

Housing Trust Fund Corporation

Notice of Funding Availability  
(NOFA)

Leading in Lead Prevention Pilot Program

Remediation of lead hazards in rental units



**Homes and  
Community Renewal**

KATHY HOCHUL, GOVERNOR

RUTHANNE VISNAUSKAS, COMMISSIONER/CEO

TABLE OF CONTENTS

Contents

Introduction..... 1

Purpose..... 1

Background ..... 1

Eligible Applicants..... 1

Eligible Costs..... 2

Eligible Activities..... 3

Proposal Costs and Materials ..... 5

Evaluation Criteria ..... 5

Selection Criteria ..... 6

Application and Award Timeline ..... 7

Award Recommendations and HTFC Board Approval..... 7

Application Status and Notification ..... 7

Program Grant Agreements ..... 7

Equal Employment Opportunity/Minority and Women Owned Business and Affirmative Action ..... 8

Questions ..... 8

## Introduction

[New York State Homes and Community Renewal](#) (“HCR”) is an umbrella organization consisting of all the major housing and community renewal agencies of the State of New York (“State”), including the [Housing Trust Fund Corporation](#) (“HTFC”). HCR includes other agencies (“Affiliates”) not included in this Request for Proposals (“RFP”) process.

HTFC’s mission is to further community development through the construction, development, revitalization and preservation of housing for low-income residents, the development and preservation of businesses, the creation of job opportunities, and the development of public infrastructures and facilities.

## Purpose

HTFC invites eligible applicants to apply to administer the Leading in Lead Prevention Pilot Program (“the Program”), to remediate lead hazards from rental units in “communities of concern” throughout New York. This Notice of Funding Availability (“NOFA”) describes the purpose for which available funds are to be used and the methodology for disbursing those funds.

Through this NOFA, HTFC plans to make up to **\$20,000,000** available to eligible applicants for the administration of the Program. Eligible applicants are invited to submit applications for funding to cover grants to eligible property owners for costs associated with lead hazard remediation and other associated costs.

Applications must be submitted via email to [NOFA\\_Applications@hcr.ny.gov](mailto:NOFA_Applications@hcr.ny.gov) no later than **3:00 PM (EST)** on **Friday, December 15<sup>th</sup>, 2023**. The initial contract shall be for **two (2) years**, with the potential for an extension depending on the need and at the discretion of HTFC.

## Background

Governor Kathy Hochul’s 2023 State of the State proposed an unprecedented and comprehensive solution to lead poisoning prevention in New York. Following the Governor’s leadership, the New York State legislature amended the NYS Public Health Law to include a requirement for owners of dwellings with two or more units, built prior to 1980, to register their rental units and certify units to be safe of lead hazards every three (3) years. These changes to the law affect communities of concern outside of New York City. Additionally, the 2023-2024 NYS Capital Budget made available an allocation of \$20,000,000 for the purposes of lead abatement, which is made available through this NOFA.

**Communities of Concern** is defined as an area of high risk which the New York State Department of Health has designated as having a higher-than-average prevalence of children with elevated blood lead levels and a significant number of multi-family rental units constructed prior to 1980, as per the NYS Public Health Law.

## Eligible Applicants

Eligible applicants are county governments who serve one or more of the communities of concern noted in **Figure #1: Communities of Concern** under the Eligible Costs section of this NOFA. These areas are defined by the New York State Department of Health and are included in the proactive rental inspection mandate under the amended Public Health Law.

Strong applications demonstrate a partnership between local health departments and the county’s community development/planning/and/or housing departments. Applicants should describe whether they intend to sub-

allocate any or all program administration to a local non-profit housing organization and/or local unit of government. Applications should make clear the shared roles and responsibilities between all entities.

**Eligible Costs**

Award requests **should not exceed the amounts listed in Figure #1: Communities of Concern**. HTFC will not consider applications with a per unit maximum greater than **\$40,000**, including funds to cover the costs associated with program delivery. Exceptions to the cap may be allowed under extraordinary circumstances with the approval of HTFC.

Up to **fifteen percent (15%) of the requested award** may be budgeted for program delivery, including costs such as staff time and materials for program management, legal, accounting and auditing expenses, insurance, temporary tenant relocation, purchase of HEPA vacuums, trainings/certification of workers, tenant relocation costs, cleaning supplies for owners, marketing and outreach expenses, and compliance oversight.

Funds will be paid, on a cost incurred or reimbursement basis, as Leading in Lead Prevention Pilot Program (the “Awardees”) achieve milestones in the delivery of the program. Disbursement schedules will be determined by HTFC staff prior to the execution of a program Grant Agreement.

**Figure #1: Communities of Concern**

<b>Counties</b>	<b>Not To Exceed (NTE)</b>	<b>Zip Codes (80% Spend of NTE)</b>
<b>Albany</b>	<b>\$1,136,270</b>	12202, 12206, 12208, 12209, 12210
<b>Broome</b>	<b>\$456,784</b>	13901, 13905
<b>Cayuga</b>	<b>\$371,860</b>	13021
<b>Chautauqua</b>	<b>\$456,874</b>	14701
<b>Chemung</b>	<b>\$292,663</b>	14901, 14904
<b>Dutchess</b>	<b>\$495,565</b>	12601
<b>Erie</b>	<b>\$4,162,837</b>	14201, 14204, 14206, 14207, 14208, 14210, 14211, 14212, 14213, 14214, 14215, 14216, 14220, 14225
<b>Jefferson</b>	<b>\$326,461</b>	13601
<b>Monroe</b>	<b>\$2,997,595</b>	14605, 14606, 14608, 14609, 14611, 14613, 14615, 14619, 14620, 14621
<b>Montgomery</b>	<b>\$242,170</b>	12010
<b>Niagara</b>	<b>\$373,060</b>	14301, 14305
<b>Oneida</b>	<b>\$1,041,897</b>	13440, 13501, 13502
<b>Onondaga</b>	<b>\$1,378,841</b>	13203, 13204, 13205, 13207, 13208
<b>Orange</b>	<b>\$827,420</b>	10940, 12550
<b>Rensselaer</b>	<b>\$711,357</b>	12180, 12182
<b>Rockland</b>	<b>\$326,017</b>	10977
<b>Schenectady</b>	<b>\$608,184</b>	12307, 12308, 12303, 12304
<b>Ulster</b>	<b>\$327,376</b>	12401
<b>Westchester</b>	<b>\$3,466,767</b>	10550, 10701, 10705, 10801
<b>NOFA Total</b>	<b>\$20,000,000</b>	

The Not-to-Exceed amounts have been determined based on the proportionate number of rental units, as reported in the U.S. Census, as well as the U.S. Department of Housing and Urban Development (HUD) deteriorated paint index.

The communities of concern are in counties that are currently funded by the NYS Department of Health's [Childhood Lead Poisoning Prevention Program](#) (CLPPP) and CLPPP+ programs.

### **Eligible Activities**

Applicants selected by HTFC to administer the Leading in Lead Prevention Pilot Program (the "Awardees") will be expected to work with HTFC staff to create a work plan, which shall include identification of owner participants, pre-remediation home inspections, possible temporary tenant relocation, lead remediation oversight, and post-remediation home inspections and dust wipe clearance tests.

#### **1. Participant Selection**

Prior to the launch of the NYS DOH rental registry, Awardees will be responsible for identifying potential participants for the Program. Participants must own a multi-family dwelling, with two or more units, built prior to 1980. Rental units assisted in this Program ("Assisted Units") should be selected considering the following priorities in this order:

- a) **Units inspected through the CLPPP program:** Tenant-occupied units in multi-family dwellings, which are occupied by children or pregnant people, who have elevated blood lead levels and/or tenant occupied units in multi-family dwellings, occupied by children or pregnant people in a dwelling where lead hazards have been detected.

**Units inspected through the CLPPP+ program:** Tenants should be at, or below, eighty percent (80%) of the area median income (AMI). Awardees may use a proxy metric such as living in a low-income census tract and/or tenant self-attestation to meet this requirement. Owners of Assisted Units will be required to sign a regulatory agreement that awardees will enforce on behalf of HTFC.

Additionally, Awardees will be required to administer a minimum of **eighty percent (80%) of grant funds to Assist Units in the zip codes outlined in Figure #1: Communities of Concern.**

#### **2. Inspections and Testing**

- a) Assisted Units must have received a lead hazard inspection. Inspections must be conducted by an inspector adequately trained by the Department of Health, their designee, or an EPA-certified lead inspector or risk assessor. Awardees are required to use their CLPPP and CLPPP+ services to pay for the costs of interior and exterior lead hazard inspections to identify lead hazards.
- b) Awardees are required to conduct inspections and gather clearance dust wipe samples in a manner required by the CLPPP and CLPPP+ programs. A scope of work for lead hazard remediation shall be dictated based on inspector reports and must not exceed the maximum per

unit amount outlined in this NOFA. Awardees are required to prioritize permanent abatement of friction surfaces (windows, doors/door casings, floors). Additional priority remediation activities, as approved by the local health department, such as abatement of non-friction surfaces, or paint film stabilization of significantly deteriorated exterior surfaces, may also be allowed as resources permit.

### 3. Tenant Relocation & Disclosures

If necessary, for public health protection, awardees may provide relocation services to tenants of Assisted Units. Relocation assistance shall not exceed two (2) months of fair market rent (FMR) for the area, as determined by the U.S. Department of Housing and Urban Development (HUD). Participating owners must guarantee tenants of Assisted Units a continuation of their lease and ability to return after the remediation is complete.

Awardees and eligible owners are required to comply with all federal regulations concerning [lead hazard disclosures](#).

### 4. Oversight of Remediation & Construction

Awardees shall assist eligible owners in scoping the remediation and construction work, so that **Assisted Units are decent, safe, and sanitary at project completion**. Program funds may only be used for abatement of friction surfaces, with related remediation activities of non-friction allowed at the discretion of the local health department once all problematic friction surfaces are addressed.

Any improvements and/or repairs unrelated to the prevention of lead hazards - but necessary to render an Assisted Unit decent, safe and sanitary - must be paid for through other sources.

Any person performing work on a rental property, including, but not limited to, owners, home improvement contractors, property management firms, maintenance or repair workers, or other persons compensated for renovation work that involves the replacement of windows or that disturbs more than 6 square feet of interior or 20 square feet of exterior paint or surface coating in pre-1978 residential housing or child occupied facilities must possess an EPA Renovation, Repair, or Painting ("RRP") or EPA Lead Abatement Certification. The purpose of this requirement is to ensure that the persons performing this type of work have received proper training to limit the potential for lead exposure.

Awardees may use Program Delivery funds to pay for costs associated with the RRP training and Lead Abatement certification of workers.

### 5. Post-Construction Inspection and Clearances

Assisted Units must be properly cleaned after remediation and receive lead hazard clearance. Awardees must use funds available through their CLPPP and CLPPP+ Program grants to pay for post remediation home inspections. A clearance examination shall be compliant with CLPPP and CLPPP+ policies and local laws.

## Proposal Costs and Materials

HTFC will not be held liable for any cost incurred by the applicant for work performed in the preparation, production, or submission of a proposal in response to this RFP. All proposal materials and information submitted as part of the application shall become the property of HTFC. No materials, curricula, media, or other content will be returned to the applicant.

## Evaluation Criteria

Applicant proposals will be examined for completeness and eligibility and scored by an internal committee at HCR. **Applications receiving a score of sixty (60) or more will be awarded.**

Incomplete proposals and those that do not meet eligibility requirements may be rejected as ineligible. Complete proposals and those that meet eligibility requirements will be reviewed.

Applications should include a PDF attachment that responds to the following instructions. This **PDF should not exceed six (6) pages** in length, excluding the cover letter page. Partnerships between county government Applicants and non-profit organizations and/or municipal government entities should contain a letter or resolution of support for the proposed undertaking and outlining the roles and responsibilities.

### 1. Cover Letter (5 points)

State the legal name of the applicant organization, the Federal Identification Number (FEIN), name of point of contact for questions regarding your application, their phone number and e-mail address, the geographic region (based on the communities of concern listed in **Figure #1: Communities of Concern**), the amount of funds requested, and the partner organization(s) for the project.

### 2. Overview (Up to 5 points)

Briefly describe the issue of lead exposure in your community and the approach taken to control lead hazards to date. Include challenges your community is working to overcome currently.

### 3. Capacity & Experience (Up to 30 points)

Note your experience managing lead remediation work, funded through the Federal government and/or other sources.

Describe your expertise and experience in lead safe work practices. Describe your, or your proposed partner organizations', internal capacity, or ability to contract with, as it relates to certified inspectors, contractors, and other professionals qualified to work on lead remediation and certify units as safe from lead hazards. If there is a shortage of these qualified workers in your community, explain how you will leverage this grant opportunity to increase that capacity.

Briefly elaborate on your experience providing tenant relocation assistance (both temporary and permanent relocations as applicable) and counseling households dealing with emotional/delicate situations, such as the potential exposure of children to environmental lead hazards.

### 4. Cost-Effectiveness of Proposal (Up to 30 points)

Complete the following budget within the allocated Not to Exceed (NTE) amount for your jurisdiction. Not to Exceed amounts may be found in **Figure #1: Communities of Concern** of this NOFA. In the budget template below, describe whether you will be leveraging the Leading in Lead Prevention subsidy with other sources, such as Federal, local, or philanthropic.

NOFA Application Budget	Request	NTE / Unit
Remediation of Lead Hazards ( <i>must prioritize abatement of friction surfaces but may include paint film stabilization of other non-friction surfaces at the discretion of the local health department</i> )		\$34,000
Program Delivery Costs ( <i>staff salaries, OTPS, travel, temporary tenant relocation, purchase of HEPA vacuums, trainings/cert of workers, cleaning supplies to owners, education campaign...etc.</i> ) <b>Not to Exceed 15% of total award</b>		\$6,000
Anticipated units completed within contract term		
<b>Total</b>		<b>\$40,000</b>

Other Sources of Funding	Amounts	Units

5. Feasibility of Proposal & Ability to Generate Demand (**Up to 30 points**)

Describe the lead inspection and clearance process you will use on Assisted Units in this Program. Mention how you will use your CLPPP and CLPPP+ grants to generate a pipeline of owner participants.

Describe the targeted neighborhood(s)/blocks where lead hazards are prevalent in your community.

Note your strategy for identifying participating owners, prior to the launch of the new NYS Department of Health’s Lead Hazard Rental Registry.

**Selection Criteria**

All completed applications will be reviewed and scored. HTFC reserves the right to:

- Award all, a portion of, or none of the program funds based upon funding availability, competitiveness of applications received, feasibility of achieving project goals and objectives and completing proposed activities.
- To change or disallow aspects of the applications and may make such changes conditions of its commitment to provide funding.
- To recommend funding in an amount less than requested.



- To not issue an award or grant agreement to any applicant if it has been determined that the applicant is not in compliance with existing state contracts and has not taken satisfactory steps to remedy such non-compliance.
- Waive any requirement contained in this NOFA.
- Revise this NOFA from time to time.
- Extend the submission due date.

**Application and Award Timeline**

HTFC reserves the right to modify this schedule, at its discretion. Notification of changes in connection with this NOFA will be posted and made available to all interested parties via <https://hcr.ny.gov/funding-opportunities>

Issuance of NOFA	Friday, October 27 <sup>th</sup> , 2023
Deadline for Submission of Applications	Friday, December 15 <sup>th</sup> , 2023, at 3:00 PM (EST)
Anticipated Preliminary Award Selection award(s) will be contingent on HTFC Board approval, which may occur after this date)	Friday, February 2 <sup>nd</sup> , 2023

**Award Recommendations and HTFC Board Approval**

Awards are recommended based on available funding, application quality, and project feasibility as determined by the review and rating of an application. The evaluation and selection criteria are detailed in the NOFA. Recommendations are advanced to the HTFC Board for consideration and the award must be approved by the HTFC Board prior to the execution of a grant agreement.

**Application Status and Notification**

Applicants will receive one of the notifications below in response to their application:

- Incomplete: Application presents potentially eligible project but provides insufficient information. Applicant will be provided an opportunity to submit additional documentation.
- Non-Award Notification: Application presents an incomplete, non-competitive, not viable project and will not receive an award under this NOFA.
- Preliminary Award Notification: Application presents a complete, eligible, competitive, and feasible project. The project has been recommended to and approved by HTFC Board of Directors for funding.

**Program Grant Agreements**

Awardees may be asked to revise parts of their application prior to entering into a program grant agreement. After any required revisions are submitted and approved, a final program grant agreement will be executed. The program grant agreement will require that Awardees expend all funds and meet all program goals within a **two-year (2) term with the possibility for an extension**, at the discretion of HTFC.

An applicant should not apply if the project will not begin within a reasonable time after receiving an executed grant agreement or will not be able to complete the project within the term. Funds remaining at the end of the term are subject to de-obligation and/or reallocation.

### **Equal Employment Opportunity/Minority and Women Owned Business and Affirmative Action**

Under Article 15A of the New York State Executive Law, all award recipients and their contractors are required to comply with the equal employment opportunity provisions of Section 312 of that Article. Also, all contractors and awardees are required to make affirmative efforts to ensure that New York State Certified Minority and Women-Owned Business Enterprises are afforded opportunities for meaningful participation in projects funded by HTFC pursuant to Section 313 of the Article.

All MWBE firms used to satisfy this requirement must be certified as such with the State's Empire State Development ("ESD"). All SDVOB firms used to satisfy this requirement must be certified as such with the State's Office of General Services.

Affirmative Action Policy Statement: It is the policy of the HTFC to provide equal opportunity to all people without regard to race, color, sex, religion, age, national origin, disability, or sexual orientation.

### **Questions**

Any questions regarding this NOFA or the application process should be directed to:

[NOFA\\_Applications@hcr.ny.gov](mailto:NOFA_Applications@hcr.ny.gov).