any other sub-recipient or contractor that requires a separate budget narrative and budget worksheet Form HUD-424-CBW. The lists of personnel, travel activities, equipment, supplies and materials, and contracts, and their quantity and dollar values are all just examples to prompt development of the applicant's proposal, so "Example:" has been added to each item in this appendix to make explicit that these are not the only, or even necessarily the best or preferred, approaches to addressing the ten categories in the worksheet form, nor are the quantities and amounts necessarily the best or preferred numbers.]

(Grantee name) is applying to become a grantee under HUD's FY 2022 Lead Hazard Reduction Grant Program to implement (Program name, e.g. My-Town Makes Homes Healthy and Safe Program) that will (summary of the program goals and approach). The program will contain the following expenses as direct costs, administrative costs, and match:

1. Personnel (Total Amount)

List of Personnel Duties and Roles

Program Manager: List description of duties and roles by admin and direct categories for each personnel per policy. You also need to list the costs for each subtitle. Example : (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

Rehabilitation Specialist: List description of duties and roles by admin and direct categories for each personnel per policy. You also need to list the costs for each subtitle. Example : (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

Risk Assessors: List description of duties and roles by admin and direct categories for each personnel per policy. You also need to list the costs for each subtitle. Example: (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

Staff Accountant: List description of duties and roles by admin and direct categories for each personnel per policy. You also need to list the costs for each subtitle. Example: (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

2. Fringe Benefits: (Total Amounts)

Include the type of benefits for each personnel by stating name and benefits: Fringe benefits include Public Employees Retirement System contribution, Medical/Health Insurance, Workers Compensation, Medicare and development. (Admin Cost:)

3. Travel: (Total Amounts)

Examples of travel descriptions and calculations

3a) Transportation – Airfare: \$5,792.87 (Admin Cost: 0.00, Match: 2,000)

OLHCHH required travel the program director and Program manager; calculated for one start up conference and five additional annual lead conferences (two conferences per year). Conservatively calculated at a unit cost of \$482.74 (includes actual costs of the NGO and estimates for future conferences).

3b) Transportation / Other \$15,907.47 (Admin Cost: 12,789.95, Match: 3,117.52)

Conference registration- costs associated with registration fees for five annual lead conferences. Calculated for five lead conferences for the PD and PM (two conferences per year). Calculated at a unit cost of \$200 for a total of \$2,000.00.

Lodging- consists of overnight stay for six HUD conferences averaging four nights per conference for the PD and PM at \$226.09 a night. **(Admin: \$10,400.14, Match:)**

Airport shuttle- transportation from airport to hotel during required lead conferences. \$25 per trip for the PD and PM 12 round trips; \$300. **(Admin Cost: \$300, Match:)**

Lead Training and conference mileage- includes in-state travel mileage for LBPHC staff lead certification classes @ \$0.535/mile. Item also includes travel to airport and return for OLHCHH NGO. **\$3,207.33 (Other Direct Cost \$89.81; Match \$3,117.52)**

-Lead Unit Travel – **(Direct Cost)**

3c) Per Diem or Subsistence \$2,087.25 (Admin \$1,821.60, Match \$265.65)

HUD conferences- out of state per diem totals \$37.95 per day for the PD and PM for the NGO and

five additional conferences (three meals a day and a tip). \$1,821.60 **(Admin \$1,821.60)**

Licensing Training Per Diem - in-state per diem totals \$37.95 per day for seven days (three meals a day and a tip). Calculated for City staff for recertification trainings for Lead and assessor licensing. \$265.65 **(Match: \$265.65)**

4. Equipment (Total Amount)

Describe each line justification

X-Ray Fluorescence (XRF) analyzer: (Other Direct Cost:)

4. Supplies and Materials -Describe each line-item justification: (Total Amount)

General Office Supplies: File folders, note pads, pens, paperclips, etc. calculated conservatively at \$2,069.94. **(Admin \$2,069.94)**

5. Consultants (Total Amount)

6. Contracts and Subgrantees (Total Amount)

Must include:

Cost of Scope of Work Contract = Average unit cost times the # of units projected

Could include as applicable:

Subrecipients/ Partners:

(Head Start and Early Head Start) - Describe duties and roles to the grant. (Direct)

-Health Association: List roles to the grant (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

-Regional Health District: List roles to the grant (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

-Hospital Council: List the roles to the grant (Direct Cost \$2,700; Other Direct Cost: \$300 Admin Cost: \$1,000 Match: \$0.00)

-Lead Program Workers - (Direct Cost)

-Risk Assessments – (Direct Cost) If done by contractors describe how many x cost)

-Clearance Assessment- (Direct Cost) If done by contractors describe how many x cost)

9. Other Direct Costs (Total Amount)

Describe each line-item justification

- Example: Temporary relocation: (Provide details and amount) **(Direct: \$3,000)**

Example: Outreach/Marketing Materials: (Provide details and amount) **(Direct: \$70,000)**

Example: Conference registration- costs associated with registration fees for three annual healthy homes conferences for the PD and PM. Calculated at a unit cost of \$200. **(Match: \$1,200)**

Example: Staff training: (Provide details and amount) **(Direct: \$854)**

10. Indirect Costs (if applicable): Total Amount: Example: \$458,366

[Provide the following information.] Include rate, indirect cost base, and total amount. Indicate whether or not you have a current negotiated indirect cost rate agreement, the rate(s), the base amount to which the indirect cost rate is applied (indicating whether the modified total direct cost (MTDC) approach of 2 CFR 200 is being used (and, if so, how many subcontracts or subgrants have award amounts that exceed \$25,000 (as needed for determining the MTDC))), and the auditing agency with which you have the agreement. See Appendix F, Program Requirements and Prohibitions, for more detail on indirect costs.

Example: Base determined using modified total direct costs method of 2 CFR 200, and assuming that all contracts and subgrants will be no greater than \$25,000 apiece. 31% indirect cost rate on base of \$1,460,996. **(Admin: \$452,909)**

APPENDIX C: Program Manager

The Program Manager is expected to be the center of the program communication have experience in housing rehabilitation, lead hazard control, or other work related to the project and must be technically prepared and experienced to take on the oversight and administration of these funds with the applicant agency. The lack of qualification in this position has been identified as a high risk of program failure. The value of placing the right staff in this key position must be evident by the description in the letter of commitment and planning being taken by the applicant to ensure the position is or will be in place by you within 60 days of award. If there will be concurrent awards, a separate and dedicated program manager is expected to fill and serve each individual award through the performance period.

APPENDIX D: Program Definitions

- **Areas with the Highest Lead-Based Paint Abatement Needs** means jurisdictions with the highest lead-based paint abatement needs with at least 3,500 pre-1940 occupied rental housing units, based on American Community Survey 2013-2017 (i.e., the most recent) data; see Rating Factor 2 and Appendix A.
- **Capacity Building** means providing resources to build local capacity for work to address lead-based paint hazard control and other work addressing housing related health hazards. This could include delivery of HUD and/or EPA approved lead hazard control training courses and completion of other HUD-approved courses that further the effectiveness of lead hazard control interventions or promote the integration of this grant program with housing rehabilitation, property maintenance, weatherization, healthy homes initiatives, and housing-related health hazard interventions.
- **Community Health Workers (CHW)** are specialists who serve as a liaison, link and intermediary between health services and the community to facilitate access to services and improve the quality and cultural competence of service delivery. Examples of job titles considered to be Community Health Worker positions include but are not to Promotores(as) de Salud; Community Health Educators; Health Communicators; Outreach Workers; and Health Advocates.
- **Environmental Justice** is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or from the execution of federal, state, and local laws; regulations; and policies. Meaningful involvement requires effective access to decision makers for all, and the ability in all communities to make informed decisions and take positive actions to produce environmental justice for themselves.
- **Equipment Purchase** means the purchase of equipment such as an X-ray fluorescence (XRF) analyzer needed to execute lead hazard control interventions.
- **Inspections/Testing** means performing lead dust, soil/paint-chip testing, XRF testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities that are required and in direct support of interim control and lead hazard control work. Inspections and testing assess 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 the mentioned testing procedures.
- **Insurance** means securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities, if the scope of the insurance is restricted to work under this grant.

- **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. For a complete description of interim controls and abatement, see HUD's 2012 Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing ("HUD Guidelines"), located at [HUD Guidelines](#).
- **Occupant Blood Testing** means conducting pre-hazard control blood lead testing of persons residing in or frequently visiting units enrolled for or undergoing lead hazard control work.
- **Other Jurisdiction** means a jurisdiction with pre-1978 housing that has lead-based paint hazards.
- **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.
- **Support Costs Associated with Lead Hazard Control Activities** means activities that directly support the undertaking of lead hazard control, and without such support activities, the lead hazard control could not be conducted. These costs may include: staff costs for intake, review and approval of applications and preparation of documents to be signed by applicants for lead remediation work; staff costs for arranging for temporary relocation; staff costs associated with reimbursement and assisting residents in relation to lead hazard control; on-site monitoring of lead hazard control activities; and travel and transportation for staff that perform lead hazard control.
- **Target housing** means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities, or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing for the elderly, persons with disabilities, or 0-bedroom dwelling.) In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, the Secretary, at the Secretary's discretion, may designate an earlier date.
- **Worker Protection** means a standard for worker rights adopted by the Occupational Safety and Health Administration's (OSHA's) Lead Standard for the Construction Industry, title 29 Code of Federal Regulations 1926.62. This regulation covers lead, including metallic lead, all inorganic lead compounds, and organic lead soaps; therefore, the standard includes workers in the lead-based paint abatement industries. Additionally, lead-based paint abatement contractors must protect their workers in accordance with 29 CFR 1926.62. At a minimum, workers shall be provided with appropriate respiratory protection and disposable clothing. Other protections of section 1926.62 may also apply depending on the levels of lead exposure to the workers. Hygiene practices should also be used to prevent exposure and prevent take-home of lead dust.

APPENDIX E: Environmental Requirements

- a. Award of an FY 2022 Lead-Based Paint Hazard Reduction Grant does not constitute approval of specific sites or projects where activities that are subject to environmental review may be carried out. Recipients of funding under this NOFO that are states, units of general local government, Native American tribes, or consortiums with such a unit of government as the principal applicant, must carry out environmental review responsibilities as a responsible entity under 24 CFR part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.” For recipients that are not a state, unit of general local government, or Native American tribe (or consortium with such a government as principal applicant), HUD will perform the environmental review of proposed activities under 24 CFR part 50. Reasonable expenses incurred for compliance with these environmental requirements are eligible expenses under this NOFO.
- b. For all grants awarded under this NOFO, recipients and other participants in the project are prohibited from undertaking or committing or expending HUD or non-HUD funds on a project or activities under this NOFO (other than activities listed at 24 CFR 58.34, 58.35(b) or 58.22(f), e.g., lead-based paint inspections, risk assessments, and housing related health hazard assessments using the Healthy Homes Supplement Funds) until:
 - (1) The recipient completes a tiered environmental review (see 24 CFR 58.15 Tiering) using the HUD Environmental Review Online System (HEROS), including the submission, and HUD approval, of a Request for Release of Funds and the recipient's Environmental Certification (both on Form HUD 7015.15), through HEROS, following the completion of the Tier 1 broad-level review, and completion of a site-specific review at the particular site; or
 - (2) In the case where the recipient is not a state, unit of general local government or Native American tribe and HUD performs the review under Part 50, HUD has completed the review and notified the recipient of its approval.

The results of a Tier 2, site specific environmental review or a HUD review under part 50 may require that proposed activities be modified, or proposed sites rejected. For applicants that are not a state, unit of general local government, or Native American Tribe, in accordance with 24 CFR 50.3(h), the application constitutes an assurance that the applicant will comply with this prohibition until HUD approval of the property is received, and that the applicant will assist HUD in complying with part 50; will supply HUD with all available, relevant information necessary for HUD to perform for each property any required environmental review; and will carry out mitigation measures required by HUD or select an alternate eligible property.

- c. Recipients of a grant under this NOFO will be provided additional guidance in these environmental responsibilities. For technical assistance with environmental reviews during the period of performance of a grant under this NOFO, contact Karen Griego, the Office of Lead Hazard Control and Healthy Homes’ Program Environmental Clearance Officer at 505-346-6462 (this is not a toll-free number). If you are a hearing or speech impaired person, you may reach the telephone number above via TTY by calling the Federal Relay Service at 800-877-8339. For part 58 procedures see: <https://www.onecpd.info/environmental-review/>

- d. Grantees who will conduct lead hazard control work on eligible units located outside of the recipient's jurisdiction will be required to submit an executed contract, Memorandum of Understanding (MOU), Memorandum of Agreement (MOA) or comparable documentation of agreement with and between each jurisdiction of the target area. The grant recipient will be considered the lead agency; the other jurisdiction(s) will be required to provide resources, information, and documentation, including for environmental reviews under part 58, pertaining to work in the area of the particular jurisdiction. The contract, MOU, MOA, or comparable agreement is akin to a consortium agreement as described in the definition of consortium in the HOME regulations at 24 CFR 92.101.
- e. Grantees under this NOFO with current Tiered Environmental Reviews for a previous award will be offered the option to validate the Tier 1 and file the validation documentation in HEROS, per 24 CFR 58.47, or complete a new Tier 1 during the grant start-up period. A current Tiered Environmental Review is one that is dated not more than 5 years from the new award start date. Also, if substantial changes are not proposed in the new grant program, the grantee shall provide documentation as such in the current Tier 1, and no new Request for Release of Funds (RROF) and Environmental Certification (Form HUD 7015.15) to HUD is required until the original Tier 1 expires (5 years from the original dated Tier 1), substantial changes in the nature, magnitude, or extent of the project or program are proposed, or new circumstances and environmental conditions are presented, whichever comes first. Examples of substantial change include but are not limited to: adding or eliminating target areas; adding 20% or more additional units; changing the pool of eligible residential buildings (ex., adding multifamily buildings). Substantial changes require an update of the Tier 1 and a new RROF and Environmental Certification is required.

APPENDIX F: Targeting Disadvantaged Communities

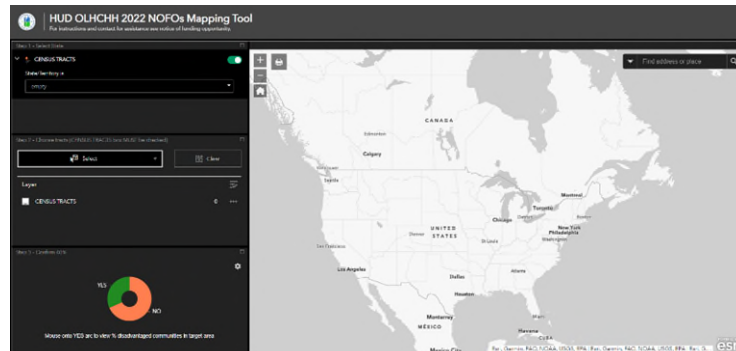
This appendix provides instructions for selecting your HUD OLHCHH 2022 grant's target area and determining what percentage of its census tracts are disadvantaged communities.

To select the census tracts that will make up your grant's target area, use the HUD OLHCHH 2022 Grants Target Area Mapping Tool. In drafting your application and using the tool, you will select a set of census tracts to be your target area. The tool will determine and show you what percentage of those tracts are disadvantaged communities, as have been designated by the Council on Environmental Quality.

The tool will allow you to revise your draft target area by adding tracts, removing tracts, and restoring removed tracts, until you are satisfied with your selected tracts' locations and the percentage of those tracts that are disadvantaged communities. You will receive a rating sub-factor score based on the percentage in your application (which HUD may verify during the review process) as shown in the notice of funding opportunity (NOFO) for which you are applying. The step-by-step procedures follow. (If you have a visual or motor disability and would like a reasonable accommodation for selecting your target area, contact the Lead Regulations hotline at Lead.Regulations@HUD.gov, 202-402-7698, or 711 TTY.)

- (1) Open the HUD OLHCHH 2022 Grants Target Area Mapping Tool at <https://hud.maps.arcgis.com/apps/webappviewer/index.html?id=4655926fe98946b2990c11f066a7096f>.

- (a) The tool will open with a view of part of North America (the map below is just an example).
- (b) The tool works most easily if the map is on the right and a panel with a black background on the left that has three panels (Step 1 – Choose State; Step 2 – Choose tracts, and Step 3 – Confirm Percentage).
- (c) If the black panel is on the left, go to item (2), below.



- (d) If the black panel is on the right:



adjust the Zoom setting of your browser's display to show the panel on the left:

- (i) For example, using the Chrome browser, In the upper right of the browser screen is a symbol of three dots arranged vertically (like a colon with an extra dot), and using the Edge browser, the symbol is three dots arranged horizontally.
 - (ii) Click the symbol and a menu will drop down. One of the menu items is Zoom. Decrease the zoom percentage (such as by clicking the minus sign to the left of the percentage). If the screen changes to have the black panel move to the left, go to item (2) below. If the black panel is still on the right, decrease the zoom percentage again. Repeat until the black panel moves to the left.
- (2) In the tool's left panel, in the upper block, "Step 1 – Select State," click the pull-down triangle in the right of the box and scroll down until you see the (or a) state you are interested in targeting and click the state's name. After a few seconds, your state's map will appear.
 - (a) Small areas – which are census tracts – will be shown within your state. (If your target area involves more than one state, you will repeat the target area selection process for each state and then combine your results.)
 - (b) The census tracts that are disadvantaged communities are colored green; those that are not disadvantaged communities are colored red.

- (c) You can zoom in or out (clicking the map's boxed plus and boxed minus signs at its top left), or move the geographic area examined (putting your mouse arrow in the map area holding the right mouse button and moving the mouse).
 - (i) Each census tract has a six-digit identifying number. If you don't see the number within the tracts, zoom in until you do see them. This will allow you to have more precise control over your selection of tracts, below.
- (3) In the tool's left panel, in the middle block, "Step 2 – Choose tracts (CENSUS TRACTS box below MUST be checked)," the "Layer" portion of the block has a box to the left of the label "CENSUS TRACTS." Determine if that box is checked. If it is not checked, click the box so that it has a check.
- (4) In the upper part of the Step 2 block, click the pull-down triangle in the right of the "Select" box and scroll down until you reach the selection method you want to use and click it. (Suggestion: Start with "Select by circle." If you don't like the results, even after editing your draft target area as shown below, you can click the "Clear" box and start over within your state.)
- (5) Move your mouse to roughly the center of the area you want to target, hold the left mouse key and slowly move your mouse away from the center point to create a circle that roughly encompasses the target area you want. (If you use another selection method, such as a rectangle, start at one point and move your mouse to create the selection shape you have chosen.) If you don't like the results, you can click the "Clear" box and start over within your state.
- (6) In the tool's left panel, in the bottom block, "Step 3 – Confirm 40%," the circle will adjust the green arc at the upper left – representing the percentage of tracts that are disadvantaged communities – to show the percentage in the area you have selected. Move your mouse arrow onto the YES arc to view the percentage disadvantaged communities in your draft target area. (The red NO arc shows the percentage of tracts that are not disadvantaged communities in your draft target area; it is 100% minus the YES percentage.) If you are satisfied with the percentage of disadvantaged communities, go to item (8) below to create a spreadsheet listing your selected tracts.
- (7) If you want to adjust your draft target area, such as to get a higher or lower percentage of disadvantaged communities, move your mouse onto the map and select additional tracts or remove tracts:
 - (a) To select an additional tract:
 - (i) In the Step 2 block, click the pull-down triangle in the right of the "Select" box and scroll down until you reach Select by point, and click that.
 - (ii) Move your mouse into the census tract you wish to add, press and hold Shift, and then click your mouse. After a few seconds, the tract's color will become lighter, indicating that it has been selected.
 - (iii) If you want to check the percentage of disadvantaged communities, follow the instructions in step 6 above.

- (iv) You may select another tract to add by moving your mouse to that tract, pressing and holding Shift (or continuing to hold Shift from before), and then clicking your mouse.
- (b) To remove a tract:
 - (ii) In the Step 2 block, click the pull-down triangle in the right of the “Select” box and scroll down until you reach Select by point, and click that. You need not make this selection again if you are already selecting by point.
 - (iii) Move your mouse into the census tract you wish to add, press and hold Ctrl (“Control”), and then click your mouse. After a few seconds, the tract’s color will become darker, indicating that it has been removed from your selection.
 - (iv) If you want to check the percentage of disadvantaged communities, follow the instructions in step 6 above.
 - (v) You may select another tract to remove by moving your mouse to that tract, pressing and holding Ctrl (or continuing to hold Ctrl from before), and then clicking your mouse.
- (8) When you are satisfied with the selection of tracts, to have the tool create the spreadsheet of census tracts you have selected:
 - (a) In the Step 2 block’s Layer area, at the far right is a set of three horizontal dots. Click the dots.
 - (b) Among the list of Section actions is “Export to CSV file,” clicking it will have the tool create the spreadsheet. (“CSV” means “comma separated values”; the spreadsheet uses the numbers and names associated with your selection of tracts to create the spreadsheet.)
 - (c) Clicking on “Export to CSV file” will have a file named “features (1).csv” (or a higher number in parentheses if you repeat the file creation process) appear in a box at the bottom left of the tool’s screen.
 - (d) In that box with the filename, click the up-arrow, and then click Open. The spreadsheet will open up. Save the file to whatever location you want (e.g., your computer, a shared drive, an online space), with whatever filename you want, being sure to save the file in an Excel format. (For example, in Excel 2016, click File | Save As | Excel Workbook | Save.)
- (10) Calculate the percentage of your disadvantaged communities tracts compared to the total number of tracts you selected. Whether a tract is a disadvantaged community is shown in the column headed “Identified as disadvantaged?”; you may want to widen the column to view the whole header. If the community is disadvantaged, that column in the tract’s row will be “YES”; if it is not disadvantaged, that column in the tract’s row will be “NO”.
- (11) There are several ways you can calculate the percentage of disadvantaged communities for entering into your application, for example:
 - (a) Manually count the number of YES values. Count the number of tracts; you can count this number manually or use the number of spreadsheet rows with information, minus one (for the header row). Divide the number of YES values by the number of tracts, multiply by 100, drop any figures after the decimal point (for example, 49.96 becomes 49) and add the percentage sign (“%”).

- (b) In recent versions of Excel, use the Data | Filter tool to select, in the “Identified as disadvantaged?” column with the YESes and NOs, just the YES rows. Excel will show the count of selected rows in the bottom left of the screen, along with the total number of tracts (for example, “8 of 18”). As above, divide the number of YES values by the number of tracts, multiply by 100, drop any figures after the decimal point (for example, 49.96 becomes 49) and add the percentage sign (“%”).
 - (c) In recent versions of Excel, use the Data | Sort tool to sort the “Identified as disadvantaged?” column; it will separate the rows of YESes and of NOs. Count the number of YESes and divide that number by the number of tracts, multiply by 100, drop any figures after the decimal point (for example, 49.96 becomes 49) and add the percentage sign (“%”).
 - (d) In recent versions of Excel, use the COUNTIF function to count the number of YESes. For example, in a cell to the right of the cells with information, copy or type the formula =COUNTIF(\$I:\$I,"YES") and then divide the number it returns by the number of tracts, multiply by 100, drop any figures after the decimal point (for example, 49.96 becomes 49) and add the percentage sign (“%”).
- (12) Save your Excel spreadsheet when you are finished calculating the percentage of disadvantaged communities. Include your spreadsheet as an attachment to your application to document the percentage you enter into your application and allow HUD to perform quality assurance checks on your selection and calculation.
- (13) In your application, enter the percentage of disadvantaged communities (“YES” tracts), and, if asked in the notice of funding opportunity, the number of disadvantaged communities and the total number of communities selected (tracts).

RESOLUTION NO. 2022-067

A RESOLUTION APPROVING THE SUBMISSION OF THE LEAD HAZARD REDUCTION GRANT PROPOSAL TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT BY THE COMMUNITY DEVELOPMENT DEPARTMENT TO PROVIDE FUNDING FOR LEAD-BASED PAINT REMEDIATION ACTIVITIES THROUGH THE HOUSING REHABILITATION/RECONSTRUCTION PROGRAM; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the purpose of the Lead-Based Paint Hazard Reduction (LHR) grant program is to maximize the number of children, under the age of six, protected from lead poisoning by assisting states, cities, counties/parishes, Native American Tribes or other units of local government in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned rental or owner-occupied housing populations; and

WHEREAS, there is Healthy Homes Supplemental funding available that is intended to enhance the lead based paint hazard control activities by comprehensively identifying and addressing other housing hazards that affect occupant health; and

WHEREAS, it is the recommendation of the Community Development Department that the City of Texas City apply for funds under HUD's Lead Hazard Reduction Grant to assist with the rehabilitation of low to moderate-income owner-occupied single family homes built prior to 1978 in Texas City through the Housing Rehabilitation/Reconstruction Program.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby approves submission of the Lead Hazard Reduction Grant proposal to the U.S. Department of Housing and Urban Development by the Community Development Department to provide funding for lead-based paint remediation activities through the Housing Rehabilitation/Reconstruction Program.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG**(9) (c)****Meeting Date:** 08/03/2022

Reject All Bids for Bid # 2022-023 Right-Of-Way Tree Trimming Annual Contract

Submitted For: Mike McKinley, Public Works**Submitted By:** Mike McKinley, Public Works**Department:** Public Works

Information**ACTION REQUEST**

Approve the rejection of all bids for Bid # 2022-023 Right - Of - Way Tree Trimming Annual Contract and rebid at a later date.

BACKGROUND (Brief Summary)

A "Notice To Bidders" was published on June 21st & 28th, 2022. Bid packets were sent to local area vendors and the bid was opened on July 14, 2022, at 2:00 PM. One bid was received from Eric Putnam, BCMA. The hourly rate listed for a three (3) person crew with no lift truck was roughly four (4) times the rate charged by the previous vendor (Trees, LLC.) with a lift truck.

A bid tabulation is attached for your review along with the last invoice from the previous vendor.

RECOMMENDATION

It is the recommendation of the Public Works Department to reject all bid received and to rebid at a later date with revised bid documents.

Fiscal Impact**Attachments**

Resolution

Exhibit A

Exhibit B

RESOLUTION NO. 2022-068

A RESOLUTION APPROVING THE REJECTION OF ALL BIDS SUMMITTED FOR BID NO. 2022-023 RIGHT-OF-WAY TREE TRIMMING ANNUAL CONTRACT AND AUTHORIZING THE OPTION TO REBID AT A LATER DATE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, bid packets were made available to local area vendors on June 21, 2022; and

WHEREAS, bid packets were opened on July 14, 2022, at 2:00 p.m.; and

WHEREAS, it is the recommendation of the Texas City Public Works Department that all bids submitted for Bid No. 2022-023 Right - Of - Way Tree Trimming Annual Contract be rejected rebid at a later date with revised bid documents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby rejects all bids submitted for Bid No. 2022-023 Right - Of - Way Tree Trimming Annual Contract.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

Invoice

TREES, LLC
708 BLAIR MILL ROAD
WILLOW GROVE, PA 19090

| | | |
|-------------|-----------------|----------------|
| Week Ending | Invoice Date | Invoice Number |
| 07/17/2021 | 07/23/2021 | 67V92621 |
| Customer #: | Contract # | P.O. # |
| 068210 | Z017524 | 22103747 |
| Crew #: | GUTIERREZ,PABLO | |
| Ref #: | 11563667 | |

REMIT TO: P.O. BOX 827464
Philadelphia, PA 19182-7464

BC: 31 DIV: TREES LLC-TREE TRIMMING
Component #: 4880010 Project # 13723

BILL TO: TEXAS CITY, CITY OF
ACCOUNTS PAYABLE
1801 9TH AVE N
TEXAS CITY, TX 77590-0000

Req #: 11604190-2267

Tracking:

Location: Control: 61342828

| Description | Quantity | Unit | Unit Price | Total |
|----------------------------------|----------|------|------------|----------|
| 1 3-PERSON LIFT CREW W/O CHIPPER | 10.000 | HR | \$86.60 | \$866.60 |
| TOTAL LABOR | 10.000 | HR | | \$866.60 |

SUBTOTAL

\$866.60

INVOICE COMMENT:

MON - WORKING IN TEXASCITY ROAD WAYS & STREET WAYS ...

Please call Patrick Haughney at 888-604-9322 with any billing questions.

EOE-AA: M/F/V/D

Process Date: 7/19/2021 6:00:46PM

Invoice Total

\$866.60

BID TABULATION

2022-023 Right-Of-Way Vegetation Management Annual Contract

Bid Opening: Thursday, July 14, 2022 at 2 p.m.

| <u>BIDDER</u> | <u>Crew Type 1</u> <u>Straight Time</u> Ot | <u>Crew Type 2</u> <u>Straight Time</u> OT | <u>Crew Type 3</u> <u>Straight Time</u> OT |
|------------------------------|---|--|---|
| Eric Putnam, BCMA | No Bid _____ No Bid | (no lift truck) \$350.00/hr \$525.00/hr | No bid _____ No bid |
| | _____ | _____ | _____ |
| | _____ | _____ | _____ |
| | _____ | _____ | _____ |

Crew Type:

- 1) 3 – Person lift crew WO/ Chipper
- 2) 3 – Person lift crew W/ Chipper
- 3) 2 – Person manual chip crew

CITY COMMISSION REGULAR MTG

(9) (d)

Meeting Date: 08/03/2022

Consent to Annexation into MUD - Benson Trails S/D

Submitted For: Kim Golden, Transportation and Planning

Submitted By: Veronica Carreon, Transportation and Planning

Department: Transportation and Planning

Information

ACTION REQUEST

A RESOLUTION OF CONSENT TO THE ANNEXATION OF CERTAIN LAND COMPRISING THE BENSON TRAILS SUBDIVISION INTO GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 66 UPON CERTAIN CONDITIONS.

BACKGROUND (Brief Summary)

The Galveston County Municipal District No. 66 (MUD 66) and Beazer Homes Texas, LP have jointly petitioned the City of Texas City, TX for consent to the annexation of certain land comprising the Benson Trails Subdivision into MUD 66, and

Beazer Homes Texas, LP is the developer of the Benson Trails Subdivision pursuant to that certain Development Agreement dated June 15, 2022, for which subdivision the City Commission did preliminarily approve a zoning change to District I – Planned Unit Development and Masterplan on same date; and

The Planning Board of the City of Texas City did approve at its regular meeting on July 18, 2022 a preliminary plat and one-line drawings for Section 1 of the Benson Trails Subdivision in accordance with the Master Plan approved at the City Commission meeting on June 15, 2022.

RECOMMENDATION

Engineering & Planning staff have reviewed the application and offer no objection to the consent to annexation subject to certain recommended conditions upon the time for construction of improvements, which conditions are acceptable to the MUD and to the City Commission.

Fiscal Impact

Attachments

Resolution

Exhibit to Petition for Annexation into MUD 66 - Survey

Petition for annexation into MUD 66 - Benson Trails (formerly known as Moses Lake Tract)

RESOLUTION NO. 2022-069

A RESOLUTION OF CONSENT TO THE ANNEXATION OF CERTAIN LAND COMPRISING THE BENSON TRAILS SUBDIVISION INTO GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 66 UPON CERTAIN CONDITIONS AND FURTHER PROVIDING THEREWITH.

WHEREAS, the Galveston County Municipal District No. 66 (MUD 66) and Beazer Homes Texas, LP have jointly petitioned the City of Texas City, TX for consent to the annexation of certain land comprising the Benson Trails Subdivision into MUD 6, and

WHEREAS, Beazer Homes Texas, LP is the developer of the Benson Trails Subdivision pursuant to that certain Development Agreement dated June 15, 2022, for which subdivision the City Commission did preliminarily approve a zoning change to District I – Planned Unit Development and Masterplan on same date; and

WHEREAS, the Planning Board of the City of Texas City did approve at its regular meeting on July 18, 2022 a preliminary plat and one-line drawings for Section 1 of the Benson Trails Subdivision in accordance with the Master Plan approved at the City Commission meeting on June 15, 2022; and

WHEREAS, staff have reviewed the application and offer no objection to the consent to annexation subject to certain recommended conditions upon the time for construction of improvements, which conditions are acceptable to the MUD and to the City Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

Section 1. That the Petition for Consent to Annexation of Certain Land into the Galveston County Municipal Utility District No. 66 filed jointly by said MUD and Beazer Homes Texas, LP, together with all exhibits thereto is hereby incorporated herein by reference.

Section 2. That the City Commission of the City of Texas City, Texas, hereby consents to the annexation of certain land comprising the Brookwater Subdivision into the Galveston County Municipal District No. 66 upon conditions stated in Exhibit B of the Petition and upon the further condition that the construction of infrastructure commence within twenty-four (24) months from the date of this resolution and be completed within thirty-six (36) months from the date of this resolution, unless such times are extended in writing signed by the Mayor upon recommendation from the City Engineer and Director of Transportation and Planning.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

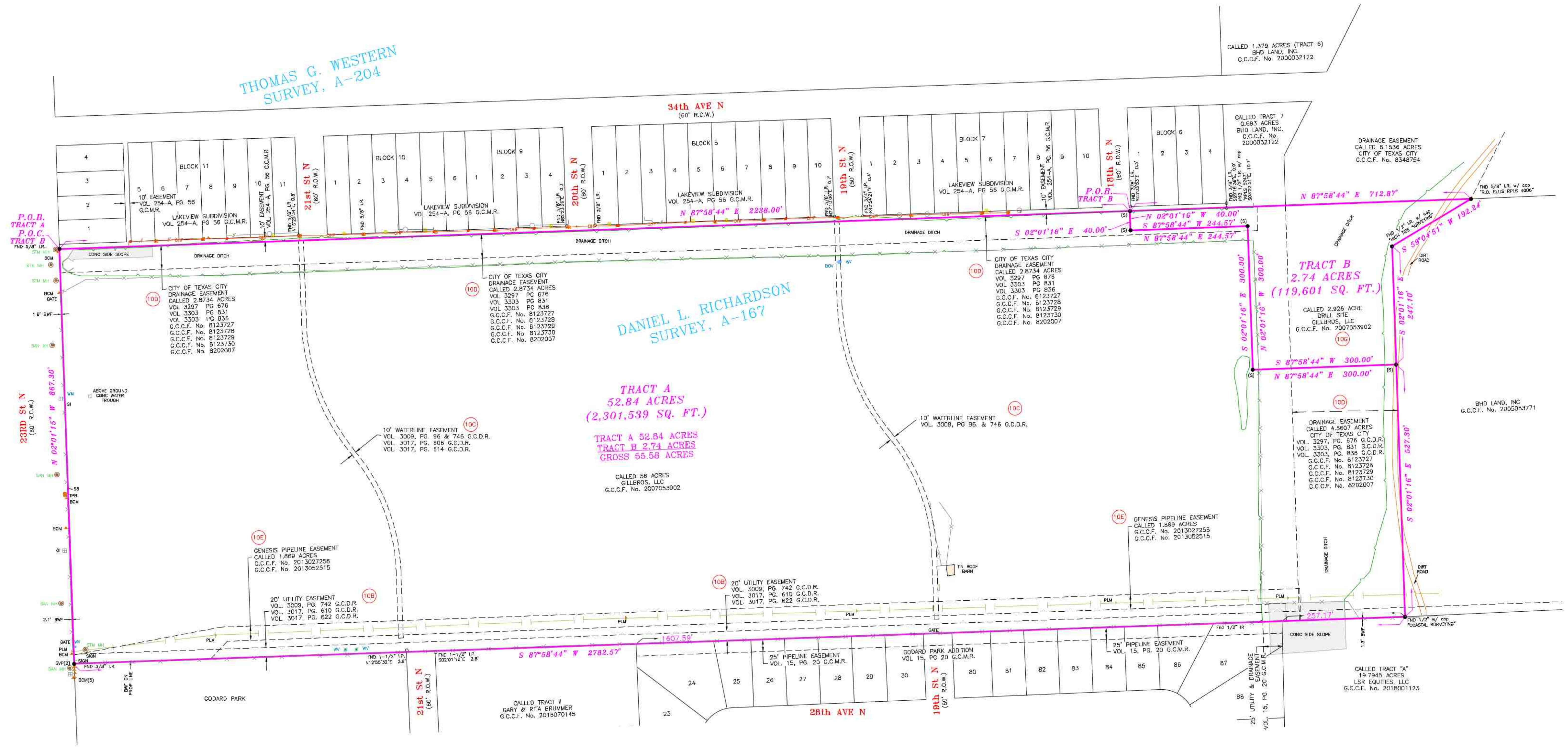
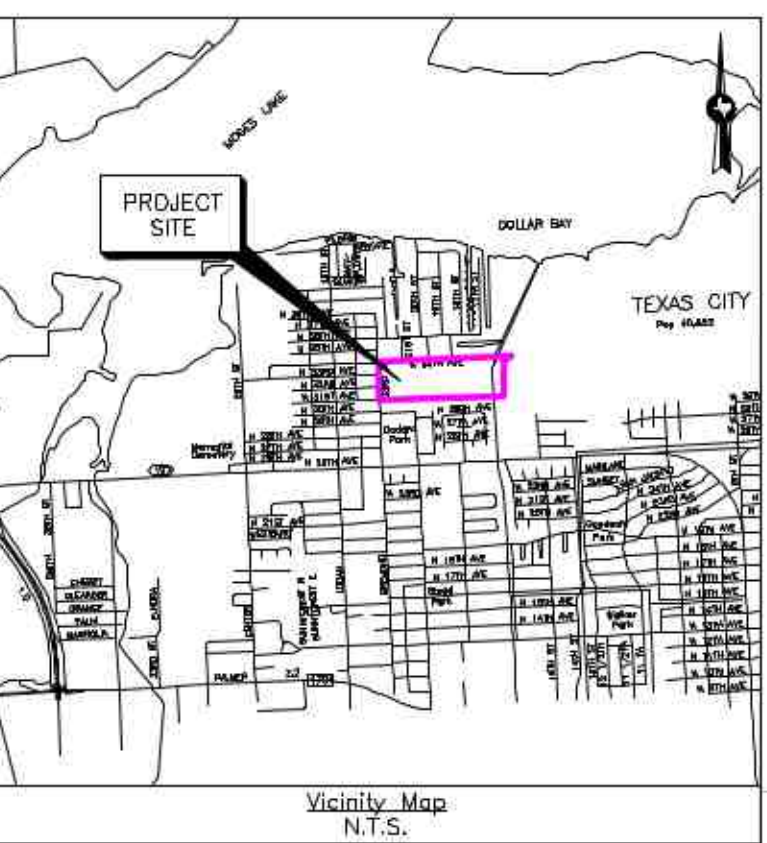
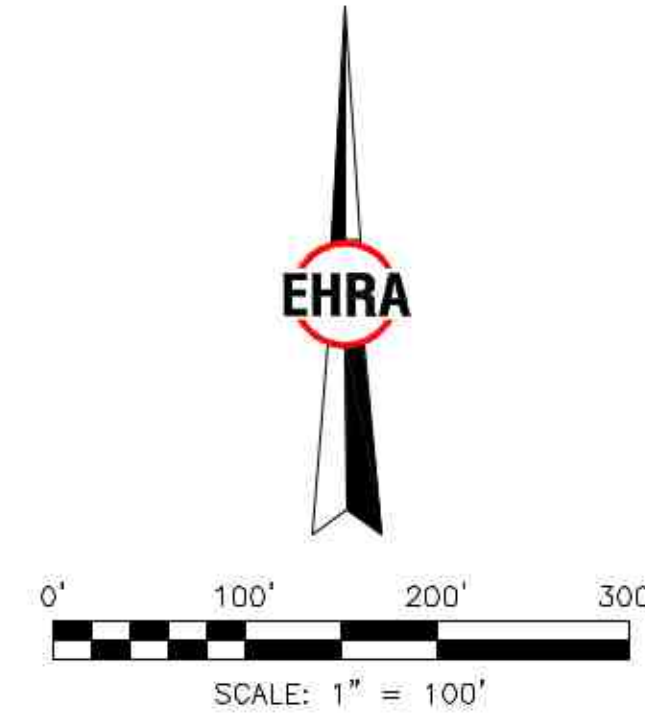
Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

LEGEND

BCM Buried Cable Marker
BOW Blow Off Valve
DC Down Guy
FH Fire Hydrant
FND Found
G.C.C.F. No. Galveston County Clerk's File Number
G.C.D.R. Galveston County Deed Records
G.C.M.R. Galveston County Map Records
GI Grate Inlet
GM Gas Meter
GVP Gas Vent Pipe
I.P. Iron Pipe
I.R. Iron Rod
L.R. Pipeline Marker
P.P. Power Pole
R.O.W. Right-Of-Way
SAN MH Sanitary Manhole
STM MH Storm Manhole
TPB Telephone Pull Box
TPD Telephone Pedestal
V.P. Volume, Page
WM Water Meter
WV Water Valve
(S) Set 5/8" Iron Rod with cap stamped "E.H.R.A. 713-784-4500"

Barb-Wire (BW) Fence
Chain-Link Fence
Wood Fence
Ditch Top of Bank
Overhead Power



GENERAL NOTES:

- This survey was performed in connection with the commitment for title insurance issued by Stewart Title Guaranty Company, under File No. 2116704081 with an effective date of February 13, 2022 and an issue date of March 02, 2022. No other research was performed by Edminster, Hinshaw, Russ and Associates, Inc.
- All bearings are Lambert grid bearings and all coordinates refer to the Texas State Plane Coordinate System, South Central Zone (#4204), as defined by article 21.071 of the Natural Resources Code of the State of Texas, 1983 Datum (2001 adjustment). All distances are actual distances. Scale factor = 0.9998618846.
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Galveston County, Texas Map No. 48187020505G, dated August 15, 2018, the subject property appears to be within Unshaded Zone "X"; defined as areas outside the 2% annual chance flood plain. This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ and Associates, Inc.
- This tract is subject to the restrictive covenants as recorded in G.C.C.F. No. 2007053902.
- This survey does not determine the location of wetlands, fault lines, toxic waste or any other environmental issues.
- Edminster, Hinshaw, Russ and Associates, Inc. has not been provided with construction plans showing the location of underground utilities. Underground utilities may exist which are not shown hereon.
- Readily visible above ground improvements/utilities were located with this survey. No subsurface probing, excavation or exploration was performed by Edminster, Hinshaw, Russ and Associates, Inc.
- This survey does not address any oil, gas or mineral interest.

TITLE COMMITMENT NOTE:

Only those easements and that information listed in Stewart Title Guaranty Company, countersigned by Stewart Title Company under File No. 2116704081 with an effective date of February 13, 2022 and an issue date of March 02, 2022 and related below were considered for this survey. No other research was performed by Edminster, Hinshaw, Russ and Associates, Inc.

10B) Easement as granted to the City of Texas City by instruments filed for record under Volume 3009, Page 742; Volume 3017, Page 610; and Volume 3017, Page 622 of the Deed Records of Galveston County, Texas. - **SUBJECT TO** (as shown)

10C) Easement as granted to the City of Texas City by instruments filed for record under Volume 3009, Page 742; Volume 3009, Page 746; Volume 3017, Page 606 and Volume 3017, Page 614 of the Deed Records of Galveston County, Texas. - **SUBJECT TO** (as shown)

10D) Easement as granted to the City of Texas City by instruments filed for record under Volume 3297, Page 676; Volume 3303, Page 831 and Volume 3303, Page 836 of the Deed Records of Galveston County, Texas and under Galveston County Clerk's File No.'s 8123727, 8123728, 8123729, 8123730 and 8202007. - **SUBJECT TO** (as shown)

10E) Easement and Right-Of-Way Agreement as granted to Genesis Pipeline Texas, L.P., filed for record under Galveston County Clerk's File No.'s 2013027258 and 2013052515. - **SUBJECT TO** (as shown)

10F) Terms, conditions and provisions of that certain unrecorded agricultural lease dated May 10, 2001 as evidenced by the Special Warranty Deed recorded under Galveston County Clerk's File No. 2007053902. - **SUBJECT TO** (not shown)

10G) Terms, conditions and stipulations pertaining to Drill Site and Access Easement as set forth and described by that certain Special Warranty Deed filed for record under Galveston County Clerk's File No. 2007053902. - **NOT SUBJECT TO** (as shown)

We, Edminster, Hinshaw, Russ and Associates, Inc. acting by and through A. Munroe Kelsay, a Texas Registered Professional Land Surveyor, hereby certify that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category IA, Condition II Survey, and that there are no visible discrepancies, conflicts or encroachments except as shown hereon.

A. Munroe Kelsay
A. Munroe Kelsay
Registered Professional Land Surveyor
Texas Registration No. 5580



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINFORM.COM
TBPE No. F-726
TBPLS No. 10092300

LAND TITLE SURVEY OF
55.58 ACRES IN THE
DANIEL RICHARDSON SURVEY,
ABSTRACT NO. 167,
GALVESTON COUNTY, TEXAS

DATE: 03/02/2020 SCALE: 1" = 100' JOB NO.: 171-048-00
DWG NAME: 171-048-00 LT5.dwg



6300 WEST LOOP SOUTH, SUITE 415
BELLAIRE, TEXAS 77401

TERRIE L. SECHRIST, P.C.
Telephone: (713) 395-4200, ext. 102
Telefax: (713) 395-4201
tsechrist@s-dlawfirm.com

LAW OFFICE OF SARAH A. DUCKERS, P.C.
Telephone: (713) 395-4200, ext. 101
Telefax: (713) 395-4201
sduckers@aol.com

March 11, 2022

VIA EMAIL: rleigh@texascitytx.gov
AND FEDEX

Ms. Rhomari Leigh
City Secretary, City of Texas City
1801 9th Avenue North
Texas City, Texas 77592

Re: Galveston County Municipal Utility District No. 66 (the "District") – Request for Consent to the Annexation of 55.58 Acres owned by Gillbros, L.L.C. (the "Property")

Dear Ms. Leigh:

In connection with the proposed annexation of the captioned Property, enclosed please find the following documents for consideration and approval by the City of Texas City, Texas, at its next City Council meeting:

1. An original and ten (10) copies of the Petition for Consent to Include Additional Land in the captioned District; and
2. Ten copies of an engineering map of the area to be annexed.

Should you have any questions or you need additional information for the City Council to consent to the requested annexation., please do not hesitate to contact the undersigned at (713) 395-4204.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Terrie L. Sechrist', is written over a horizontal line.

Terrie L. Sechrist

Ms. Rhomari Leigh
City Secretary, City of Texas City
March 11, 2022
Page 2

S:\SECHRIST\GalMUD66\2022Annexation\Corr/TexCityLtr.doc
Enclosures

cc: **VIA EMAIL: mike@whitebolin.com**
Mr. Mike Bolin (w/out encl.)
White & Bolin Construction, Inc.

VIA EMAIL: sean@sh-engineers.com
Mr. Sean A. Humble, P.E.
Sherrington-Humble, LLC

PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND IN
GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 66

THE STATE OF TEXAS §
 §
COUNTY OF GALVESTON§

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEXAS CITY,
TEXAS:

GILLBROS, L.L.C., being the holder of title to the land hereinafter described ("Landowner"), and GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 66 (the "District") (Landowner and the District are hereinafter collectively referred to at times as "Petitioner"), acting pursuant to the provisions of Section 54.016, Texas Water Code, respectfully petition the City of Texas City, Texas (the "City"), for consent to include additional land in a municipal utility district. In support of this petition, Petitioner shows as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapters 49 and 54, Texas Water Code, as amended and was created by order of the Texas Commission on Environmental Quality dated September 6, 2006. Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Galveston County, Texas. Landowner represents and warrants that there is no holder of liens against the land sought to be annexed other than those listed on Exhibit "B" attached hereto and incorporated herein for all purposes.

II.

The land sought to be added to the District contains approximately 55.58 acres of land, more or less, and lies wholly within Galveston County, Texas (the "County"). Under the provisions of Vernon's Texas Civil Statutes, Local Government Code, Section 42.001 et seq., as amended, said area is within the corporate limits of the City and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The land sought to be added to the area of the District is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

IV.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements,

works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal, domestic and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area.

V.

There is a necessity for the improvements above described for the following reasons. The area of the District is urban in nature, is within the growing environs of the City, and is in close proximity to populous and developed sections of the County. The land sought to be added to the District is not supplied with adequate water, sanitary sewer and drainage facilities and services, nor is it presently economically feasible for such facilities to be provided to said land. The health and welfare of the present and future inhabitants of the District, the land sought to be added to the District and of territories adjacent thereto require the installation and acquisition of an adequate water supply and sewage disposal system and an adequate drainage system for and within the land sought to be added to the District. A public necessity exists for the addition of the aforesaid lands to the District in order to provide for the purchase, construction, extension, improvement, maintenance and operation of such waterworks and sanitary sewer system and such drainage facilities, so as to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VI.

Petitioner agrees and covenants to abide by the conditions set forth in Exhibit "C", attached hereto and made a part hereof for all purposes, until such time as said conditions may be changed by City ordinance or resolution, either specific or general.

VII.

It is estimated by the Petitioner, from such information as is available at this time, that the assessed valuation of the proposed area to be annexed will be approximately \$38,650,000 at full development.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City give its consent to the annexation of the aforesaid land in said District.

Dated this the 22nd day of February, 2022.

GALVESTON COUNTY MUNICIPAL
UTILITY DISTRICT NO. 66

By: [Signature]
Name: Jeffrey M. Cravey
Title: President, Board of Directors

"Petitioner"

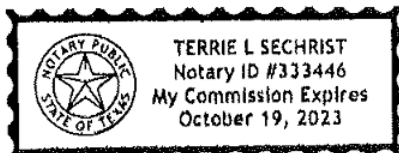
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 18th day of February, 2022, by Jeffrey M. Cravey, President of the Board of Directors of Galveston County Municipal Utility District No. 66, a political subdivision of the State of Texas, on behalf of said entity.

[Signature]

Notary Public in and for the
the State of TEXAS

(NOTARY SEAL)



GILLBROS, L.L.C., a Texas limited liability company

By

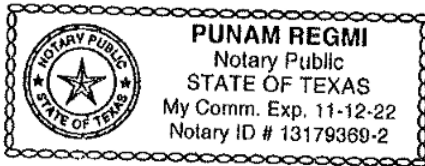
Name: Stephen A. Gill

Title: Member

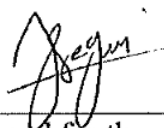
"Petitioner"

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on this th 24 day of February, 2022, by Stephen A. Gill, a Member of Gillbros, L.L.C., a Texas limited liability company, on behalf of said entity.



(NOTARY SEAL)



Notary Public in and for the
the State of TEXAS

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION OF THE ANNEXATION TRACT



TBPE No. F-726
TBPLS No. 10092300

TRACT 'A' ***52.84 ACRES***

FIELD NOTES of a 52.84 acre tract of land situated in Daniel L. Richardson Survey, Abstract No. 167, Galveston County, Texas; said 52.84 acre tract being out of and a part of a called 56 acre tract described in deed to Gillbros, LLC and recorded in Galveston County Clerk's File Number (G.C.C.F.) 2007053902; said 52.84 acre tract being more particularly described by metes and bounds as follows:

NOTE: All bearings are Lambert grid bearings and all coordinates refer to the Texas State Plane Coordinate System, South Central Zone (#4202), as defined by article 21.071 of the Natural Resources Code of the State of Texas, 1983 Datum (2001 adjustment). All distance are actual distances. Scale factor = 0.99986818846. Reference is made to a land title survey drawing of even date accompanying this description.

BEGINNING at a 5/8 inch iron rod found for the Northwest corner of the herein described tract, the Northwest corner of said called 56 acre tract, the Southwest corner of Lakeview Subdivision as recorded in Volume 254-A, Page 56 of the Galveston County Map Records, also being the East right-of-way line of 23rd Street North (60 feet wide).

THENCE N 87°58'44" E, with the North line of said called 56 acre tract and the South line of said Lakeview Subdivision a distance of 2238.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the Northeast corner of the herein described tract and the Northwest corner of a called 2.926 acre drill site as recorded at G.C.C.F. No. 2007053902;

THENCE S 02°01'16" E with the East line of this tract of land and the West line of said 2.926 acre drill site a distance of 40.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for an angle point of this tract of land;

THENCE N 87°58'44" E with the East line of this tract of land and the West line of said 2.926 acre drill site a distance of 244.57 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for an angle point of this tract of land;

THENCE S 02°01'16" E with the East line of this tract of land and the West line of said 2.926 acre drill site a distance of 300.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for an angle point of this tract of land;

THENCE N 87°58'44" E with the East line of this tract of land and the South line of said 2.926 acre drill site a distance of 300.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the most Easterly Northeast corner of this tract of land; said point being in the East line of said 56 acre tract of land and the West line of a tract of land described in deed to BHD Land, Inc. and recorded in G.C.C.F. No. 2005053771;



TBPE No. F-726
TBPLS No. 10092300

THENCE S 02°01'16" E with the East line of this tract of land and the West line of said BHD Land tract a distance of 527.30 feet to a 1/2 inch iron rod with cap stamped "Coastal Surveying" found for the Southeast corner of the herein described tract and said called 56 acre tract and the Southwest corner of said BHD Land tract, also being in the North line of a called 19.7945 acre tract as described in deed to LSR Equities, LLC and recorded in G.C.C.F. No. 2018001123;

THENCE S 87°58'44" W with the South line of this tract of land and said called 56 acre tract, at a distance of 257.17 feet passing the Northeast corner of Godard Park Addition, a subdivision of record in Volume 15, Page 20 of the Galveston County Map Records, at a distance of 1607.59 feet pass the Northwest corner of said Godard Park Addition, continuing a total distance of 2782.57 feet to a 3/8 inch iron rod found for the Southwest corner of the herein described tract and said called 56 acre tract and being in the East right-of-way line of the aforementioned 23rd Street N;

THENCE N 02°01'15" W, with the West line of this tract of land, the West line of said 56 acre tract of land and the East right-of-way line of said 23rd Street N a distance of 867.30 feet to the **PLACE OF BEGINNING**; containing within said boundaries a calculated area of 52.84 acres (2,301,539 square feet) of land.

EDMINSTER, HINSHAW, RUSS & ASSOCIATES, INC. d/b/a/ EHRA

A handwritten signature in black ink, appearing to read "A. Munroe Kelsay".

A. Munroe Kelsay
Texas Registration No. 5580
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: 02/22/2022
Job No: 171-048-02
File No: R:\2017\171-048-02\Docs\Description\Boundary\17104800-MB Tract A (52.84 acres).docx



TBPE No. F-726
TBPLS No. 10092300

TRACT 'B' ***2.74 ACRES***

FIELD NOTES of a 2.74 acre tract of land situated in Daniel L. Richardson Survey, Abstract No. 167, Galveston County, Texas; said 2.74 acre tract being out of and a part of a called 56 acre tract described in deed to Gillbros, LLC and recorded in Galveston County Clerk's File Number (G.C.C.F. No.) 2007053902 and also being out of a called 2.926 acre drill site also recorded at G.C.C.F. No. 2007053902; said 2.74 acre tract being more particularly described by metes and bounds as follows:

NOTE: All bearings are Lambert grid bearings and all coordinates refer to the Texas State Plane Coordinate System, South Central Zone (#4202), as defined by article 21.071 of the Natural Resources Code of the State of Texas, 1983 Datum (2001 adjustment). All distance are actual distances. Scale factor = 0.99986818846. Reference is made to a land title survey drawing of even date accompanying this description.

COMMENCING at a 5/8 inch iron rod found for the Northwest corner of said called 56 acre tract, the Southwest corner of Lakeview Subdivision as recorded in Volume 254-A, Page 56 of the Galveston County Map Records, also being the East right-of-way line of 23rd Street North (60 feet wide).

THENCE N 87°58'44" E with the North line of said called 56 acre tract and the South line of said Lakeview Subdivision a distance of 2238.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the Northwest corner of this tract of land and the Northwest corner of said called 2.926 acre drill site and also being the **PLACE OF BEGINNING**;

THENCE N 87°58'44" E with the North line of this tract of land, the North line of said 2.926 acre drill site and the North line of said called 56 acre tract a distance of 712.87 feet to a 5/8 inch iron rod with cap stamped "R.O. Ellis RPLS 4006" found for the Northeast corner of this tract of land, the Northeast corner of said 2.926 acre drill site, the Northeast corner of said called 56 acre tract, also being the Northwest corner of a tract of land described in deed to BHD Land, Inc. and recorded in G.C.C.F. No. 2005053771;

THENCE S 59°04'51" W with the East line of this tract of land, the East line of said 2.926 acre drill site, the East line of said called 56 acre tract and the West line of said BHD Land tract, a distance of 192.24 feet to a 1/2 inch iron rod with cap stamped "High Tide Surveying" found for an angle point in the East line of this tract of land;

THENCE S 02°01'16" E with the East line of this tract of land, the East line of said 2.926 acre drill site, the East line of said called 56 acre tract and the West line of said BHD Land tract, a distance of 247.10 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the Southeast corner of this tract of land;



TBPE No. F-726
TBPLS No. 10092300

THENCE S 87°58'44" W with the South line of this tract of land and the South line of said 2.926 acre drill site a distance of 300.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for the Southwest corner of this tract of land and the Southwest corner of said 2.926 acre drill site;

THENCE N 02°01'16" W with the West line of this tract of land and the West line of said 2.926 acre drill site a distance of 300.00 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for an angle point of this tract of land;

THENCE S 87°58'44" W with the West line of this tract of land and the West line of said 2.926 acre drill site a distance of 244.57 feet to a set 5/8" iron rod with cap stamped "E.H.R.A. 713-784-4500" for an angle point of this tract of land;

THENCE N 02°01'16" W with the West line of this tract of land and the West line of said 2.926 acre drill site a distance of 40.00 feet to **PLACE OF BEGINNING**; containing within said boundaries a calculated area of 2.74 acres (119,601 square feet) of land.

EDMINSTER, HINSHAW, RUSS & ASSOCIATES, INC. d/b/a/ EHRA

A handwritten signature in black ink, appearing to read "A. Munroe Kelsay", written over a horizontal line.

A. Munroe Kelsay
Texas Registration No. 5580
10011 Meadowglen Lane
Houston, Texas 77042
713-784-4500



Date: 02/22/2022
Job No: 171-048-02
File No: R:\2017\171-048-02\Docs\Description\Boundary\17104800-MB Tract B (2.74 acres).docx

EXHIBIT "B"

LIENHOLDERS

None.

EXHIBIT “C”

CITY CONSENT CONDITIONS

(a) Bonds will be issued by the District only for the purpose of purchasing and constructing, or purchasing or constructing under contract with the City of Texas City, Texas, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, fire-fighting facilities, parks and recreational facilities or parts of such systems or facilities, and to make any and all necessary purchases, construction, improvements, extensions, additions, and repairs thereto; and to purchase or acquire all necessary land, right-of-way easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. Such bonds will expressly provide that the District reserves the right to redeem the bonds on any interest-payment date subsequent to the fifteenth (15th) anniversary of the date of issuance without premium and will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given. The resolution authorizing the issuance of the District's bonds will contain a provision that any pledge of the revenues from the operation of the District's water and sewer and/or drainage system to the payment of the District's bonds will terminate when and if the City of Texas City, Texas, dissolves the District, takes over the assets of the District and assumes all of the obligations of the District. No land will be added or annexed to the District until the City of Texas City, Texas, has given its written consent by resolution of the City Commission to such addition or annexation.

(b) Any refunding bonds of the District must provide for a minimum of three percent present value savings and no maturity of the refunding bonds may extend beyond the latest maturity of the refunded bonds, unless approved by the City in writing prior to the sale thereof.

(c) Before the commencement of any construction within the District, the District, its directors, officers, or the developers and landowners will submit to the Director of Public Works and the City Engineer of the City of Texas City, Texas, or to his/her designated representative, all plans and specifications for the construction of public facilities including, but not limited to, water, sanitary sewer, and drainage facilities to serve the District and obtain the approval of such plans and specifications. All such facilities installed or used within the District or offsite, will conform exactly to the standards and specifications of the City of Texas City, Texas. The construction of the District's water, sanitary sewer, and drainage facilities shall be in accordance with

the approved plans and specifications, and with applicable standards and specifications of the City of Texas City, Texas. Prior to the construction of such facilities within the District, the District or its engineer will give written notice by registered or certified mail to the Director of Public Works and the City Engineer, stating the date that such construction will be commenced. During the progress of the construction and installation of such facilities, the District Engineer of record shall periodically monitor and observe the construction of facilities and submit to the City a certification that all facilities have been installed to City and State plans and specifications. The City of Texas City shall provide full time construction observation and the cost of such construction observation shall be paid by the developer.

(d) The District will not exercise its power of eminent domain until the City of Texas City, Texas, has given its written consent by resolution of the City Commission.

CITY COMMISSION REGULAR MTG

(9) (e)

Meeting Date: 08/03/2022

Rescue Tools

Submitted For: David Zacherl, Fire Department

Submitted By: David Zacherl, Fire Department

Department: Fire Department

Information

ACTION REQUEST

Authorize the purchase of Hurst Rescue Tools from Municipal Equipment Services through HGACBuy Program in the amount of \$60,383.82. Equipment is intended for use on the new Engine 33 and Engine 44 currently in production.

BACKGROUND (Brief Summary)

Proposed equipment purchase is part of the loose equipment package for the two new fire apparatus. Loose equipment is purchased separately to ensure we are receiving the lowest price possible. These rescue tools are commonly referred to as the "Jaws of Life" and are used to gain entry into vehicles involved in traffic accidents that are severely damaged with entrapment of occupants. Funds are available in the FY21/22 Budget and a budget amendment is not required.

All contracts available to members of the HGAC Buy Program have been awarded by virtue of a public competitive procurement process compliant with state statutes.

RECOMMENDATION

All fire apparatus are equipped with Hurst tools for use in extrication of victims. Most often this entrapment occurs as a result of vehicle collision but may also occur with personnel working on or near heavy equipment or machinery. As an industrial based community, there are numerous operations occurring daily that involve the use of heavy equipment and machinery weighing several thousands of pounds or tons. These are often life-threatening injuries and with rescue tools on each apparatus extrication operations may begin immediately upon fire department arrival without the need to wait on other responding apparatus or the necessity to call for additional apparatus. The Fire Chief recommends approval of this purchase.

Fiscal Impact

Funds Available Y/N: Yes

Amount Requested: \$60,383.82

Source of Funds: FY21/22 Budget

Account #: 602-202-5-5020

Fiscal Impact:

Funds for the purchase were approved in the current budget and a budget amendment is not required.

Attachments

Resolution
Rescue Tool Quote

RESOLUTION NO. 2022-070

A RESOLUTION AUTHORIZING THE PURCHASE OF HURST RESCUE TOOLS FROM MUNICIPAL EQUIPMENT SERVICES THROUGH H-GACBUY PROGRAM IN THE AMOUNT OF \$60,383.82; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the proposed equipment purchase is part of the loose equipment package for the two new fire apparatus; and

WHEREAS, the Texas City Fire Department requests authorization for the purchase of Hurst Rescue Tools from Municipal Equipment Services through H-GACBuy Program in the amount of \$60,383.82. Funds are available in the FY21/22 budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby authorizes the purchase of Hurst Rescue Tools from Municipal Equipment Services through H-GACBuy Program in the amount of \$60,383.82, as set out on the quote attached hereto as **Exhibit “A”** and made a part hereof for all intents and purposes.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG**(9) (f)****Meeting Date:** 08/03/2022

Bay Street Park Bridge and Pier Renovations

Submitted For: Mike McKinley, Public Works**Submitted By:** Mike McKinley, Public Works**Department:** Public Works

Information**ACTION REQUEST**

Approve the purchase of services for the Bay Street Park Bridge and Pier Renovations Project from Generocity Services Inc., a member for the Choice Partners Purchasing Cooperative contract # 21/039MR-08.

BACKGROUND (Brief Summary)

DJ Hutchinson, Public Works Project Administrator, approached Generocity Services Inc. with the details of the renovations needed for the Bay Street Park bridges and piers. On July 18, 2022, Generocity Services, Inc. submitted a "labor only" quote for this project. This quote is attached for your review. The materials needed for this project will be purchase by the City under our existing "Building Supplies Annual Contract". This contract has fixed pricing which eliminates market variations.

The total labor price for this project, with Choice Partners discount, is \$122,238.62

Funds are made available in the 2021-2022 Annual Budget.

RECOMMENDATION

It is the recommendation of the Public Works Department that the City of Texas City accept this proposal for labor only services from Generocity Services, Inc. for the total amount quoted of \$122,238.62.

Fiscal Impact**Attachments**

Exhibit A
Resolution



1212 Winding Way Drive • Friendswood, TX 77546 • Phone: (281) 482-8881

Texas City - DJ Hutchinson

Job Address:
Texas City, TX

Print-date: 7-18-2022

Dear Mr. Hutchinson,
Generocity Services Inc. is pleased to present our preliminary proposal for the above referenced project. This project is priced in accordance with our CHOICE PARTNERS Contract #21/039MR-08 and excludes proprietary vender and Owner's separate contractor pricing.

PRELIMINARY DESIGN SPECIFICATION WAIVER

All designs and specifications presented herewith are preliminary and are subject to change after review of changes due to customer requests. Any costs associated with preliminary design and scope changes will be added to the final cost of the project.

SCOPE OF WORK

Provide labor and supervision to complete the following:

1. Labor to demo existing and install new beams, joists, decking, rail posts, railings as per instructed by City officials.
2. Owner to supply all materials & hardware, dumpsters and equipment to haul debris and materials to/from each location.
3. 49' Bridge- Labor Cost \$ 11,458.41
4. 91' Bridge- Labor Cost \$ 19,075.67
5. 108'+42' T Bridge- Labor Cost \$ 31,443.42
6. 70' Bridge- Labor Cost \$ 20,278.29
7. 111' Bridge- Labor Cost \$ 23,268.13
8. 53' Bridge- Labor Cost \$ 16,714.70

Price Breakdown

| Title | Description | Price |
|---------------------|-------------|--------------|
| RS Means | | \$143,625.08 |
| Houston CCI .904 | | \$-1,436.25 |
| Choice Partners .84 | | \$-22,750.21 |
| Bond | | \$2,800.00 |

Total Price: \$122,238.62

PRECEDENCE

We have established a project-specific order of precedence for the inquiry documents -- not only to help establish a baseline for our pricing, but also to maintain technical continuity, to confirm the intent and priorities for the project, and to provide the basis for solving discrepancies within the inquiry and construction documents. Our order of precedence is as follows:

- a. Generocity Services Proposal.

- b. Addenda issued by Client.
- c. Scope of Work issued by Client within the Invitation to Bid.
- d. Directives and work scope specifically and graphically issued within the Construction Drawings prepared by Client.
- e. Manufacturer's recommendations and installation instructions.
- f. Directives, regarding project work scope, specifically within the Project Specifications prepared by the Client.
- g. All Project Specifications prepared by Client that are specifically applicable to the project scope of work and project drawings.
- h. Owner's Engineering Facility Standards that are specifically referred to within this inquiry, and that have been issued as part of the inquiry.
- i. Balance of applicable project bid documents.

SERVICES & MATERIALS PROVIDED BY CLIENT/OWNER

- 1. Testing and abatement of asbestos and other potentially hazardous materials.
- 2. Pre-design testing, investigation of soils and other existing structures for engineering purposes.
- 3. Probing of existing grade in effort to detect subsurface obstructions, obstacles, or hazardous material.
- 4. Material strength and performance testing and other quality control testing.
- 5. Document preparation for permit; coordinating or making application for permit; procuring any building permits or any other permits or fees that may be applicable to this project unless otherwise noted.
- 6. Provisions of temporary toilet facilities for construction work force.
- 7. Provisions of temporary electrical power supply for construction purposes.
- 8. Provisions of temporary water supply for construction purposes.
- 9. Move, relocate, modify, repair, demolish, or otherwise alter existing facilities, material equipment, appliances, furnishings, installations, utilities, and/or structures that are not specifically noted within this scope of work. This includes hidden or latent conditions, undocumented structures, inconsistent soil condition, asbestos, and other hazardous materials in order for Generocity Services to perform the required scope of work.

TECHNICAL CLARIFICATIONS

- 1. Components and activities specifically exclude from this proposal:
 - a. Design and/or constructions of permanent site storm water detention or drainage structures.
 - b. Testing of existing concrete slabs for moisture, alkali, and other contamination. Generocity Services will not be responsible for poor performance of adhered floor coverings on moisture-laden or contaminated floor slabs.
 - c. Subsurface de-watering, or the pumping of facility leaks and spills.
- 2. Our proposal includes the cost of providing materials and equipment called out by model numbers within the inquiry documents. When final engineering, calculation, shop drawings, or other documentation do not support the item physical characteristics, size, shape, operational requirements, etc. required by the Client, then changes may require additional costs.
- 3. If any code interpretation, that may be issued by the Client, his agents, the Municipals Plan Checking Department, Code Enforcement, or Inspections Department, or Inspection Department results in additional more stringent project requirements than those shown graphically on the inquiry drawings, or that is specifically named or directed within the inquiry specifications (as they relate to the drawings), the additional cost shall be assessed and passed on to the Client.

EXCLUSIONS

- 1. Plans, architectural, engineering, geotechnical reports, materials testing laboratories.
- 2. On/off-site detention are not included.
- 3. SWPPP of containment of storm water, storm water pollution prevention planning, permitting, installations or observation.
- 4. Generocity Services, Inc. has not included cost for landscaping, traffic control, traffic barricades or signage, overtime or holiday work, trench drains, containments, equipment/foundations, house-keeping pads/foundations, vibrating equipment, unforeseen underground obstructions, sumps or pits.

COMMERCIAL TERMS & CONDITIONS

- 1. Validation Period: This proposal is valid for a period of 30 calendar days after the "DATE" indicated above.
- 2. Material Cost Escalation: Due to the volatile and unpredictable global material marketing pricing, Generocity Services, Inc. can not guarantee project-specific pricing for the validation period stated above. If material orders and requisite shipments are made at current pricing, we will honor the material cost. If the cost of the materials increases before shipment, then the change in price will be passed on to the Client/Owner.
- 3. Generocity Services, Inc. will not perform work changes unless authorized in writing by the Client before the work begins. All cost assessments will include the cost of tangible items and the additional cost associated with schedule delays and extensions.
- 4. When materials and permanent equipment that are purchased for this project are stored either on or off site as a result of delays by Client (or Owner), or the contractors, or agents of the same, progress pay requests will include these materials and equipment items for Client approval and payment within the contract pay period.
- 5. Generocity Services, Inc. will not be held responsible for damages to any concealed, hidden or buried equipment, structures, pipelines, electrical lines, cable, grounding, underground utilities and other obstacles.
- 6. Generocity Services, Inc. will not be held responsible for personal injury from accidents resulting from encounters with any concealed, hidden or buried equipment, structures, pipelines, electrical lines, cables, grounding, and other obstacles.

7. Downtime or delays caused by Owner and/or Client during the field construction operations shall be assessed by Generocity Services, Inc. and reimbursements by Owner and/or Client.
8. Repair cost and touch-up costs made necessary by damage caused by Owner's and /or Client's personnel will be assessed by Generocity Services, Inc. and passed on to the Client.
9. Our pricing is based on a 40-hour workweek. We have not included the cost of holiday or overtime work hours.

We appreciate the opportunity to present this proposal and look forward to your review and approval.

Sincerely,

Dan Worthington

Dan Worthington
(714)-709-3666
Project Manager
Generocity Services, Inc.

Signature:

Print Name:

Date:

RSMeans data

from **GORDIAN**

Estimate | B22-07-18-2022 Texas City Bay St Park Bridge & Pier Reno

| Quantity | LineNumber | Description | Unit | Ext. Mat. O&P | Ext. Labor O&P | Ext. Total O&P | Notes |
|----------|--------------|---|------|---------------|----------------|----------------|-------|
| 2 | 013113200200 | Field personnel, project manager, average | Week | \$ - | \$ 8,000.00 | \$ 8,000.00 | |
| 400 | 024119180500 | Selective demolition, disposal only, urban buildings with salvage value allowed, wood frame, includes loading and 5 mile haul to dump | C.Y. | \$ - | \$ 6,260.00 | \$ 11,100.00 | |
| 8488 | 061323100202 | Multiple 2" x 14" wood beams, heavy mill timber framing, built from 2" lumber | B.F. | \$ 21,050.24 | \$ 13,495.92 | \$ 34,546.16 | |
| 5498 | 061323100292 | Wood framing, heavy mill timber, columns, structural grade, 1500f, 4" x 4" | L.F. | \$ 20,012.72 | \$ 17,483.64 | \$ 37,496.36 | |
| 10624 | 061323100802 | Wood framing, heavy mill timber, floor planks, T&G, 2" x 6" x 2" thick | B.F. | \$ 38,033.92 | \$ 14,448.64 | \$ 52,482.56 | |

| | | |
|---------------------|-----------|-------------------|
| R S Means Estimate | \$ | 143,625.08 |
| Houston CCI .992 | \$ | (1,436.25) |
| Choice Partners .84 | \$ | (22,750.21) |
| Sub Total | \$ | 119,438.62 |
| Bond | \$ | 2,800.00 |
| Grand Total | \$ | 122,238.62 |

RESOLUTION NO. 2022-071

A RESOLUTION APPROVING THE PURCHASE OF SERVICES FOR THE BAY STREET PARK BRIDGE AND PIER RENOVATIONS PROJECT FROM GENEROCITY SERVICES INC., A MEMBER FOR THE CHOICE PARTNERS PURCHASING COOPERATIVE CONTRACT NO. 21/039MR-08; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on July 18, 2022, Generocity Services, Inc. submitted a "labor only" quote for the renovations needed for the Bay Street Park bridges and piers project. The materials needed for this project will be purchase by the City under our existing "Building Supplies Annual Contract". This contract has fixed pricing which eliminates market variations. The total labor price for this project, with Choice Partners discount, is \$122,238.62; and

WHEREAS, the Texas City Public Works Department requests approval for the Purchase of Service for the Bay Street Park Bridge and Pier Renovations Project from Generocity Services Inc., a member for the Choice Partners Purchasing Cooperative Contract No. 21/039MR-08.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves the Purchase of Service for the Bay Street Park Bridge and Pier Renovations Project from Generocity Services Inc., a member for the Choice Partners Purchasing Cooperative Contract No. 21/039MR-08, as set out on the quote attached hereto as **Exhibit "A"** and made a part hereof for all intents and purposes.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh

Kyle L. Dickson

City Secretary

City Attorney

CITY COMMISSION REGULAR MTG

(9) (g)

Meeting Date: 08/03/2022

Approval of the Submission of the 2022 CDBG Annual Action Plan to HUD

Submitted For: Titilayo Smith, Community Development, Housing Autho

Submitted By: Titilayo Smith, Community Development, Housing Autho

Department: Community Development, Housing Autho

Information

ACTION REQUEST

That the Commission approve the Community Development Department's submission of the City of Texas City's 2022 CDBG Annual Action Plan to the U.S. Department of Housing and Urban Development.

BACKGROUND (Brief Summary)

The Consolidated Plan is designed to help local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the Community Development Block Grant (CDBG) Program.

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.

The 2022 Annual Action Plan will address the City of Texas City's third year of the 2020-2024 Consolidated Plan.

RECOMMENDATION

The Community Development Department recommends that the Commission approve the submission of the 2022 CDBG Annual Action Plan to the U.S. Department of Housing and Urban Development by the August 16, 2022 deadline.

Fiscal Impact

Attachments

Resolution

RESOLUTION NO. 2022-067

A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT DEPARTMENT'S SUBMISSION OF THE CITY OF TEXAS CITY'S 2022 CDBG ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the Consolidated Plan is designed to help local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the Community Development Block Grant (CDBG) Program; and

WHEREAS, the Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan.; and

WHEREAS, the 2022 Annual Action Plan will address the City of Texas City's third year of the 2020-2024 Consolidated Plan.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission hereby approves submission of the Community Development Department's submission of the City of Texas City's 2022CDBG Annual Action Plan to the U.S. Department of Housing and Urban Development.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(9) (h)

Meeting Date: 08/03/2022

Amending the City of Texas City Purchasing Policy and Procedures Manual

Submitted For: Kelly Bender, Purchasing

Submitted By: Kelly Bender, Purchasing

Department: Purchasing

Information

ACTION REQUEST

Approval to amend the Purchasing Policy and Procedure Manual

BACKGROUND (Brief Summary)

It is recommended by the Purchasing Department to amend the Purchasing Policy and Procedures Manual to add to Section IV Procurement Policies and Procedures Letter I. Contract Cost and Price.

Revisions are in reference to the Federal Procurement Policy Change to Contract Cost and Price.

Revisions are attached for review.

RECOMMENDATION

It is recommended by the Purchasing Department to amend the Purchasing Policy and Procedures Manual to add I Contract Cost and Price to Section IV Procurement Policies and Procedures.

Fiscal Impact

Attachments

Federal Procurement Policy Change

Section IV Procurement Policies and Procedures

Resolution

FEDERAL PROCUREMENT POLICY CHANGE

Contract Cost and Price.

- (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
- (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

SECTION IV

PROCUREMENT POLICIES AND PROCEDURES

PROCUREMENT POLICIES & PROCEDURES

For all purchases, rentals or lease of goods, services, or construction, the following Purchase Requisition process will be observed regardless of the fund or funds from which the expenditure is being paid, including all related corporations.

A purchase order is required for every purchase made with City funds regardless of the dollar amount. However, there are **exceptions**: direct pay, reimbursement, etc. The total purchase includes shipping, fees and any other charges associated with the purchase. The information will be entered in the system through the requisition process.

A. Authorized List of Purchasers

A list, from each department, of those individuals who are authorized to make purchases and those that will enter requisitions, will be provided to the Purchasing Department. It is recommended that there are few designees per department authorized to make purchases. Prior to designating an individual as an authorized purchaser, each person will be required to attend training(s) and be well versed in the policies and procedures of purchasing. Only personnel on the list will be authorized to make purchases for the city.

Authorized purchasers can not make purchases using their own funds and request reimbursement without prior approval from the Purchasing Department or the department head due to tracking and sales tax.

Individuals authorized to enter requisitions shall keep their user ID and password information confidential and may not give this information to anyone or allow another person to use this information.

B. Approval of Expenditures

Each department budget is assigned to a department head and approved by the City Commission.

The department head will approve requisitions charged to the budget(s) assigned to them.

A department head may appoint alternate(s) for the purpose of approving requisitions in the department head's absence, subject to prior approval by the Mayor.

Individuals authorized to approve requisitions shall keep their user ID and password information confidential and may not give this information to anyone or allow another person to use this information.

C. Purchases of \$0.01 - \$2,999.99

1. Competitive quotes are not required although all departments are encouraged to compare prices and should always strive to obtain the best value.
2. A requisition will be submitted prior to making a purchase. If however a purchase is made prior to submitting a Requisition the items should be entered by 10:00 A.M. of the morning following the purchase. The requisition must include the person entering the requisition, the requestor, detailed description of each item, and number of units, appropriate general ledger account number, delivery/shipment location, shipping/delivery charges, delivery terms, the due date and the unit price for each line item. If funds are not available, contact your department head to complete a budget transfer.
3. The requisition shall be reviewed by the department head whose budget is being charged for approval and to verify the general ledger account number.
4. When making a purchase, it is the responsibility of the purchaser to advise the Supplier that the City is tax-exempt before the transaction is performed.
5. Purchasing will convert the requisition to a purchase order, which will encumber the funds.
6. Upon receipt of goods or service, the department head designee shall verify goods received with the packing slip and perform the receiving process in the system. Only entering exactly what has been received.
7. All invoices are to be sent directly to Accounts Payable from the vendor. When an authorized purchaser picks up an item at a store and receives an invoice, the purchaser shall write the requisition number or purchase order number on the invoice and send it to Accounts Payable.

Purchase orders will be printed for every purchase made and distributed to the departments by the Purchasing department.

8. Accounts payable will pay the invoice for all goods or services processed as received.

D. Bids/Quotes for purchases of \$3,000.00 - \$49,999.99

- a.) A procurement the department will handle: The City requires the authorized purchaser to contact three vendors for competitive quotes for each line item and scan each quote into the system when entering the requisition.
- b.) If the department wants Purchasing to handle the procurement: Email or fax a detailed description of the items(s), quantity and account number to the Purchasing office. Purchasing will contact three vendors for quotes and enter the requisition and quotes in the system.

- c.) Contact at least two HUBS' (Historically Underutilized Businesses) on a rotating basis.

A municipality in making an expenditure of more than \$3,000 but less than \$50,000.00, shall contact at least two disadvantaged businesses on a rotating basis, based on information provided by the Office of Small Business Assistance of the Texas Department of Commerce pursuant to Section 1.03 State Purchasing and General Service Act (Section 252.0215 Local Government Code) A list of HUB's is obtainable at the Texas Building and Procurement Commission's website, www.gsc.state.tx.us under the CMBL (Centralized Master Bidders List) or by contacting the Purchasing office. If the list fails to identify a disadvantaged business in the county of which the City is situated, the City is exempt from this section.

- d.) Written quote must be obtained and forwarded to Purchasing with the requisition number documented or electronically attached to the requisition in the purchasing software system.

- e.) For purchases where quotes are not solicited, enter one of the following descriptions in place of the quotes in the appropriate field on the Requisition:

- Contract – enter the Bid number
- Emergency – enter a description of the emergency
- Inter-local Agreement
- Professional, Personal, Planning Services
- Sole Source
- State Contract purchase

1. The requisition must include the person entering the requisition, the requestor, and a detailed description of each item, number of units, appropriate general ledger account number, delivery/shipment location, shipping/delivery charges, delivery terms, the due date and the unit price for each line item. If funds are not available, contact your department head to complete a budget transfer.
2. The requisition shall be reviewed by the department head whose budget is being charged for approval and to verify the general ledger account number.
3. For purchases of \$3000 or more the purchase requisition must be approved by the Purchasing Coordinator, and the Director of Finance before the purchase can be made.
4. Upon approval(s), the Purchasing Department will convert requisitions that have been entered and approved by 4:00 p.m. to a purchase order and encumber the funds. The purchase orders will print each morning in the Purchasing Department and distributed to the appropriate departments.
5. The authorized purchaser can then proceed with the order. The actual purchase order should be given to the Supplier, or at a minimum, the P.O. number needs to be given so all invoices and documentation relating to the purchase will reflect the purchase order

number. It is the responsibility of the purchaser to advise the Supplier that the City is tax-exempt before the transaction is performed.

6. Upon receipt of goods or services, the department designee shall verify goods received with the packing slip and perform the receiving process on the system. Only entering exactly what has been received.
7. Accounts payable will pay the invoice for all goods or services processed as received.

E. Purchases of \$50,000.00 or more

All purchases, rental or lease of goods, services or construction anticipated to be \$50,000.00 or more require bids or proposals as outlined in Section V Formal Sealed Bids and Proposals.

F. Emergencies

The definition of an Emergency purchase is a purchase that is required immediately to remedy a situation that endangers public safety, public health or a public calamity or unforeseen damages to public property.

If during non-business hours, such as weekends or holidays, an emergency arises that requires immediate purchase of items or services, the department may make such purchase not in accordance with the policies and procedures set forth in this document. However, the department **must**, during the next business day, enter the requisition to obtain a purchase order number for the emergency purchase. Lack of planning does NOT constitute an emergency.

1. The Department Head shall contact the Director of Finance or the Mayor.
2. The department designee shall enter a purchase requisition with the pertinent information, an adequate explanation of the reason for the emergency and the Department Head should contact Purchasing to process the Purchase Order.
3. Bidding requirements are waived on emergencies.

G. Purchases to be handled by the Purchasing Department

1. Computers and Related Items

Departments must contact the Purchasing department by email or fax for all purchases of computer equipment, software, related items and services. All requests must include a detailed description of the item(s), quantity and account number. The Purchasing department **will not** process any request without prior written authorization from the Information Technology (IT) Director.

The request will be reviewed by the Information Technology (IT) Director for comments and technical evaluation. IT will prepare comments and alternatives, if necessary. The

IT Director will review for compliance with the computer equipment standard policies and procedures and will prepare the technical specifications.

All requisitions for the purchase of computer related items must be reviewed and approved by the IT Director.

Once approved, the Purchasing Department will obtain bids, complete the purchase order and place the order with the vendor.

2. Lease and Maintenance Agreements

The City may execute, perform and make payments under a contract with any person for the purchase or other acquisition of any personal property or financing thereof in accordance with Section 271.005 of the Texas State Statutes.

The contract may be in the form of a lease, a lease with an option or options to purchase, and installment purchase, or any other form considered appropriate by the City. The debt may be payable from a pledge of all or any part of the revenue, funds, or taxes available to the governing body. In entering into the contract, a municipality must comply with the requirements of Chapter 252 pertaining to competitive bidding and competitive proposal requirements.

To determine the applicable bidding standards, Purchasing shall add the sum of all payments over the term of the total contract period and shall issue the purchase order for all lease and maintenance agreements.

3. State Contract Purchases

All items to be purchased on the state contract through the General Services Commission will be requested by completing a purchase requisition and obtaining department head approval.

The Purchasing Department will complete all state forms and the State Purchase Requisition and place the orders for state contract purchases. In some instances, the department will place the order and Purchasing will follow up with confirming paperwork, if the state allows.

H. Types of Contracts or Purchases

The purchase requisition process outlined will be followed by an authorized purchaser or the Purchasing Department for the following types of purchases.

1. Annual Contract Purchase

Annual Contracts will be utilized for materials, supplies, or services regularly needed for the City operation and will be competitively bid by the Purchasing Department.

As annual contracts are bid and awarded, Purchasing will provide each department with the contract information. Copies will need to be made in the department and distributed to the authorized purchasers.

2. Competitive Bidding

Competitive Bidding means letting all available Vendors or Contractors compete with each other to provide goods and/or services. Competitive bidding helps insure that public monies are spent properly and legally, that the best possible value is received for the money, and that those qualified and responsible vendors who desire to do business with the City have a fair and equal opportunity to do so. The use of standard bidding procedures gives the public assurance that their monies are properly safeguarded.

3. Cooperative Purchasing Agreements

The Inter-local Cooperation Act. Government Code Section 791 allows local governments to contract with and between each other to provide governmental functions and services and to join together in contracting with others to provide goods and services.

Local Government Code Chapter 271 allows local governments to purchase goods on the State's purchasing contracts and allows the State to solicit bids on the local government's behalf.

The City presently has inter-local contracts with the State through the General Services Commission and Houston-Galveston Area Council (HGAC).

4. Insurance Broker

The City may select an insurance broker on a fee basis as the City's broker of record to obtain insurance proposals and coverage's for all the City's liabilities, provided the broker of record may not be remunerated by any other source. This should bar the broker from any commissions or insurance purchased by the City or from placement fees from any insurance company insuring the City.

5. Professional, Personal and Planning Services

Professional services are exempted from the competitive bidding process and are procured through the use of Request for Qualification (RFQ) documents. The Purchasing department is available to consult with departments regarding the preparation of information; however, the presentation of technical and qualifications aspects of personal and/or professional services included in the RFQ documents is the sole responsibility of the requesting department.

Texas Government Code, Chapter 2254, Subchapter A, Professional Services, states that contracts for the procurement of defined professional services may not be awarded on the basis of competitive bids. Instead, they must be awarded on the basis:

- (1.) Of demonstrated competence and qualifications to perform the services;
- (2.) For a fair and reasonable price;
- (3.) Fees are allowed;
- (4.) Must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; and
- (5.) May not exceed any maximum provided by law.

Selection and award of those services need not be made on the basis of competitive bids, but shall be awarded on the basis of demonstrated competence and qualifications for the services performed.

Contracts shall be awarded for those asking fair reasonable prices, as long as the fees are not higher than published recommended practices and fees of the various associations and do not exceed the maximum provided by the State Law (Government Code Chapter 2254, Professional Services Procurement Act).

Professional Services for the purposes of Government Code Chapter 2254 are defined as those “services within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing, or provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, or a registered nurse.”

The City shall use a two-step selection process. First, the entity shall select an individual or firm capable of performing the service, on the basis of demonstrated competence and qualifications. The City shall then enter into negotiations on the contract at a fair and reasonable price.

If the City is unable to negotiate a satisfactory contract with the most highly qualified individual or firm, it shall formally end negotiations and proceed with the next most highly qualified until a contract has been made. A contract made in violation of this act is void as against public policy.

6. Sole Source Purchases

Because of the existence of patents, copyrights, secret processes or natural monopolies, gas/water/utility services and the purchase of comparative replacement parts or components for equipment, requirements of the City may be submitted from one source.

Sole sources are acceptable in accordance with Local Government Code Section 252.022 as follows:

A purchase of items that are available from only one source because of patents, copyrights, secret processes or natural monopolies; firms, manuscripts or books; gas, water and other utility services; captive replacement parts or components for

equipment; books, papers, and other library materials that are available only from the person holding exclusive distribution rights; management service provided by a non-profit organization to a municipal museum, park, zoo or other facility to which the organization has provided significant financial or other benefits.

If a purchase is made an interlocal contract for cooperative purchasing administered by a regional planning commission, there is no need to obtain quotes. Some cooperative purchasing programs, such as Texas Building and Procurement Commission Cooperative Purchasing Program (TBPC) and the Houston-Galveston Area Council require that the purchase order must be issued by them rather than the City or the purchase will not meet competitive bidding requirements.

7. Homeland Security Funds

Prior to procuring or entering into contract(s) for any goods/services, utilizing Homeland Security funds, the Purchasing Coordinator for the City must check the debarment status of the vendor using the EPLS system (<http://www.sam.gov>) and document that verification has been done. This policy applies to the procurement of all goods or services regardless of the cost or quantity.

The Purchasing Coordinator will search the EPLS system for the vendor. If the vendor is found to be debarred, that vendor may not be used for procurements utilizing Homeland Security Funds. If the vendor is not debarred, print the screen page and retain with the procurement documentation. A copy of the screen print indicating the vendor is not debarred, at the time of purchase, must be included with the supporting documentation submitted to the Texas Homeland Security State Administrative Agency requesting reimbursement or advance.

Records of vendors verified should be retained for audit purposes (Maintain a copy of the screen print verification form the EPLS website.) throughout the record retention period for the particular grant.

I. Contract Cost and Price

1. The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.
2. The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
3. Cost or prices based on estimated costs for contracts under the Federal award are allowable for the non-Federal entity under subpart E of this part. The non-Federal

entity may reference its own cost principles that comply with the Federal cost principles.

4. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

J. Purchase Orders Not Required

Purchase Orders are not required for the following:

1. Travel or education reimbursement vouchers
2. Telephone, utility and garbage bills
3. Commission Salaries
4. Expense and travel report/mileage reimbursement
5. Petty Cash Vouchers
6. Withholding and FICA taxes and retirement
7. Election Salaries

K. Cancellation of a Purchase Order

The Purchasing Department, in conjunction with the department head, will review all outstanding purchase orders at least quarterly and may cancel merchandise that has not shipped within a 90 day period, subject to the Director of Finance's approval. Except for Capital Improvement Projects and other Capital items, as determined by the Finance Director, purchase orders over 90 days old may not be carried into the next fiscal year.

When a department wishes to cancel an order and a purchase order has been issued an authorized purchaser shall send a copy of the purchase order to the Purchasing Department with an explanation so the purchase order can be canceled.

L. Open Records Policy

Release of bids is subject to the Public Information Act. Trade secrets and confidential information in competitive sealed bids are not open for public inspection. All proposals are open for public inspection after the contract is awarded, but the trade secrets and confidential information in the proposals are not open for public inspection. The review by a vendor/citizen will be at the convenience of the Purchasing Department and made by appointment.

M. Prompt Payment

Section 2251 of the Government Code, commonly known as the Prompt Payment Act, sets out required deadlines for payment of a government's obligations to its vendors,

requirements for vendors' payments to their subcontractors, and penalties for failure to comply with the Act and exceptions to the Act.

Unless the City provides otherwise on the purchase order or contracts, the Act requires political subdivisions to pay all payments owed not later than 30 days after the goods or services are received, or the date the invoice is received, whichever is later. Interest automatically accrues at one percent (1%) per month. The Act also requires vendors to follow the same rules for payments to their subcontractors. Subcontractors must pay their suppliers, material men and servicemen, with 10 days of receipt of their payment.

When the City believes there is an error received from a vendor, it has until the 21st day after receipt to notify the vendor of the dispute. If resolved in favor of the City, the vendor must submit a new invoice and the City has 30 days to pay. If the dispute is resolved in favor of the vendor, interest is due from the original date of the invoice. Notice shall be sent to the vendor by Administration following discussions with the Department.

N. Sales Tax Exemption

Tangible personal property incorporated into realty of the City under Texas Tax Code 151.309 or 151.310 is exempt from sales and use tax. This includes materials used in lump sum and separated contracts.

In addition, tangible personal property that is necessary or essential to the performance of a contract for the City is exempt if the property is completely consumed at the job sites. Tangible personal property is completely consumed if, after being used once for its intended purpose, it is used up or destroyed. Machinery and equipment are not exempted and the contractor owes tax on the purchase, lease or rental of machinery, equipment, repair or replacement parts, and accessories for the machine or equipment.

Taxable services purchased for use in performing the contract will be exempt from tax if the service is performed at the job site, and the service is either expressly required under the contract or is integral to the performance of the contract. Sales and use tax exempt certifications and Texas resale certificate forms are issued by the contractors directly to the suppliers.

RESOLUTION NO. 2022-073

A RESOLUTION APPROVING AMENDMENTS TO THE CITY OF TEXAS CITY'S PURCHASING POLICY AND PROCEDURE MANUAL TO MIRROR FEDERAL PROCUREMENT POLICY CHANGES; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, it is recommended by the Purchasing Department to amend the Purchasing Policy and Procedures Manual to add to Section IV Procurement Policies and Procedures Letter I. Contract Cost and Price. The revisions are in reference to the Federal Procurement Policy Change to Contract Cost and Price; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City hereby approves the amendments to the City of Texas City's Purchasing Policy and Procedure Manual to mirror Federal Procurement Policy changes, attached hereto as **Exhibit "A"**, and made a part hereof.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG

(10) (a)

Meeting Date: 08/03/2022

Record vote on proposed property tax rate

Submitted For: Laura Boyd, Finance

Submitted By: Laura Boyd, Finance

Department: Finance

Information

ACTION REQUEST

Consider and take action on proposed tax rate by record vote and schedule public hearings, if necessary. (Finance)

BACKGROUND (Brief Summary)

Consider and take action on proposed tax rate by record vote and schedule public hearings, if necessary. (Finance)

RECOMMENDATION

Consider and take action on proposed tax rate by record vote and schedule public hearings, if necessary. (Finance)

Fiscal Impact

CITY COMMISSION REGULAR MTG

(10) (b)

Meeting Date: 08/03/2022

Amend fiscal year 2021-2022 budget

Submitted For: Laura Boyd, Finance

Submitted By: Laura Boyd, Finance

Department: Finance

Information

ACTION REQUEST

Consider and take action on Ordinance No. 2022-16, amending the City's fiscal year 2021-2022 budget to appropriate funds for Moore Memorial Library air conditioning system repairs.

BACKGROUND (Brief Summary)

The library has experienced some unforeseen air conditioning system problems requiring chiller replacement and related costs. A budget amendment to maintenance of buildings and grounds is needed in the amount of \$115,000. This will be funded from the General Fund unassigned fund balance.

RECOMMENDATION

Budget Amendment:

General Fund (Fund 101) Library (Department 402):

Maintenance - Buildings & Grounds \$115,000.00

Unassigned Fund Balance (\$115,000.00)

Fiscal Impact

Attachments

Ordinance

ORDINANCE NO. 2022-16

AN ORDINANCE AMENDING ORDINANCE NO. 21-21 ADOPTING THE 2021-2022 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS FOR AIR CONDITIONING SYSTEM REPAIRS AT THE MOORE MEMORIAL LIBRARY; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 21-21 the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2021-2022; and

WHEREAS, a budget amendment is needed to budget and appropriate funds for air conditioning system repairs at the Moore Memorial Library.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2: That the budget for Fiscal Year 2021-2022 of the City of Texas City, Texas, is hereby amended as follows:

General Fund (Fund 101) Library (Department 402):

| | |
|-----------------------------------|----------------|
| Maintenance - Buildings & Grounds | \$115,000.00 |
| Unassigned Fund Balance | (\$115,000.00) |

SECTION 3: That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

APPROVED AS TO FORM:

Kyle L. Dickson
City Attorney

CITY COMMISSION REGULAR MTG**(10) (e)****Meeting Date:** 08/03/2022

Amend the fiscal year 2021/2022 budget

Submitted For: Laura Boyd, Finance**Submitted By:** Laura Boyd, Finance**Department:** Finance

Information**ACTION REQUEST**

Consider approval of a request to amend the fiscal year 2021-2022 budget to appropriate funds for increases in salaries and related benefits as a result of compensation and classification study.

BACKGROUND (Brief Summary)

In July 2021, City Commission awarded a contract to Evergreen Solutions, LLC under Resolution No. 21-048 to perform a Compensation and Classification Study.

Most of the project is complete. The compensation reviews, surveys, and analysis resulted in necessary adjustments to some employees' pay and job titles. The monetary adjustments for the last quarter of the fiscal year, July through September total approximately \$300,000.

A budget amendment is required to account for this increase. Approximately, 70% of the increase pertains to General Fund employees and 30% pertains to Utility Fund employees.

RECOMMENDATION

Budget Amendment:

General Fund (101) Multiple departments:

| | |
|-------------------------|----------------|
| Salaries and benefits | \$210,000.00 |
| Unassigned fund balance | (\$210,000.00) |

Utility Fund (501) Multiple departments:

| | |
|--------------------------------|---------------|
| Salaries and benefits | \$90,000.00 |
| Unrestricted retained earnings | (\$90,000.00) |

Fiscal Impact**Attachments**Ordinance

ORDINANCE NO. 2022-17

AN ORDINANCE AMENDING ORDINANCE NO. 21-21 ADOPTING THE 2021-2022 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS INCREASES IN SALARIES AND RELATED BENEFITS AS A RESULT OF COMPENSATION AND CLASSIFICATION; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 21-21 the City Commission of the City of Texas City, Texas, adopted its budget for Fiscal Year 2021-2022; and

WHEREAS, a budget amendment is needed to budget to appropriate funds for increases in salaries and related benefits as a result of compensation and classification study.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2: That the budget for Fiscal Year 2021-2022 of the City of Texas City, Texas, is hereby amended as follows:

General Fund (101) Multiple departments:

Salaries and benefits \$210,000.00

Unassigned fund balance (\$210,000.00)

Utility Fund (501) Multiple departments:

Salaries and benefits \$90,000.00

Unrestricted retained earnings (\$90,000.00)

SECTION 3: That the chief executive officer shall file or cause to be filed a copy of this budget amendment in the office of the Galveston County Clerk.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 5: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED this 3rd day of August 2022.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney