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CHAPTER 6
CONSTRUCTION REQUIREMENTS

I. LABOR STANDARDS

A. Introduction

Depending on the type of activity to be undertaken with New York State Community Development Block Grant (NYS CDBG) funding, Recipients may need to comply with either the State Labor Standards required by Article 8 of the New York State Labor Law and/or the Federal Labor Standards as required by the Davis-Bacon Act. **It is the Recipients' sole responsibility to fully understand and comply with the requirements of the labor laws that impact their project prior to implementation of their NYS CDBG Program.** Recipients should contact the appropriate State or Federal agency concerning any issues related to State and/or Federal Labor Standards.

Article 8 of the New York State Labor Law requires Department of Jurisdictions awarding a public work contract to request a state wage rate determination prior to the bidding of a contract. The wage rate determination must be included as part of the bid document.

A "Department of Jurisdiction" includes a state department agency, board or commission; a county, city, town or village; a school district, board of education or board of cooperative educational services; a sewer, water, fire, improvement and other district corporations; a public benefit corporation; and a public authority awarding a public work contract.

"Public work" is construction, reconstruction or maintenance conducted on behalf of the public. The project's primary objective must be to benefit the public and the Department of Jurisdiction is party to a contract involving the employment of laborers, workers or mechanics.

Davis-Bacon Act (40 USC 276a-276a-5) requires that workers receive no less than the prevailing wages being paid for similar work in their locality. Prevailing wages are computed by the Department of Labor and are issued in the form of federal wage decisions for each classification of work. **The law is applicable to all construction contracts awarded by Recipients or sub-recipients in excess of $2,000. Residential rehabilitation contracts involving structures that contain fewer than eight (8) units are exempt from this requirement.** Multi- unit structures that contain eight (8) or more units within the structure regardless of the number of units being rehabilitated and mixed-use properties must comply with the Davis-Bacon Act (i.e. façade work).

For projects subject to the requirements of both Federal and State Labor Standards, both state and federal wage rate determinations must be obtained and included in the bid document for the project. In this case, the contractor is required to pay the higher of the two rates for the job classification.

B. Recipient Responsibility

Recipients should fully understand what is required for construction contracts before starting the implementation process for your NYS CDBG project:

- **Recipients must ensure that all construction contracts in excess of $2,000 comply with all applicable Federal Labor Standards and provisions**.

- Recipients must ensure that all public works contracts awarded by a Department of Jurisdiction comply with all applicable State Labor Standards and provisions.

Recipients must include a copy of the current prevailing wage rate determination in each Request for Bids. A **copy of the bid specifications, proposed contract provisions and evidence that wage rates have been incorporated into the contract must be forwarded to the Recipient's OCR Community/Economic Developer prior to issuing the bids for construction**.

- Recipients may only award contracts to eligible contractors and subcontractors which have accepted the wage rate determination and signed a certification to pay wages on that basis and comply with other labor standards.

- Contractors and sub-contractors must pay the wage rate determined by the Secretary of Labor to be the prevailing rate in that labor market.

- Recipients are required to report all suspected, reported or confirmed violations of over $1,000 and must require the contractor to prepare a supplemental payroll and make appropriate restitution to affected employees.

- Recipients must conduct confidential interviews with employees to assure compliance with the terms of the Copeland Anti-Kickback Act.

- Recipients must develop compliance and enforcement procedures that ensure all applicable labor standards requirements are met.

- Recipients must complete all required Federal and State Labor Standards compliance reports.

- Recipients must send a copy of the wage schedule and other related documents that were included in the construction contracts (for all prime contractors) to their Office of Community Renewal (OCR) Community/Economic Developer.

- Recipients must submit Semi-Annual Labor Standard Enforcement Reports to OCR. OCR is required to submit these reports to HUD for projects subject to Davis-Bacon.

C. Labor Standards Administration

In order to comply with labor standard requirements, Recipients must develop a compliance and enforcement procedure that ensures all applicable labor standard requirements are met. The following steps will assist Recipients in ensuring compliance with applicable labor standards provisions:

Step 1 - Determine Applicability

The first and sometimes most difficult step is determining whether and to what extent the NYS Labor Law and/or Davis-Bacon wage standards apply to a particular contract or project. Most HUD-assisted construction work is covered by Davis-Bacon but there are some exceptions. The best and safest approach is whenever the contract project involves construction work that is valued in excess of $2,000 to assume that Davis-Bacon rates will be applicable and then look more closely to see if there's any reason for non-coverage.

Step 2 - Designate a Labor Standards Compliance Officer

Recipients must designate a Labor Standards Compliance Officer who will be responsible for prevailing wage compliance. This person will serve as liaison between the contractor, the project engineer, and OCR and have overall responsibility for coordinating and ensuring compliance with all appropriate labor standards regulations and ensuring that an accurate filing system is maintained. The officer's name must appear on all requests, notices and correspondence related to labor standards regulations and project compliance.

Step 3 - Request Wage Rate Determination

State Prevailing Rate Schedule

The Bureau of Public Works of the NYS Department of Labor issues New York State Prevailing Rate Schedules annually on July 1 for each locality within New York State. **Recipients must request a Prevailing Wage Schedule for their project from the appropriate regional office of the NYS Bureau of Public Works (www.labor.state.ny.us/workerprotection/publicwork/PWContactUs.shtm). Request for wage determinations should be submitted to the NYS Department of Labor, Bureau of Public Works within 90 days prior to the scheduled bid opening date.** Prevailing Rate Schedules list the hourly rates for the trades and occupations of the workers to be employed on the public work

project. The Bureau of Public Works can provide additional guidance on the process and procedures required for compliance with NYS Labor Law.

Federal Wage Determinations – Davis-Bacon

Federal wage rate determinations are issued by the U.S. Department of Labor for each State by means of a general wage decision issued early each January and subsequent periodic modifications throughout the balance of the year, in the four basic categories within the construction industry: Heavy, Highway, Building, and Residential. These determinations are meant to be all-inclusive and representative of an area's (the area in which the project is located) prevailing basic wage and fringe benefits for every type of job classification of laborers and mechanics within their respective industry category. The bid specifications and/or the contract for each project subject to Davis-Bacon wage rates must contain both a Davis-Bacon wage decision and its own labor standards clauses. These are usually bound into the contract specifications.

Recipients must obtain a wage determination from the U.S. Department of Labor.

To obtain a wage determination from the U.S. Department of Labor, Recipients must access the Davis-Bacon wage rates through the Federal System for Award Management or SAM. here Wage Determinations | SAM.gov . Recipients **must send a copy of the wage determination to their OCR Community/Economic Developer including evidence that the wage determination was verified prior to the bid opening.**

In most cases, NYS CDBG projects will only use the heavy prevailing wage rates. However, in certain cases, more than one wage determination should be included in the bid document by the project engineer. A guideline from the HUD Labor Relations Office, referred to as the 25% Test, can generally be followed to determine when more than one wage determination should be used for NYS CDBG-funded construction contracts. For instance, this "rule of thumb" provides that if building construction is a "significant component" of the project (the budget for building construction exceeds 25% of the total anticipated construction contract amount), then the project engineer should include both Heavy and Building rates in the bid document. The same 25% Test concept would apply to a public facility project which is principally building construction, such as a sewage treatment plant, but which also includes more than 25% of non-building construction activity. In such cases, the project engineer should include both Building and Heavy prevailing wage rates in the bid document. This is a guideline, not a rigid requirement. If your project appears to fall under this 25% Test, consult your OCR Community/ Economic Developer for guidance.

Click here for further information on Davis-Bacon and Labor Standards:

Unclassified Workers

In the event the construction project will involve laborers or mechanics with job classifications that do not appear on the wage determination provided, the recipient must make a request to OCR for an appropriate classification. The Report of Additional Classification and Wage Rate Form, SF 1444 must be used for this request.

Step 4 - Prepare the bid documents/contract

The federal labor standard regulations require specific language be included in all solicitations for bids and contracts for projects that must comply with labor standard regulations. Exhibit 4-1 provides Federal Labor Standards provisions. Additionally, each bidder and the contractor selected are required to provide specific certifications assuring the Recipient compliance with the prescribed labor standards requirements. In addition to the required labor provisions, all contracts must also include the required contract provisions as outlined in Chapter 4, Exhibit 4-1 and must comply with all required bonding provisions.

Step 4a. - Verify the Wage Rate in the Solicitation for Bids

A copy of the current wage rate determinations must be included in any solicitation for bids. **Recipients must verify that the determination is the most current available from the Department of Labor.**

Federal Wage Determinations have the following time limitations:

a. If a contract is not executed within 90 days of the bid opening, any applicable later modifications to the original wage determination must be included in the contract; or

b. If construction has not commenced within 90 days of the bid opening, any applicable later modifications to the original wage determination must be included in the contract.

Per the HUD Labor Relations Office, a Change Order, rather than rebidding, can incorporate the modifications under items a) and b) above.

Step 4b. - Verify Bidder Eligibility

Debarment, Suspended or Ineligible Contractors

Persons who have been declared debarred or suspended from participation in federally funded programs by a federal government agency are ineligible for participation in the NYS CDBG program. The U.S. General Services Administration maintains the List of Parties Excluded from Federal Procurement and Non procurement Programs for the federal government, at SAM. This list

includes contractors who have been found in serious violation of Federal Labor Standards or other requirements, and therefore have been debarred, suspended, or otherwise declared ineligible for participation in federally assisted construction projects. Use of this list is required for all HUD-financed programs to verify eligibility status of contractors.

Once bids are received for a project, Recipients must verify a contractor's eligibility by reviewing the List of Parties Excluded from Federal Procurement and Non procurement Programs to verify the eligibility status of the contractors. Contractors who have been declared debarred or suspended from participation in New York State public works projects by the NYSDOL Public Works Debarred List. This list can be obtained here. Request for Authorization of Additional Classification and Rate | GSA All proposed prime contractors and consultants must be verified for eligibility, by the Recipient, prior to awarding any NYS CDBG-funded contracts. In addition, participants in contracts associated with a NYS CDBG project must certify they and their principals are not debarred, suspended, voluntarily excluded, or otherwise ineligible. This step should take place as soon as possible following the bid opening, and before awarding any construction or consultant contract.

Recipients must not make any contract award or permit any contract award to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in NYS public works projects or federal assistance programs.

Step 4c. - Reverify the Wage Rate

For projects where Davis-Bacon is applicable, not less than 15 business days prior to the bid opening, the Recipient must contact the U.S. Department of Labor to determine whether the wage rate decisions included in the bid solicitation are still current. In those instances, where the U.S. Department of Labor has issued a modification of the earlier wage determination, Recipients must provide the new rate decision to all potential bidders by addendum, if a reasonable amount of time is allowed for this procedure.

Step 5 - Evidence of Compliance

For projects where the Federal Labor Standards are applicable, Recipients must submit evidence that executed contracts for all contractors (prime and sub) contain federal labor standards provisions. **A copy of the bid specifications, proposed contract provisions, and evidence that the wage rates have been incorporated into the contract must be forwarded to the Recipient's OCR Community/Economic Developer prior to issuing the bids for construction**. Non-receipt of the required documents will delay and may eventually suspend the processing for request for funds.

Step 6 - Inform Contractors of Labor Standard Requirements by Conducting a Pre-Construction Conference

Following the contract award for construction projects involving NYS CDBG funds, OCR recommends that the Recipient hold a pre-construction conference. The Recipient and prime contractor should include all subcontractors in the discussions to ensure that they are aware that they must also comply with the Labor Standards and equal employment opportunity provisions. The project architect and/or engineer (if applicable) should attend the conference to cover the technical or other contract related issues for the Recipients. The Recipient's project manager will cover the federal or state compliance issues.

The pre-construction conference represents a key opportunity prior to the beginning of project construction for giving instructions to the contractor. **A well-planned and executed conference can help prevent problems and misunderstandings that could delay the project later.**

To assist Recipients in preparing for and conducting the pre-construction conferences for NYS CDBG-funded construction contracts, Pre-construction Conference Planning Guide Exhibit 6-1 and Federal Labor and Civil Rights Requirements Exhibit 6-2 have been provided. The Guide provides a general format to be used as an agenda, supplemental information on labor standards and civil rights requirements, and a blank conference checklist and agenda, which should be followed to record minutes for the conference.

At a minimum, pre-construction conferences must include the following topics of discussion, which outlines the contractors or sub-contractor's responsibilities:

- Compliance with Build America, Buy America (BABA)
  - Submission of materials list and certification: https://hcr.ny.gov/community-development-block-grant#forms-and-documents

- Prevailing wage requirements, including posting prevailing wages continually at the job site;
- Employment of apprentices or trainees;
- Weekly pay for employees, submission of weekly payrolls Form WH-347;
- Penalties if prevailing wage requirements and labor standards requirements are not complied with and payment of overtime;
- Equal employment opportunity requirements;
- Employment of minorities and local workers;
- Section 3 requirements;
- Use of minority and women's business enterprises;
- Required notices that must be posted at the job site;
- Ese of bona fide, registered subcontractors; and

- Key responsibilities of the contractor, engineer/architect, and project manager.

To document discussions that occur during the pre-construction conference, the Recipient should prepare minutes of the conference. A verbatim record is not necessary, as the names of the persons who attend and a summary of the comments and issues covered is enough. If minutes are recorded, a copy of the minutes should be retained in the files. Recipients should provide copies of the minutes to each contractor representative who attends the pre-construction conference. This helps document that the key requirements have been covered.

Step 7 - Monitor Contractor Performance

It is the Recipient's responsibility to monitor construction activities to ensure that all required notices are posted prominently at the construction site, that the contractor's weekly payroll reports are accurate and submitted weekly as required, and that the contractor is complying with applicable labor standards. This monitoring function can be accomplished through the following activities:

- **conduct on-site inspections to ensure that required notices and copies of the applicable wage rates are posted at reasonably accessible locations for the workers to review;**
- **compare weekly payroll reports to the prevailing wage rate decision;**
- **conduct interviews with construction employees to confirm job classifications and pay rates. Interviews should be conducted at least once a month throughout the construction period with a representative of each classification of laborers involved in the construction and at least 10 percent of the workforce;**
- **initial and date each payroll to document that the payroll review has been completed on a weekly basis;**
- **implement a process that authorizes payment to the contractor after specific milestones are met; and**
- **certify that the contractor has complied with all labor and civil rights requirements.**

Use of Volunteers

The Housing and Community Development Act exempts "volunteers" from Davis-Bacon Act requirements on NYS CDBG program funded projects. Davis-Bacon wage rates shall not apply to any individual that:

- performs services for which the individual volunteered;
- does not receive compensation for such services, or is paid expenses, reasonable benefits, or a nominal fee for such services; and
- is not otherwise employed at any time in the construction work.

The Project Manager should use and obtain a signed Volunteer Certification Form, Exhibit 6-3, for each volunteer worker, other than the contractor's employees, performing work on NYS CDBG-funded project activities.

Step 8 - Investigate Labor Standards Violations

Violations of labor standards requirements may surface as the result of either monitoring or through a specific complaint by a construction worker. In either instance, the Recipient is responsible for thoroughly investigating and documenting the alleged violation.

If a violation is suspected, the Recipient should immediately notify their OCR Community/Economic Developer and work with the contractor on an informal basis to resolve the problem and allow a reasonable time for correction. Where the contractor refuses to address the violation, or continues to violate labor standards provisions, your OCR Community/Economic Developer should be immediately notified in writing of the violation. The contractor should be informed that an unresolved finding of labor standards violation could result in disbarment and make the contractor ineligible for participation in NYS CDBG assisted construction projects in the future.

D. Davis-Bacon Reporting Requirements

Twice per year, Recipients undertaking activities that require compliance with Federal Labor Standards (Davis-Bacon and the related Acts) must submit a Semi-Annual Labor Standards Enforcement Report to OCR, who will notify Recipients directly if a report is due for a CDBG funded project. Reports are due within ten (10) days of the end of the reporting periods, which are October 1 through March 31 and April 1 through September 30. Information provided on this report will be submitted to HUD to demonstrate compliance with federal requirements. Recipients who fail to submit the reports in a timely manner are at risk of having funds suspended for all open grants until the report is received and approved by OCR.

II. LEAD BASED PAINT

THE PRESUMPTION OF LEAD ON ANY NYS CDBG PROGRAM FUNDED HOUSING ACTIVITY IS NOT PERMITTED.

A. Renovation, Repair and Painting Rule

Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children. To protect against this risk, on April 22, 2008, EPA issued a rule (40CFR745.80) requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning Lead-Based Paint Laws & Regulations | US EPA. Under the rule, beginning April 22, 2010, and updated October2011: firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools

must be **certified by the EPA and that they use certified renovators who are trained by EPA-approved training providers to follow lead-safe work practices.** Recipients must include the firm's EPA certification in the general program files and be made accessible for verification.

EPA and HUD rules apply to all housing rehabilitation activities.

B. Lead Safe Housing Rule

All NYS CDBG-funded housing rehabilitation and home ownership projects must adhere to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (24 CFR Part 35). These regulations must be carefully followed to ensure that exposure to lead hazards is reduced in any residential property to be rehabilitated or purchased. The regulations can be found here. Lead-Based Paint Laws & Regulations | US EPA

HUD has created an Interpretive Guidance that can be used to address many of the questions that have arisen as a result of the implementation of these new regulations. The Interpretive Guidance can be found online Code Rule 56 Asbestos - Related Information | Department of Labor.

For questions that cannot be answered through the regulations or Interpretive Guidance, Recipients should submit their questions in writing to their OCR Community/Economic Developer. OCR will respond in writing.

EPA and the HUD rules apply to all housing rehabilitation activities.

C. Types of Housing Covered

- Any private housing that is receiving CDBG housing rehabilitation assistance
- Federally-owned housing being sold
- Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance)
- Public housing
- Housing occupied by a family receiving a tenant-based subsidy (such as a voucher or
- certificate)
- Multifamily housing for which mortgage insurance is being sought
- Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs

D. Types of Housing Not Covered

- Housing built since January 1, 1978, when lead paint was banned for residential use
- Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there **(EXEMPT)**
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks **(EXEMPT)**

- Property that has been found to be free of lead-based paint by a certified lead-based paint inspector **(EXEMPT)**
- Unit is used no more than 100 days per year **(EXEMPT)**
- Property where all lead-based paint has previously been removed (documentation will be required)
- Unoccupied housing that will remain vacant until it is demolished
- Non-residential property

E. Notices and Pamphlets

As per 24CFR Part 35, Recipients undertaking housing rehabilitation and homeownership activities are required to provide appropriate lead hazard information pamphlets and notices to the owners and occupants of the residential structure. The ***Protect Your Family from Lead in Your Home*** pamphlet and the ***EPA Renovate Right*** pamphlet must be provided to all owners, potential owners, and occupants of the residential structure to be purchased or that is undergoing rehabilitation.

In addition to the lead hazard information pamphlet, Recipients are also required to provide specific notices when lead based paint evaluation and/or hazard reduction activities are being undertaken. Recipients must provide the appropriate notice(s) (Exhibit 5-8) to all owners and occupants of the residential structure where the activities are being undertaken.

F. Calculating Federal Rehabilitation Assistance

Prior to beginning any lead hazard evaluation or reduction activities, Recipients must determine the level of Federal assistance being provided to a specific unit. Lead-based paint requirements for rehabilitation vary based on the amount of federal rehabilitation assistance (as defined in 24 CFR 35.915), and the calculation can affect (1) the requirement for a risk assessment and (2) the type of lead hazard controls required.

The three categories are:

- Assistance of up to and including $5,000 per unit;
- Assistance of more than $5,000 per unit up to and including $25,000 per unit; and
- Assistance of more than $25,000 per unit.

The amount of federal rehabilitation assistance is based on two calculations, and the lesser of the two is used to determine the category. The two calculations are:

1. **The average Federal housing assistance per assisted dwelling unit** – Federal assistance includes all Federal funds that are assisting the project, regardless of the use of the funds. Federal funds being used for acquisition, construction and project soft costs are included.

   The following are examples of programs that are considered Federal assistance:

- HUD grant programs, including CDBG, HOME, HOPE
- Special Needs programs such as HOPWA, ESG, Supportive Housing, Shelter Plus Care and other McKinney programs
- Section 8 and other HUD rental assistance programs
- Dept. of Agriculture's Rural Development funds

The following are examples that are not considered Federal assistance for the purpose of this calculation:

- Proceeds from the sale of Low-Income Housing Tax Credits
- Proceeds from FHA mortgage insurance, including rehab funds such as 203(k)
- Weatherization Assistance Program (separate guidance has been issued)
- Fannie Mae and Freddie Mac programs
- Federal Home Loan Bank programs

If you are using Federal funds on a project and the program is not clearly identified as included or excluded by these lists, contact OCR to determine applicability before proceeding.

2. **The average hard costs of rehabilitation per unit** – The hard costs of rehabilitation include all hard costs, regardless of source, except for the costs associated with lead-based paint hazard evaluation and hazard reduction activities (as explained below). All other hard costs of rehabilitation are to be included, regardless of whether the source of funds is Federal or non-Federal, public or private.
The following are not hard costs and need not be included in this calculation:

- Soft costs, including financing fees, credit reports, title binders and insurance, recordation fees, transaction taxes, impact fees, legal and accounting, appraisals, architectural and engineering fees
- Administrative costs
- Relocation costs
- Environmental review costs
- Acquisition costs
- Also, the costs of complying with the LBP Rule that are not normally incurred as part of rehabilitation may be excluded from this calculation, including such things as:
- Lead evaluation costs (risk assessments, visual assessments or inspections)
- Worksite preparation
- Occupant protection, including relocation, storage or protection of belongings

- Interim controls, standard treatments, or abatement activities that are being done only for purposes of lead hazard control and would not be done in the normal course of the rehabilitation except for the LBP requirements
- The incremental costs of a rehab activity that are the result of safe work practice requirements (e.g., if the standard window replacement cost is $275 per window without LBP, but $310 when using safe work practices in an interim control job, the incremental cost of $35 per window may be treated as an additional LBPH reduction cost and excluded from the calculation of rehabilitation hard costs)
- Waste handling attributable to lead-based paint hazard reduction.
- Specialized cleaning designed to remove LBP dust
- Clearance activities, including visual assessments, dust wipes, and reports

These LBP hazard reduction costs may be excluded from the calculation of rehabilitation hard costs (the second of the two required calculations), but are not excluded from the calculation of Federal housing assistance (the first of the two calculations) if they are paid with Federal funds.

For a residential property that includes both federally assisted and non-assisted units, these calculations apply only to the federally assisted units. The rehabilitation costs and Federal assistance associated with non-assisted units are not included in the calculations of the average per unit hard costs of rehabilitation and the average Federal assistance per unit, but the pro rata share of the exterior, common area, and common systems costs are included. For multi-unit projects with both federally-assisted and non-assisted units, rehabilitation hard costs per unit are calculated as follows:

1. In-unit rehabilitation hard costs for assisted units divided by the number of federally-assisted units in the project; plus
2. Rehabilitation hard costs for common areas and exterior surfaces divided by the total number of units in the project.
3.

Exhibit 6-9 is provided as the form for documenting the amount of Federal Rehabilitation Assistance and evidence of this calculation must be contained in every project file.

G. Lead Based Paint Evaluation and Hazard Reduction Requirements

For all residential properties receiving Federal housing rehabilitation assistance up to and including $25,000, Recipients must complete the following activities:

1. Conduct lead-based paint testing on the entire dwelling unit including surfaces to be disturbed, deteriorated surfaces and friction and impact

surfaces and all surfaces expected to be disturbed or replaced during rehabilitation activities.

2. Perform a lead-based paint risk assessment in the dwelling units receiving Federal assistance and in associated common areas and exterior painted surfaces in accordance with 24CFR35.1320(b) and EPA Renovator, Repair and Painting rules at 40 CFR Part 745 before rehabilitation begins.

3. Risk assessors must use standards for determining dust-lead hazards and soil-lead hazards that are at least as protective as those promulgated by the EPA at 40 CFR 745.227(h).

4. If lead testing indicates the presence of lead-based paint hazards, implement safe work practices during rehabilitation work in accordance with 24CFR35.1350 and EPA Renovator, Repair and Painting rules at 40 CFR Part 745 and repair any paint that is disturbed and all lead-based paint hazards.

5. After completion of any rehabilitation disturbing painted surfaces, perform a clearance examination of the housing unit(s) in accordance with 24CFR35.1340.

For Residential property receiving more than $25,000 per unit in Federal rehabilitation assistance, Recipients must complete the following:

1. Conduct lead-based paint testing on the entire dwelling unit including deteriorated surfaces, friction and impact surfaces and all surfaces expected to be disturbed or replaced during rehabilitation activities.

2. Perform a lead-based paint risk assessment in the dwelling units receiving Federal assistance and in associated common areas and exterior painted surfaces in accordance with 24CFR35.1320(b) and EPA Renovator, Repair and Painting rules at 40 CFR Part 745 before rehabilitation begins.

3. Risk assessors must use standards for determining dust-lead hazards and soil-lead hazards that are at least as protective as those promulgated by the EPA at 40 CFR 745.227(h).

4. If lead testing indicates the presence of lead-based paint hazards, implement safe work practices during rehabilitation work in accordance with 24CFR35.1350 and EPA Renovator, Repair and Painting rules at 40 CFR Part 745 and abate any paint that is disturbed and all lead-based paint hazards.

5. After completion of any rehabilitation disturbing or abating painted surfaces, perform a clearance examination of the housing unit(s) in accordance with

24CFR35.1340.

H. Lead Based Paint Inspections and Paint Testing

For projects requiring lead-based paint inspections and paint testing, Recipients must ensure that lead-based paint inspections and paint testing are performed in accordance with 40 CFR 745.324 or 40 CFR 745.227(b) and (h). For any paint inspections and paint testing on deteriorated paint surfaces or surfaces to be disturbed or replaced, Recipients must ensure that the paint inspection and paint testing is performed by an **EPA certified lead-based paint inspector or risk assessor**. Recipients must include the inspector or risk assessor's EPA certifications in the general program files and be made accessible for review by HUD and the Office of Community Renewal.

I. Risk Assessments

For projects requiring risk assessments, Recipients must ensure that risk assessments and lead-hazard screenings are performed in accordance with 40 CFR 745.227(c), (d), and (h). Risk assessors must use standards for determining dust-lead hazards and soil-lead hazards that are at least as protective as those promulgated by the EPA at 40 CFR 745.227(h). Recipients must ensure that lead-hazard screens are performed in accordance with 40 CFR 745.227(c). HUD strongly recommends that lead-based paint inspectors, risk assessors, and sampling technicians provide a plain-language summary of the results suitable for posting or distribution to occupants. Recipients must also follow HUD Risk Assessment requirements at 24 CFR 35.1320(b).

All risk assessments must be full unit assessments. This requires testing of all surfaces proposed to be disturbed, all friction surfaces and all chipping, flaking or peeling paint. Common areas must be included for any multi-unit project.

Risk assessment reports must include a floor plan of the entire unit(s).

Risk assessments cannot be more than six (6) months old at the time rehabilitation work begins.

Recipients are responsible for reviewing the risk assessment report.

J. Interim controls.

Interim control measures include paint stabilization of deteriorated paint, treatments for friction and impact surfaces, dust control, and lead-contaminated soil control. When conducting interim controls, Recipients must ensure the following:

1. Only those interim control methods identified as acceptable methods in a current risk assessment report shall be used to control identified hazards.

2. Occupants of dwelling units where interim controls are being performed shall be protected during the work in accordance with 24CFR35.1345.

3. Clearance testing shall be performed at the conclusion of interim control activities in accordance with 24CFR35.1340.

4. A person performing interim controls must be trained in accordance with the hazard communication standard for the construction industry issued by the Occupational Safety and Health Administration of the U.S. Department of Labor at 29 CFR 1926.59, and either be supervised by an individual certified as a lead-based paint abatement supervisor or have successfully completed an approved lead-safe work practices course.

K. Abatement

If a project meets the level of assistance that requires abatement of all interior lead hazards, abatement must be performed in accordance with 40 CFR 745.227(e) and must be completed by achieving clearance in accordance with 24CFR35.1340. If encapsulation or enclosure is used as a method of abatement, ongoing lead-based paint maintenance activities shall be performed in accordance with 24CFR35.1355. Abatement of an intact, factory-applied prime coating on metal surfaces is not required unless the surface is a friction surface.

L. Clearance

Recipients that conduct any form of lead hazard control work must ensure that the work is completed, cleaned, and that the unit meets the clearance requirements as outlined in 40CFR745.227 and 24CFR35.1340.

M. Allowances for presumption of lead

For Recipients which are undertaking drinking water lateral connection, sanitary sewer lateral connection, well and septic programs and that is the only activity that is undertaken, the OCR will allow presumption based on the following:

- Under 35.115(a)(8), “Any rehabilitation that does not disturb a painted surface” is exempt from the Rule. If no painted surface is disturbed by the scope of work, the Rule does not apply and no risk assessment is triggered, regardless of the cost.
- Lateral connections, well and septic activities with OCR prior approval, may qualify under this allowance, unless plumbing connections through painted surfaces are included in the scope of work.
- The “de minimis” exception in 35.1350(d) does <u>not</u> qualify the project as “exempt”. If any painted surface is disturbed or repaired, the Rule is triggered.
- Projects that involve well and septic or lateral connections only must clearly address this exception to the presumption standard in the approved Lead Based Paint Compliance Plan.

For Recipients which are undertaking any single housing rehabilitation project which results in a total project cost of less than $5,000, the OCR **MAY** allow the presumption standard,

- In consultation with the OCR **PRIOR** to undertaking the activity.
- Further consultation with the assigned Community Developer may be warranted on a case-by-case basis.

N. Lead Based Paint Compliance Plan and Certification

Recipients of any CDBG housing assistance are required to submit a Lead Based Paint Compliance Plan and a Lead Based Paint Compliance Plan Certification that will assist to further assure compliance with all applicable lead-based paint regulations at 24 CFR Part 35 and 40 CFR Part 745, EPA rules as adopted by HUD.

To assist with this, the OCR has provided two Certification Forms:

1. Form 5-1 CDBG LBP Compliance Plan Certification Rehabilitation or
2. Homeownership/Acquisition Assistance with Rehabilitation
3. Form 5-2 CDBG LBP Compliance Plan Certification Homeownership/Acquisition Assistance (no rehabilitation of any form)

Forms are available on the OCR website. Fair and Equitable Housing Office | Homes and Community Renewal Lead Based Paint Plan and Certifications must be submitted prior to undertaking any housing activity that is subject to lead based paint compliance.

III. ASBESTOS

Projects conducted by Recipients are not on a scale that requires consideration of most provisions of the Clean Air Act (CAA), with the exception of asbestos, an airborne contaminant known to be hazardous to human health, or “hazardous air pollutant.” Section 112 of the CAA establishes the National Emissions Standards for Hazardous Air Pollutants (NESHAP). The asbestos NESHAP classifies asbestos-containing materials (ACM) according to the following categories:

Friable ACM is any material containing more than one percent asbestos (determined by Polarized Light Microscopy as specified by EPA), that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

Category I non-friable ACM is asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one percent asbestos, as determined by the above-prescribed method.

Category II non-friable ACM is any material (other than Category I non-friable ACM), containing more than one percent asbestos, as determined by the above prescribed method, that, when dry, cannot be crumbled, pulverized, or reduced to powder by

hand pressure. Examples of this category include asbestos-cement products (such as transite) commonly used for duct insulation, pipes, and siding.

Regulated asbestos-containing material (RACM) is a) Friable ACM; b) Category I non-friable ACM that has become friable due to deterioration; c) Category I non-friable ACM, which has or will be subjected to sanding, grinding, cutting or abrading; and d) Category II non-friable ACM, which has a high probability of becoming or has become crumbled, pulverized or reduced to powder by forces expected to act on the material in the course of demolition or renovation. Further guidance on ACM classification and identification can be found here. Asbestos-Containing Materials (ACM) and Demolition | US EPA

In New York State, any project which involves removal, encapsulation, enclosure or disturbance of RACM (except for work in an owner-occupied, single-family dwelling performed by the owner of the dwelling) is subject to NYS Department of Labor (DOL) regulations at 12 NYCRR Part 56. Any contractor involved in these activities must have a valid asbestos handling license, displayed at the work site, and must perform all asbestos work in accordance with provisions of Part 56. Where all asbestos work on a project is subcontracted to a contractor with an asbestos handling license, only that part of the work involving asbestos is considered an asbestos project; other contractors not involved in the asbestos project are not required to have an asbestos handling license. A list of licensed asbestos contractors is available by calling the NYS DOL at (518) 485-9263 or through the NYS DOL website, https://labor.ny.gov/workerprotection/safetyhealth/DOSH_ASBESTOS.shtm. In addition to the above activities, disposal of RACM is governed by federal and state waste disposal regulations (see Solid and Hazardous Waste, below).

The NYS DOL instructs that an asbestos survey must be completed by a certified Asbestos Inspector whenever all or part of a building or structure will be demolished, renovated, remodeled or repaired. The survey will determine if the planned work will disturb asbestos material.

ERR compliance language might be:

“Asbestos Containing Materials (ACM) that will be disturbed as part of program activities will be handled and disposed of according to NYS Department of Labor requirements at 12 NYCRR Part 56 and local regulations.”

OR

“An Asbestos survey was conducted and it was determined that ACM will not be disturbed as documented in the attached.”

OR

“Asbestos Abatement has been completed and the report is included.”

The responsible entity may provide written documentation, as applicable, that the site or sites have been reviewed by an environmental professional and determined not to be located on or near any hazardous materials or contamination and that the site complies with HUD environmental standards as specified at 24 CFR 58.5(i). This site visit report will include a signed certification statement, that: "I, (Name, Title), certify that I am a qualified environmental professional as per ASTM 1527." The American Society for Testing and Materials Standard (ASTM) defines “Environmental Professional” as:

- A person who holds a Baccalaureate or higher degree in a relevant science or engineering field plus the equivalent of five years relevant work experience OR
- A person who holds a current engineer’s or professional geologist license or registration from a state, tribe or U.S. territory OR
- An official of the site locality’s Building Department with expertise in assessing environmental conditions OR
- A person who has the equivalent of ten years relevant work and field experience in performing environmental site assessments.

NYS Department of Labor 12 NYCRR Part 56, Asbestos, is available online, here: https://dol.ny.gov/system/files/documents/2021/03/icr56.pdf
Also see: Asbestos in New York State Facts and Responsibilities https://dol.ny.gov/system/files/documents/2021/03/p224.pdf

IV. RADON

Project sites or target areas located in Zones 1 and 2 (moderate to high) of the EPA Map of Radon Zones, where *new construction* or *substantial rehabilitation* of residential units or residential common areas will occur, must be tested for radon. If elevated levels are encountered, a radon mitigation system must be installed in accordance with EPA Radon Mitigation Standards.

Radon gas is regarded as a Group A carcinogen. The United States Environmental Protection Agency (EPA) has set an action level of 4.0 picocuries per liter (pCi/L). An elevated radon level occurs if the results of one long-term test or the average of two short-term tests show radon levels of 4pCi/L or higher. Any radon exposure has some risk. If the level is between 2 and 4 pCi/L, the EPA still recommends corrective measures to reduce exposure to radon gas.

Radon typically moves up through the ground to the air above and into a building through cracks and other holes in the foundation. The building traps radon inside, where it can build up. Any building may have a radon problem. This means new and old buildings, well-sealed and drafty buildings, and buildings with or without basements.

Radon testing instructions generally dictate that testing should be conducted in the lowest livable floor of a building that is used on a regular basis. If the basement is not used on a regular basis, or the building does not have a basement, testing should be conducted in the next lowest livable floor. Also consider that closed building conditions must be maintained for the duration of the test.

Radon testing must be conducted post-renovation. This is especially important if a project involves energy improvements that tighten the building envelope. For larger capital projects, it may be more cost effective to conduct radon testing prior to renovation, and if the results exceed allowable limits, a radon mitigation system may be installed as part of the renovation project.

If the target area or project site is in areas with a low radon level, compliance language might be:

“The target area or project site is in a zone with low potential for radon according to the EPA Map of Radon Zones. Radon testing is not required.”

In this case, source documentation must be provided and include a copy of an EPA Map of Radon Zones that contains the project site or target area.

- If the program or project does not include new construction or substantial rehabilitation of residential units, compliance language might be:

“The project does not include new construction or substantial rehabilitation of residential units or common areas.”

- If the Program target area is in an area of moderate to high radon level, compliance language might be:

“The target area is in a zone with moderate or high potential for radon levels to exceed the U.S. EPA action level (4pCi/L or higher). New construction or substantial rehabilitation of residential units and common areas will include post-renovation testing and if elevated levels are found, a radon mitigation system will be installed in accordance with EPA Radon Mitigation Standards.”

- If the project site is in an area of moderate to high radon level, compliance language might be:

“The project includes assistance to residential units located in an area with high or moderate potential for radon levels to exceed the U.S. EPA action level (4pCi/L or higher). Radon testing will be conducted post-renovation and, if elevated levels are found, a radon mitigation system will be installed in accordance with EPA Radon Mitigation Standards. Documentation of test results or installation of a mitigation system will be provided at project completion.”

The EPA Map of Radon Zones can be accessed online.

V. CONSTRUCTION CONTRACT REQUIREMENTS

A. Introduction

The U.S. Department of Housing and Urban Development (HUD) and the State of New York are committed to assuring that NYS CDBG Recipients take positive steps to ensure equal access to housing, employment, public facilities/services, contracting and business opportunities, NYS CDBG benefits/services, and displacement protection. In addition to equal access, Recipients must affirmatively further fair housing and accessibility for persons with disabilities.

Recipients are responsible for implementing their projects in compliance with all state and federal laws and regulations regarding civil rights, fair housing, and equal opportunity. The grant agreement itself certifies that you will actively enforce the provisions of these statutes and regulations and develop strategies for addressing these requirements. To ensure compliance, attention to the civil rights, fair housing, and equal opportunity components of your NYS CDBG projects must be all-inclusive, from the project design phase to the final progress report.

Recipients and NYS CDBG funded contractors must:

1. demonstrate that they afford equal employment opportunities to all persons.
2. take affirmative steps to ensure that minority groups are informed of grant opportunities.
3. demonstrate that their program benefits are not awarded in ways that discriminate; and
4. take affirmative steps to promote fair and equal access to housing, regardless of the type of grant.

Recipients and all contractors on NYS CDBG projects must comply with civil rights regulations in the following five areas. Compliance in these areas should be documented during implementation of your NYS CDBG project in order to demonstrate a good faith effort to comply with federal civil rights requirements:

- Program Benefit (Section 3): efforts to ensure that economic opportunities arising through HUD-assisted projects are directed toward low- and very low-income residents living in the project area.
- Recipient Hiring and Employment Practices: the community's affirmative action plan and activities initiated to extend employment opportunities to minorities and women.
- Contractor Affirmative Action: actions by contractors and subcontractors to employ minorities and women.

- Fair Housing: compliance with the federal mandate to administer all programs so as to affirmatively further housing availability and to prevent discrimination in federally assisted housing; and
- Accessibility: actions taken to ensure access by persons with physical and mental disabilities to federally assisted programs and activities.

B. Build America, Buy America (BABA)

Pursuant to the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), certain NYS CDBG projects must comply with the Buy America Domestic Content Procurement Preference ("Buy America Preference" or "BAP"). When applicable, BABA requires that iron, steel, non-ferrous metals, manufactured products, and construction materials used in federally funded infrastructure projects be produced in the United States, meaning all manufacturing processes—from the initial melting stage through the application of coatings—occur in the United States. BABA generally applies to infrastructure projects such as water and wastewater systems, utilities, transportation facilities, broadband infrastructure, and buildings or real property improvements.

Recipients must determine BABA applicability and document compliance prior to procurement and construction using the NYS CDBG guidance and forms available at:

- BABA Guidance and Applicability Checklist: https://hcr.ny.gov/baba-guidance-and-applicability-checklist
- BABA Covered Materials List and Certification: https://hcr.ny.gov/baba-covered-materials-list-and-certification

Recipients should consult these resources and coordinate with their NYS CDBG Project Manager if questions arise regarding BABA applicability or compliance. For additional information, go to Build America, Buy America Act - HUD Exchange.

C. Section 3

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the great extent feasible, provide job training, employment, and contracting opportunities for low- or very-low-income residents and business concerns in connection with projects and activities in their neighborhood.

Section 3 residents are defined as:

- Residents of public housing, or,
- Low- or very-low-income residents of the project area.

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Section 3 business concerns are businesses that can provide evidence that they meet one of the following:

- Are 51 percent or more owned by Section 3 residents: or
- At least 30 percent of its full time, permanent employees include persons that are currently Section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents or
- A business who commits to award subcontracts in excess of 25 percent of the dollar award of all subcontracts to businesses that meet at least one of the qualifications for business concerns.

Section 3 requirements apply to the entire project or activity funded with NYS CDBG assistance, regardless of whether the project or activity is fully or partially funded with NYS CDBG assistance.

Section 3 requirements apply to any contractor or subcontractor awarded a NYS CDBG contract of $300,000 or more, funded in whole or in part with CDBG funds

Recipients whose projects do not fall under Section 3 are nonetheless encouraged to comply with the Section 3 preference requirements.

Recipients, contractors and subcontractors must demonstrate compliance with the “greatest extent feasible” requirement of Section 3 by meeting the numerical goals set forth in 24 CFR Part 135.30 which are:

- 30% of the new hires be Section 3 residents.
- 10% of the total dollar amount of all Section 3 covered contracts in housing rehabilitation, housing construction and other public construction be awarded to Section 3 business concerns.

To aid in accomplishing the Section 3 requirements, Recipients should:

- Develop a list of Section 3 businesses and residents to be advised of opportunities for participation in project contracts or job opportunities. The Chamber of Commerce or similar business association in an area can often provide the names of eligible firms.
- Demonstrate compliance with Section 3 requirements by publishing a notice in the area newspaper before, as well as include in, advertising for construction bids. Such notices should be placed in publications having a circulation in the immediate area of the project. This will ensure that potential contractors are aware that whenever possible they should be hiring and buying locally, thus extending NYS CDBG benefits into the Recipient’s community.
- Include a notation of “An Equal Opportunity Employer” on your letterhead when it is used for NYS CDBG project-related correspondence.

- Include the following language in all requests for proposals, bid documents, contracts and sub-contracts: “The contractor will ensure that to the greatest extent feasible opportunities for training and employment arising in connection with this NYS CDBG-assisted project will be extended to lower-income project area residents. Further, the contractor will, to the greatest extent feasible, utilize business concerns located in or substantially owned by residents of the project area, in the award of contracts and purchase of services and supplies.”
- In addition to maintaining records of compliance, Recipients who meet the Section 3 thresholds, must report annually on their hiring and contracting with Section 3 residents. HCR’s Fair and Equitable Housing Office (FEHO) is responsible for distributing and collecting the Section 3 Reporting Form (available from https://www.hcr.ny.gov/feho). The data collected in these forms is also used to satisfy HCR’s annual reporting to HUD for compliance with Section 3 and MBE/WBE. Following the award and execution of the grant agreement, FEHO will contact Recipients and provide the reporting instructions and forms that are intended to track Recipient’s efforts to comply with the Section 3 requirements.

D. Recipient Hiring and Employment Practices

Recipients are responsible for ensuring that individuals will not be discriminated against. They are required to establish affirmative action plans that promote equal employment opportunity by including data concerning the Recipient’s affirmative actions for equal employment opportunity, recruitment advertising, hiring, promotions, layoffs or terminations, pay, and recruitment for training. These plans must be consistent with federal and state EEO laws when applicable.

In order to meet Title VI obligations, several steps should be taken by the Recipient to increase employment opportunities for protected groups when hiring for the NYS CDBG program. Efforts should include advertisements in minority newspapers. Any employment advertisements could include the following statement, “The (Name of Recipient) is an Equal Opportunity Employer.”

Employment recruitment records should include a summary of the number of applicants for each position relating to the NYS CDBG Program, and the number of applicants who are minorities, women, and handicapped persons. There should also be documentation by race, gender, and handicap of the number of persons interviewed and the reasons for the hiring decisions. In addition to the above, Recipients with more than 100 employees are required to provide the civil rights information on the EEO4 form. EEO Data Collections | U.S. Equal Employment Opportunity Commission updates This form must be maintained in the Recipients files and be available for review at the time of monitoring.

E. Minority and Women's Business Enterprises

Recipients must ensure that contractors take affirmative steps to ensure fair treatment in employment upgrading, transfer, recruitment, layoffs, rate of pay and selection for training. Recipients should encourage the prime contractors on their projects to utilize M/WBE firms to the maximum extent possible.

At a minimum, Recipients should establish and oversee a minority and women business outreach program that is designed to be:

- A good faith, comprehensive and continuing endeavor.
- Supported by a statement of public policy and commitment published in the electronic and print media of widest local circulation.
- Supported by an office and/or a key, ranking staff person with oversight responsibilities and access to the chief elected official; and
- Designed to utilize all available and appropriate public and private sector local resources.

The following guidelines should be used to provide assistance in implementing outreach programs to ensure the inclusions, to the maximum extent possible, of entities owned by minorities and women. Each participating Recipient should:

- Develop a systematic method for identifying and maintaining an inventory of certified minority and women's business enterprises (MBEs and WBEs) including their services, supplies and/or products offered.
- Utilize the local media, electronic and print, to market and promote contract and business opportunities for MBEs and WBEs.
- Develop informational and documentary materials (fact sheets, program guides, procurement forecasts, etc.) on contract/subcontract opportunities for MBEs and WBEs.
- Develop procurement procedures that facilitate opportunities for MBEs and WBEs to participate as vendors and supplies of goods and services.
- Sponsor business opportunity-related meetings, conferences, seminars, etc. with minority and women business organizations; and
- Maintain centralized records with statistical data on the utilization and participation of MBEs and WBEs as contractors/subcontractors in all HUD-assisted program contracting activities.

These above items represent basic outreach-related activities and are not all-inclusive actions a participating Recipient may undertake.

Under the terms of Executive Order 11246, NYS CDBG Recipients are required to:

1. Include the equal opportunity clause in all non-exempt federally assisted contracts for more than $10,000, as set forth in 202 of Executive Order 11246; and

2. Ensure that all federally assisted construction contractors and subcontractors on a NYS CDBG-assisted construction project take affirmative actions to ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, or national origin.

The Empire State Development Corporation publishes a directory of minority and women-owned businesses and maintains a list of firms that have been certified through the State Certification Program. You may obtain a copy by contacting: Empire State Development Corporation, Affirmative Action Unit, 633 Third Avenue, 32nd Floor, New York, NY 10017, 212-803-3226

Recipients must report if contractors and sub-contractors are a Minority and Women's Business Enterprise information as part of the Section 3 reporting requirements mentioned above. As with Section 3, following the award and execution of the grant agreement the Fair and Equitable Housing Office (FEHO) will contract you with reporting instructions and the Section 3 & M/WBE reporting form. The forms are intended to track the inclusion of M/WBE contractors on CDBG funded projects. FEHO's Section 3 and MBE/WBE forms are available on HCR's website. Each Recipient must submit the Utilization of Section 3 Residents and Businesses form, and the respective Section 3 and M/WBE form.

VI. PROJECT SIGNS

OCR requires a project sign at the site of all construction projects which involve more than $50,000 in NYS CDBG funds. The expense associated with meeting this requirement is an eligible expense and may be charged as a construction or an administrative expense.

A. Sign Specifications

Installation

1. Install sign at the site within one week of the start of construction.
2. Erect sign in a prominent location, secure from vandalism.

Materials

1. Signboard: 4' x 8', 3/4" plywood, MDO B-B EXT-APA.
2. Primer: As recommended by finish coat manufacturer for the substrate and finish material.
3. Lettering and striping shall be uniform with sharp, neat profiles.
4. "Optional Information" included on sign shall be visually subordinate to other information provided.
5. Supports: Treated D.F. posts.

Maintenance and Removal

1. Maintain the sign plumb and level for the duration of the work.

2. The sign must be removed from the property 60 days after final payment or project completion, whichever is later.

B. Sign Design

The sign design layout must follow the specifications available on the HCR website.

C. Sign Placement

- With respect to placement, traffic control signs, regulatory, warning, and guide signs have a higher priority than OCR signage
- In no case, shall these signs be placed such that they obscure road users' view of other traffic control devices.
- OCR signs should be placed where they can be easily identified with the corresponding projects.
- If the placement of OCR signs conflicts with newly installed higher priority signs, or traffic signals, or temporary traffic control devices, or other priority devices, the sign should be relocated.
- Due to public safety concerns, OCR signs should not be allowed at the following locations:
  - On the front, back, adjacent to or around any traffic control device, including traffic signs, signals, changeable message signs, traffic control device posts or structures, or bridge piers.
  - At key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions. These locations include, but are not limited to exit and entrance ramps, intersections controlled by traffic signals or by stop or yield signs, highway-rail grade crossings, and areas of limited sight distance.

VII. EXHIBITS

Labor Standards

6-1 Preconstruction Conference Checklist
6-2 Federal Labor and Civil Rights Requirements
6-3 Volunteer Certification Form
6-4 Contractor's Receipt of Required Program Materials

Project Sign

6-5 Sample Project Sign Specifications

Lead –Based Paint

6-6 Lead Based Paint Summary Notices
6-7 Dual Threshold Approach for Calculating Level of Rehabilitation Assistance
6-8 Implementing the Lead Based Paint Rule
6-9 Lead Based Paint References and Resources

Other Resources

6-10 Links to Applicable State & Federal Regulations
6-11 Links to Outside Agency Forms

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EXHIBIT 6-1

PRECONSTRUCTION CONFERENCE CHECKLIST

PRE-CONFERENCE PLANNING

Identify and notify conference participants of the time and place of the preconstruction conference

Prepare the materials that will be needed for the conference

Organize the materials into individual packets for each conference participant

PRECONSTRUCTION MODEL AGENDA

Identify the official representatives of participating organizations and how they can be contacted for official roster

Identify the responsibilities of the architect or engineer if applicable

Identify the responsibilities of the Recipient (local government)

Identify the responsibilities of the contractor

General discussion of contract terms

Schedule for construction completion

Subcontractors

Project inspection (responsibilities of Recipient (local government), and architect or engineer)

Compliance with federal requirements

- ✓ Contractor's Guide to Davis-Bacon Requirements and Certified Payroll Forms
- ✓ Davis-Bacon Act
- ✓ Contract Work Hours and Safety Standards Act
- ✓ Copeland "Anti-Kickback" Act
- ✓ Build America, Buy America
    - CDBG Funds BABA General Waiver Requirement
    - BABA Materials Certification

Compliance with civil rights regulations

- ✓ Executive Order 11246 as amended by Executive Order 11375
- ✓ Minority and Women-Owned Business Enterprises: Executive Order 12432
- ✓ Section 3 of the Housing and Urban Development Act of 1968

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Notices that are required to be posted

- ✓ Department of Labor's Notice to Employees Working on Federal or Federally Financed Construction Projects
- ✓ Appropriate Wage Determination
- ✓ New York State Department of Commerce's Equal Employment Opportunity Poster
- ✓ Department of Labor's Job Safety and Health Protection Poster

Forms the Contractor must submit

- ✓ Certified Payroll Forms (WH-347) or equivalent
- ✓ Statement of Compliance with Labor Standards and Prevailing Wage
- ✓ Requirements (WH-348)
- ✓ Names of all persons authorized to sign payrolls
- ✓ Names of all subcontractors
- ✓ Semi-Annual Labor Standards Enforcement Report (HUD 4710)
- ✓ Documentation/Affirmation of required Bid, Performance and Payment Bonds

Forms to be signed at pre-construction meeting

- ✓ Contractor's Receipt of Required Program Materials

Materials to be provided to designated Labor Standards Compliance Officer

EXHIBIT 6-2

FEDERAL LABOR AND CIVIL RIGHTS REQUIREMENTS

The Recipient should include the following information concerning federal labor standards and civil rights compliance during preconstruction conferences for construction projects involving NYS CDBG funds.

A. WAGE DETERMINATION AND EMPLOYEE CLASSIFICATION

Davis-Bacon Act is applicable to all construction contracts awarded by Recipients in excess of $2,000. The rehabilitation of seven or fewer residential units under one contract is exempt from this requirement.

1. Laborers, mechanics, apprentices, and trainees must receive no less than the prevailing wages, plus fringe benefits paid for similar work in the locality.

    a. Workers are covered by the Davis-Bacon Act while working at the site, transporting materials to and from the site and manufacturing or furnishing articles, supplies, or equipment on-site.

    b. Apprentices or trainees may be paid less than journeyman wages if they are enrolled in an apprenticeship or training program approved by the U.S. Department of Labor (or State Apprentice Council recognized by the Department of Labor's Employment and Training Administration).

2. If the contractor needs laborers or mechanics whose classifications do not appear on the wage determination, Recipient's designated Labor Standards Officer must make a request for an appropriate classification to the U.S. Department of Labor.

3. Employees or supervisors working at other than their assigned classifications for 20 percent or more of their time must be paid and shown on the payrolls for each classification or, paid for all hours at the higher wage scale.

4. If the wage determination lists fringe benefits, the contractor must either provide them or pay the hourly equivalent in cash, in addition to the predetermined basic wage.

5. Claims and disputes including resolutions must be reported immediately to your OCR Community/Economic Developer and to the U.S Department of Housing and Urban Development (HUD), Labor Relations Office. HUD may be called upon by the State to investigate and settle claims and disputes or may enter of their own volition if the need arises.

6. Laborers and mechanics must be paid no less than once per week.

B. WORK HOURS, OVERTIME, AND SAFETY STANDARDS

Contract Work Hours and Safety Standards Act, as amended, is applicable to all contracts awarded by local Recipients in excess of $2,000 for construction projects employing mechanics or laborers.

1. Forty hours is the standard work week.

2. One and one-half times the basic hourly rate of pay, exclusive of fringe benefit payments, must be paid for all hours over forty in a work week.

3. No worker shall be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health and safety.

C. DEDUCTIONS

Copeland "Anti-Kickback" Act is applicable to any federally assisted contract subject to Davis-Bacon standards.

1. Full wages earned must be paid.

2. Permissible deductions include medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, unemployment benefits, life insurance, or accident insurance, vacation or holiday pay, and defraying costs of apprenticeship or similar programs.

D. CONTRACTOR REPORTING REQUIREMENTS

In conjunction with the previously described labor and civil rights requirements the contractor is required to periodically submit several forms to the Recipient's designated Labor Standards Officer. The prime contractor is fully responsible for providing all reports required from subcontractors.

1. Each contractor (prime and sub) must submit (through the prime contractor) Certified Payroll Forms (WH-347) for each week of work from the time the project begins through completion. If the contractor prefers to use a form other than WH-347, it must contain identical information. Weekly payrolls should be numbered sequentially and be submitted to the Recipient no later than seven days following the end of the pay period.

   Contractors are urged to use the U.S. Department of Labor (DOL), Payroll Form WH-347. Contractors may also use and furnish computerized weekly payrolls in lieu of the standard Payroll Form WH-347, if the basic information contained on the WH-347 is provided and the contractor includes signed certification for each payroll by using the "Statement of Compliance" Form WH-348. The text of the "weekly statement with respect to the payment of wages," which is required by regulations of the U.S. Secretary of Labor, appears on the reverse side of this form.

Weekly Payroll Report Forms, WH-347 and WH-348 not only contain samples of these forms but examples and instructions for the contractor to follow for completing and filing them on the project. For example, the Recipient should be aware that weekly payroll reports are also required from subcontractors identified as "working owners." A "sole-proprietor" who performs work on the project, must still submit weekly payrolls showing himself or herself as "owner," the work classification and the daily and total hours worked.

The payroll forms may be ordered from the Superintendent of Documents, Government Printing Office, Washington, D.C. 80402 or may be obtained from http://www.dol.gov/whd/forms/wh347.pdf. Contractors may also make copies of these forms and use them if they wish.

2. A completed Statement of Compliance with Labor Standards and Prevailing Wage Requirements must be submitted with each Certified Payroll Form. Certified payrolls must be submitted for each week that work is done on the project. Final payrolls shall be identified accordingly. If no work is performed on the project during a given period, on the next performance payroll, state: "No work performed from pay period ending (date) through (date)." The Statement of Compliance appears on the back of form WH-347 or as form WH-348 if WH-347 is not used.

3. For compliance with the New York State Labor Law, all contractors and sub-contractors will submit to the Recipient within 30 days after issuance of its first payroll, and every thirty days thereafter, a transcript of the original payroll record.

4. The first week after work on the project begins the Recipient's designated Labor Standards Officer should be supplied with the names of anyone (other than owner or officer) who is authorized to sign payrolls for each contractor (prime and sub).

5. The prime contractor should supply the Recipient's designated Labor Standards Officer with the names of all subcontractors working on the project prior to the preconstruction conference. Each subcontractor may then be informed of the conference. The names of any new subcontractors must be supplied immediately after they begin work on the project.

6. In accordance with E.O. 11246 each contractor (prime and sub) engaged in work totaling $10,000 or more is required to submit a Minority Contract Reporting Form, as well as any documentation regarding affirmative action efforts to the local Recipient (Exhibit 5-I-8 is a sample Contract Reporting Form).

7. Working Subcontractors – Contractual relationships between contractors and alleged subcontractors (who perform mechanic's work), which are formed for the purpose of evading the application of prevailing wage requirements, are

expressly prohibited and may provide a basis for debarment. Where there is any doubt as to the bona-fide nature of a self-employed subcontractor who has no other employees, the following must be checked:

a. Does the subcontractor have a registered trade name and is there a telephone listing under that name?

b. Does the subcontractor have a license?

c. Does the subcontractor have liability insurance or a subcontractor's bond?

d. Does the subcontractor have a Federal Tax Identification Number?

Any of these criteria in conjunction with a signed contract containing HUD Federal Labor Standards Provisions from each such subcontractor should be sufficient to establish that he or she is a bona-fide subcontractor. Such a subcontractor will submit payrolls indicating only that he/she is the owner, the hours worked and the classification. The phrase "self-employed owner" shall be written under the name, address, and Social Security Number. Non-bona fide, self-employed subcontractors must be carried as employees on the payroll of the contractor who engaged him/her and must be paid the prevailing wage rate for the classification of work performed.

Semi-annual reporting is also required for labor standard enforcement. The Recipient is required to report on the form provided in Exhibit 5-4 information regarding any/all contracts subject to Davis-Bacon, any/all reports of labor issues including; the filing of any complaints with the HUD Labor Relations Office, or the Department of Labor by employer and project name. Wage restitution and/or liquidated damaged data must be collected be reported on this form.

E. JOB SITE NOTICES

The prime contractor is required to post the following notices in a manner that is conspicuous to all workers engaged in the construction project:

1. Notice to Employees Working on Federal or Federally Financed Construction Projects (WH 1321).

   Direct links to the English and Spanish versions of this new poster are:

   (WH-1321) Davis-Bacon Poster (English):
   https://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf

   (WH-1321) Davis- Bacon Poster (Española):
   https://www.dol.gov/whd/regs/compliance/posters/davispan.pdf

2. Wage determination or a statement of all wage rates and supplements as specified in the contract. The statement of wage rates must be labeled "Prevailing Rate of Wages".

3. Equal Employment Opportunity poster.

4. Job Safety and Health Protection poster.

F. MONITORING AND SANCTIONS

The Recipient's designated Labor Standards Officer is responsible for monitoring the construction project to assure compliance with all relevant labor and civil rights requirements.

1. On-site inspections must be conducted by the Recipient's Labor Standards Officer to ensure that required notices are posted.

2. Weekly payroll reports of the prime contractor and all subcontractors must be examined by the Recipient's Labor Standards Officer to ensure compliance with labor standards.

3. At least once per month the Recipient's Labor Standards Officer must conduct interviews with construction employees of the prime contractor and subcontractors. The interviews should be scheduled early into the first month of construction to assure initial compliance with labor standards, and on shorter projects, conducted midway towards completion. A representative of each classification of mechanic and laborer, and at least 10 percent of the work force should be interviewed.

4. Violations of the Davis-Bacon and related acts may result in restitution of wages to employees, suspension of the project payment, contract termination, and/or suspension or debarment of the contractor or subcontractor.

5. Violation of the Contract Work Hours and Safety Standards Act makes contractors liable for unpaid wages and for liquidated damages to the federal government in the sum of $10.00 per worker per day for each violation. Intentional violations are a federal misdemeanor, punishable for each and every offense by a fine of not more than $1,000 or by imprisonment for not more than 6 months, or both.

6. Violations of the Copeland Act could be the basis for contract termination and could result in criminal prosecution by the federal government.

G. CONTRACTOR AFFIRMATIVE ACTION

Executive Order 11246, as amended by Executive Order 11375, requires nondiscrimination in employment under federally assisted contracts and

requires affirmative action to ensure equality of opportunity in all aspects of employment.

The prime contractor and all subcontractors must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, or national origin.

Disadvantaged Business Enterprises: Executive Order 12432 establishes the development of Disadvantaged Business Enterprises (DBEs) as a national priority.

1. The Recipient should supply a list of area DBE's that the prime contractor can use for contacting such businesses.

2. In cases where subcontracts are still available, the prime contractor must make and document a good faith effort to contact qualified DBE's.

Section 3 of the Housing and Urban Development Act of 1968 provides that to the extent feasible, opportunities for training and employment must be given to lower-income residents of NYS CDBG assisted project areas, and that contracts for work in connection with such projects be awarded to business concerns which are located in, or are owned in substantial part, by "project area" residents.

The Recipient should inform the contractor of this requirement. The "project area" is defined as the county in which the project takes place.

HUD Administrative Requirements for Grants, 24 CFR part 85.36, establishes procurement standards to be followed in federal assistance programs.

Whenever possible, small, minority and women-owned businesses should be solicited as potential sources of supplies, construction and services.

EXHIBIT 6-3

VOLUNTEER CERTIFICATION FORM

FOR VOLUNTEER CONSTRUCTION WORKERS ON
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS

I, _____ do hereby attest to and certify the following regarding the
(Print Name)

_____ located at _____, in
(Name of Project) *(Address)*

_____, _____:
(City) *(State)*

1. I am not now receiving, nor will I receive wages to perform any type of construction work on the above-named project.

2. I agree to report to the designated official the dates, number of hours, and the work I performed on the above-named project.

3. I understand I am volunteering my services on this project and will not receive monetary or other remuneration for my services.

_____ _____
(Signature) *(Date)*

EXHIBIT 6-4

CONTRACTOR'S RECEIPT OF REQUIRED PROGRAM MATERIALS

(Local Government) _____
(Project) _____

Preconstruction Meeting
(Date) _____

On (date) _____, we, the undersigned, attended the preconstruction meeting for the (local government's) _____(project)_____. At the meeting, we acknowledge receiving the following information:

1. Federal Labor Standards
   - Wage Determination and Employee Classification
   - Work Hours, Overtime and Safety Standards

2. Contractor Reporting Requirements
   - Contractor's Guide to Davis-Bacon Requirements and Certified Payroll Reports
     - Certified Payroll Forms
     - Payroll Information
   - Build America, Buy America (BABA)
     - BABA Applicability Checklist
     - Materials List and Certification
   - Section 3 Reporting
     - FEHO Section 3 Reporting
   - Minority and Women's Business Enterprises (M/WBE)
     - Department of Empowerment, Compliance and Opportunity (DECO)

3. Compliance with Civil Rights Regulations

4. Job Site Notices
   - Notice to Employees
   - Equal Employment Opportunity
   - Job Safety and Health Protection
   - Current Davis-Bacon Wage Determination, Decision # _____

5. Other

_____
Contractor

_____
Date

EXHIBIT 6-5

PROJECT SIGN SPECIFICATIONS

The sign design layout must follow the specifications available on the HCR website, https://hcr.ny.gov/hcr-sign-specifications.

Please contact your OCR Community Developer for further guidance.

EXHIBIT 6-6

LEAD BASED PAINT SUMMARY NOTICES

Summary Notice of Lead-Based Paint Inspection

Address/location of property or structure(s) this summary notice applies to _____

_____

Lead-based paint inspection description: _____

_____

Date(s) of inspection: _____

Summary of inspection results (check all that apply)

(a) ____ No lead-based paint was found.

(b) ____ Lead-based paint was found.

(c) ____ A brief summary of the findings of the inspection is provided below (required if lead-based paint found).

Summary of where lead-based paint was found. List at least the housing unit numbers and common areas (for multi-family housing), and building components (including type of room or space, and the material underneath the paint):

_____
_____
_____
_____
_____
_____

Contact person for more information about the inspection:

Printed name: _____
Organization: _____
Street and city: _____
State: ____ ZIP: _____
Phone number: (____) _____

Person who prepared this summary notice:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street and city: _____
State: ____ ZIP: _____
Phone number: (____) _____

Summary Notice of Lead-Based Paint Risk Assessment

Address/location of property or structure(s) this summary notice applies to _____
_____

Lead-based paint assessment description: _____
_____

Date(s) of risk assessment: _____

Summary of risk assessment results (check all that apply)

(a) ____ No lead-based paint hazards were found.

(b) ____ Lead-based paint hazards were found.

(c) ____ A brief summary of the findings of the risk assessment is provided below (required if any lead-based paint hazards were found).

Summary of types and locations of lead-based paint hazards. List at least the housing unit numbers and common areas (for multifamily housing), bare soil locations, dust-lead locations, and/or building components (including type of room or space, and the material underneath the paint), and types of lead-based paint hazards found:
_____
_____
_____
_____
_____
_____
_____

Contact person for more information about the risk assessment:
Printed name: _____
Organization: _____
Street and city: _____
State: ____ ZIP: _____
Phone number: (____) _____

Person who prepared this summary notice:
Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street and city: _____
State: ____ ZIP: _____
Phone number: (____) _____

Summary Notice of Completion of Lead-Based Paint Hazard Reduction Activity

Address/location of property or structure(s) this summary notice applies to _____

_____

Summary of the hazard reduction activity: _____

_____

Start and completion date(s): _____

Activity locations and types. List at least the housing unit numbers and common areas (for multi-family housing), bare soil locations, dust-lead locations, and/or building components (including type of room or space, and the material underneath the paint), and types of hazard reduction activities performed at the locations listed _____

_____

Date(s) of clearance testing and/or soil analyses: _____

Locations of building components with lead-based paint remaining in the rooms, spaces or areas where activities were conducted _____

_____

Summary of results of clearance testing and soil analyses

(a) ____ No clearance testing was performed.

(b) ____ Clearance testing showed clearance was achieved.

(c) ____ Clearance testing showed clearance was not achieved.

Contact person for more information about the hazard reduction:

Printed name: _____
Organization: _____
Street and city: _____
State: ____ ZIP: _____
Phone number: (____) _____

Person who prepared this summary notice:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street and city: _____
State: ____ ZIP: _____
Phone number: (____) _____

EXHIBIT 6-7

CALCULATING THE LEVEL OF FEDERAL REHABILITATION ASSISTANCE

Step 1. Determine the average Federal housing assistance per assisted unit. (For multi-family units, divide total by the number of assisted units.)

Step 2. Determine the rehabilitation hard costs for the unit. Exclude soft costs and costs that are solely attributable to the lead hazard control work.

Step 3. Use the lesser amount to determine the level of rehabilitation assistance for purposes of determining the lead hazard evaluation, work and clearance required.

Go to CDBG Forms for a fillable Federal Rehab Assistance Certification and Calculation

EXHIBIT 6-8
IMPLEMENTING THE LEAD BASED PAINT RULE

1) Are the property(ies) exempt from the regulation?
   a) Construction completed after 1/1/78?
   b) 0 BR unit(s)?
   c) Elderly/disabled only?
   d) Certified LBP Free or Abated?
   e) Unoccupied pending demo?
   f) Non-residential?
   g) Rehab not disturbing paint?
   h) Emergency action?

2) What kind of project is being assisted with CDBG?
   a) Rehabilitation (Subpart J)
   b) Homebuyer Assistance (Subpart K)
   c) Other Acquisition Assistance (Subpart K)

3) What evaluation method is required?
   a) Activity type
      i) Rehabilitation less than $5,000 Federal-Testing disturbed surfaces
      ii) Rehab over $5,000- Risk Assessment
      iii)Homebuyer/Acquisition Assistance -Visual Assessment
   b) Who will provide evaluation (and is training/certification needed)?
   c) What is the estimated cost per unit?

4) What disclosure will be required and who is responsible?
   a) Pamphlet
   b) Tenant/Buyer notice of know LBP and hazards
   c) Evaluation results (risk assessments & testing)
   d) Hazard control results (if clearance)

5) If rehab, who will do the scope of work
   a) Rehab scope
   b) Hazard control scope
   c) Integration of scopes (if applicable)
   d) Is there an estimated range of cost for anticipated hazard control activities?

6) Who will do the hazard control work?

a) Work level
   i) Paint stabilization
   ii) Interim controls
   iii)Abatement
b) Is there an adequate supply of workers/contractors qualified?
c) How will qualifications be determined?
d) What additional training is needed?

7) How will the hazard control work be monitored?
   a) Type of monitoring of work practices and interim controls
   b) Training required

8) Who will be responsible for clearance of hazard control work?
   a) Contract assessors/inspectors
   b) Staff assessors/inspectors/sampling technicians
   c) Estimated cost of clearance per unit

9) What records will be maintained?
   a) Evaluation method/results
   b) Scope of work and contract
   c) Hazard control work monitoring records
   d) Clearance)

10) Will ongoing monitoring be required (and who will do it)?
   a) If rental acquisition assistance, annual visual assessment
   b) If rental rehab, annual visual assessment recommended

EXHIBIT 6-9

LEAD BASED PAINT REFERENCES AND RESOURCES

The following website links will provide additional information regarding the lead-based paint regulations.

HUD Office of Lead Hazard Control and Healthy Homes

Center for Healthy Housing:

Environmental Protection Agency and Lead

State Department of Health

EXHIBIT 6-10

LINKS TO APPLICABLE STATE AND FEDERAL REGULATIONS

The following website links will provide additional information regarding regulations for the subject area.

Labor Standards:

Federal Labor Standards Provisions (HUD 4010 Form)

New York State Labor Standards

Semi Annual Labor Standard Report (HUD 4710)

Conflict of Interest:

Conflict of Interest Regulations (24CFR570.611)

Displacement, Relocation and Acquisition:

Uniform Relocation Act (40CFR Part 24)

Real Estate Acquisition and Relocation Policy and Guidance (HUD Handbook 1378)

Lead Based Paint:

HUD Lead Safe Housing Rule

Renovation Repair and Painting Rule:

HUD Lead-Based Paint Field Guide

EPA's Renovation, Repair, and Painting Rule

Property Management:

Property Management and Acquisition (24CFR570.505)

Civil Rights:

Section 3 Regulations

Equal Opportunity Requirements:

Title VI of the Civil Rights Act of 1964

Section 109 of Title I of the Housing and Community Development Act

Minority and Women's Business Enterprises Requirements 2 CFR 200.321

Executive Order 11063

Fair Housing Requirements:

Fair Housing Act

Accessibility and Section 504 Requirements:

Section 504 of the Rehabilitation Act of 1979

Title II of the American's with Disabilities Act of 1990

Architectural Barriers Act of 1968

Build America – Buy America (BABA)

https://www.hudexchange.info/programs/baba/

EXHIBIT 6-11

LINKS TO OUTSIDE AGENCY FORMS

Labor Standards

Request for Additional Classification and Wages (HUD 4230A)

Record of Employee Interview (HUD 11)

Payroll Forms (WH347) and Form Instructions

Davis-Bacon Poster

Equal Employment Opportunity Poster and Required Supplement

Occupational Health and Safety Administration Job Safety and Health Poster

Displacement, Relocation and Acquisition

"When a Public Agency Acquires Your Property" brochure

Lead Based Paint

"Protect Your Family from Lead in Your Home" brochure

"EPA Renovate Right" pamphlet

Sample Lead Based Paint Disclosure Form for Sale of Housing

Sample Lead Hazard Evaluation notice

Section 3

Section3 Guidebook

Fair Housing

HUD Fair Housing Information
HCR Affirmatively Furthering Fair Housing guides

Accessibility and Section 504

ADA Guide for Small Towns

ADA Title II Technical Assistance Manual

ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements Under Title II of the ADA:
http://www.ada.gov/pcatoolkit/chap2toolkit.htm