

Calhoun County Lead Safe Program
Policy and Procedures Manual

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I. PURPOSE

This document is the policy and procedures for the Calhoun County Lead Safe Program (LSP) for activities funded by the Medicaid Children's Health Insurance Program (CHIP) for Lead Abatement. The LSP is a program of the City of Battle Creek Community Development Division, funded by a Michigan Medicaid CHIP Lead Hazard Control Community Development Grant (LHCCD Grant) from the Michigan Department of Health and Human Services (MDHHS). Program staff of the City and its external partners and subcontractors must adhere to these policies and procedures. MDHHS provides oversight for the LSP grant, including the provision of guidance and interpretation of grant requirements, and will approve any policy change proposed and implemented through this document.

Updates to the policy and procedures are discussed during monthly team meetings with external partners and formal site visits. In addition, program staff participate in regular conference calls with MDHHS staff to discuss progress, deliverables and obstacles. As procedures are updated and additional policies are executed by City staff, updated versions of this document will be issued to all interested parties via electronic mail. This document will also be published at www.battlecreekmi.gov/181.

II. PROGRAM DESCRIPTION

The City of Battle Creek and its external partners will implement a program designed to identify and control lead-based paint hazards in eligible privately owned rental and owner-occupied housing units using Medicaid CHIP funding and in compliance with Medicaid and MDHHS Healthy Homes Section objectives. The goals of the program are to:

1. Maximize the number of Medicaid-enrolled children and pregnant women and their unborn babies protected from lead poisoning, as well as the number of housing units where lead hazards are controlled.
2. Target Lead Hazard Control (LHC) efforts in neighborhoods where children are at greatest risk of lead poisoning in order to reduce Elevated Blood Lead (EBL) levels in children younger than nineteen years of age.
3. Promote cost effective LHC methods and approaches that can be replicated, maintained, and sustained.
4. Build local capacity to safely and effectively address lead hazards during LHC, renovation, remodeling, and maintenance activities by integrating lead-safe work practices.
5. Promote integration of this grant program with water service line replacement programs, housing rehabilitation, property maintenance, weatherization, healthy housing initiatives, and interventions that address housing-related health hazards beyond lead repairs and energy conservation.
6. Promote collaboration, data sharing, and targeting of at risk populations between health and housing agencies and local municipalities.
7. Further environmental justice, which is the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income in the development, implementation, and enforcement of environmental laws, regulations and policies.

III. PROGRAM REQUIREMENTS: PROGRAM AFFILIATED ACTS, INITIATIVES, AND REGULATIONS

A. National Historic Preservation Act

1. The Act (16 USC 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program.
2. The City and its external partners shall follow the Historic Preservation Programmatic Agreement signed by MDHHS, the State Historic Preservation Office, and the Advisory Council on Historic Preservation, and the Historic Preservation Field Guide (December 2006 or latest edition).
3. Reference *Appendix A: Historic Preservation Field Guide*

B. Waste Disposal

1. Waste disposal will be handled according to the requirements of the Michigan Department of Environmental Quality (MDEQ).
2. Disposal of wastes from hazard control activities that contain lead-based paint but are not classified as hazardous should be handled in accordance with Michigan or local law.

C. Worker Protection

1. The procedures for worker protection, with regard to subcontracted certified abatement companies, established in the United States Department of Housing and Urban Development (HUD) Guidelines will be observed, as well as the requirements of the Occupational Safety and Health Administration (OSHA).
2. Reference: *29 CFR 1926.62 Lead Exposure in Construction at https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=1570*.

D. Lead Work Activities

1. All lead hazard control activities will be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR Part 35, and as clarified in HUD's Interpretive Guidance.
2. Activities will also comply with all requirements under Michigan's certification program, authorized by EPA as stated in Michigan's Lead Abatement Act and corresponding rules.

E. Data Use and Privacy

1. To the extent applicable and required, the Lead Safe Program shall comply with the provisions of MCL 333.5473a and the Health Insurance Portability and Accountability Act (HIPAA) to protect information and data on units and beneficiaries from unauthorized access. To the extent applicable and required, External Partners and contracted organizations shall also comply with MCL 33.5473a and HIPAA provisions.
2. Use of data received from MDHHS by City staff or the staff of its External Partner is governed by a Data Use and Non-Disclosure Agreement dated March 29, 2018.
3. Health information that is gathered and retained will be restricted to what is necessary to perform the work. Data received from MDHHS, the health department, parents, and other caregivers will be protected and used only for specific program purposes.
4. Medical information (e.g. blood lead level data) and other personal identifying information obtained in conjunction with an application for LSP assistance will be secured in locked files and will not be available to unauthorized persons.
5. Pursuant to the Data Use and Non-Disclosure Agreement, access to MDHHS data is limited to key staff identified and provided to MDHHS. The City of Battle Creek must seek written authorization from MDHHS when seeking to release data to any other party not specified in the Data Use and Non-Disclosure Agreement.

6. Health Information and other identifiable data will only be shared by MDHHS, the City of Battle Creek, and its External Partner through secured File Transfer Protocol (FTP).
7. LSP Field Staff are prohibited from printing copies of the applications. Only one paper version of the original application will exist and be kept in a locked file in a locked office.
8. Reference *Appendix B: Data Use and Non-Disclosure Agreement*

IV. PROHIBITED WORK PRACTICES

Work practices prohibited by Michigan Law and the program rules are:

1. Open flame burning and torching
2. Machine sanding or grinding without a HEPA exhaust control.
3. Uncontained hydro blasting or high pressure wash.
4. Abrasive blasting or sandblasting without HEPA exhaust control
5. Heat guns operating above 1100 degrees Fahrenheit.
6. Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space.
7. Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than 2 square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

V. PROGRAM ADMINISTRATION

A. Collaboration with Lead Task Force

The Lead Safe Program is being implemented within the context of goals established by the Calhoun County Lead Task Force to reduce the harmful impacts of lead on children living in Calhoun County. The City and its external partners will participate in the Task Force and coordinate program activities with those of other participants to further the goals of the program and the task force.

1. City and External Partner shall each have at least one staff person in attendance at monthly Task Force meetings.
2. A City or External Partner representative shall provide an update on grant progress to the Task Force monthly.
3. At least once during the program year the City will provide the Task Force with information regarding the proportion of grant funds spent in Battle Creek relative to the balance of the County and will solicit input.
4. Reference *county-wide plan* at: www.battlecreekmi.gov/documentcenter/view/2423.

B. Division of Labor

1. The City will serve as program administrator and provide oversight and outreach for the entire Lead Safe Program. Delivery of lead assessment and abatement services will be split between the City and an external partner. The amount of funds the City and the external partner will each be responsible for expending, as well as the number of projects each is expected to complete shall be detailed yearly in the Grant Agreement budget. The City will be responsible for completing projects within the Battle Creek city limits and the external partner will be responsible for projects within the balance of Calhoun County.

2. An Operations Agreement, signed by authorized officials of the City and the External Partner, will detail necessary procedures, requirements, and benchmarks that must be fulfilled by the External Partner.
3. Reference Appendix C: External Partner Operations Agreement(s)

C. External Partner Monitoring

1. The City reserves the right of access to all external partner project records and to access units for inspection at any time with reasonable notice. The City will at a minimum conduct a program monitoring of its external partners once a year.
2. Upon indication of project completion by an external partner, the City shall conduct an inspection to verify project completion and to approve final disbursement.

D. Contractor Pool Management

The City shall establish a bid pool of contractors to implement the Lead Safe Program.

1. The City shall publish an advertisement for entry into the bid pool twice in a newspaper of general local circulation. Advertisements shall be at least seven (7) days apart, with the second publication made at least seven (7) days before the deadline for submitting a request to be placed on the bidder's list. The advertisement shall specify any requirements contractors must satisfy in order to be placed on the bidders list.
2. The City and its external partners shall work together to host one contractor event per year to promote the program and solicit contractors for entry into the bid pool.
3. Each time a LSP project goes out for bid, all contractors on the bidders list shall be notified by the City or its external partner by email. The notification shall inform contractors where bid documents are available for review.
4. The City shall be responsible for adding and removing contractors from the bidders list and shall make available to External Partners via email an updated bidders list as changes are made.
5. In the event that a contractor is in breach of contract, the City and its external partner will meet to determine appropriate course of action, including removal of the contractor from the bidders list and possible restitution.
6. The City and external partners will document all efforts to attract contractors from minority- and women-owned business enterprises on a continuous basis.

E. Data Collection and Reporting Responsibilities

The City shall fulfill all reporting requirements and provide monthly and quarterly updates to MDHHS as detailed in the LHCCD Grant agreement.

1. The City and its external partners will meet at least monthly to exchange information and review monthly progress towards goals.
2. The City will participate in monthly conference calls with MDHHS.
3. The following reports shall be submitted to MDHHS by the City:

- a. Monthly monitoring report
- b. Monthly benchmark progress report
- c. Monthly financial status report
- d. Quarterly work plan report in EGrAMS
4. Reference *Appendix D: Monthly Monitoring Report, Appendix E: Benchmark Progress Report*

VI. DIRECT PROGRAM ACTIVITIES

A. Program Outreach

1. City LSP program staff will use the developed enrollee engagement protocol to ensure that eligible households are offered and enrolled in the LSP process to receive necessary services in a timely manner.
2. Client engagement attempts will be documented as follows:
 - a. Attempts at completing the application will be documented on the LSP Intake Worksheet.
 - b. Attempts at steps throughout the LSP process will be documented in LSP Enrollee Engagement Record.
 - c. These documents shall be maintained in project case file.
 - d. Should staff be unsuccessful in reaching the enrollee after following this protocol, the enrollee will be considered disengaged and the case will be closed.
3. Outreach will be directed to families with children under the age of six living in high priority target areas identified by the Calhoun County Lead Task Force. These local target areas have been determined using analysis at the municipal and census block group level. The analysis considered age of housing, child population, testing levels, and testing results. These block group areas are much smaller than zip codes, providing a more refined geographic area for targeting resources, but occur within the following zip codes:
 - a. 49014 (parts of Battle Creek and Emmett Township)—Census Block Groups: 7001, 6001
 - b. 49015 (parts of Battle Creek and Lakeview School District)—Census Block Group: 5002
 - c. 49017 (parts of Battle Creek and Pennfield Township)—Census Block Groups: 2001, 2002
 - d. 49037 (parts of Battle Creek and the City of Springfield)—Census Block Groups: 3001, 41001
 - e. 49224 (City of Albion)—Census Block Groups: 33002, 34001, 35002, 36003
 - f. 49245 (Village of Homer)—Census Block Group: 31001
 - g. 49068 (City of Marshall)—Census Block Group: 40002
4. Public Awareness, Education and Affirmative Marketing
5. Reference *Appendix F: LSP Intake Worksheet, Appendix G: Enrollee Engagement Record*

B. Eligibility and Unit Selection

1. Household eligibility criteria include:
 - a. Child under nineteen (19) years of age at time of application approval or a pregnant woman enrolled in Medicaid or Medicaid CHIP who occupies or visits the unit at least six hours per week.
 - b. Unit is within Calhoun County.
 - c. Unit can be either owner occupied or renter occupied.
 - d. If eligibility is based on an individual enrolled in Medicaid or Medicaid CHIP visiting the unit at least six hours per week, a child affidavit will be requested and will document the name of the child, date of birth, when a child visits and number of hours per week.
 - e. Rental property owners must provide written permission in order for a renter applicant to be enrolled. The LSP will not proceed with inspection or abatement activities on a rental unit until this permission has been received.
 - f. Housing units enrolled in project-based Section 8 Housing Choice Voucher Program or other publicly owned housing units are not eligible for LSP.
 - g. Applicants enrolled in a tenant-based Section 8 Housing Choice Voucher assistance program are eligible for LSP.
 - h. Units in multi-family rental properties are eligible for the Lead Safe Program and must meet the enrolled occupant/visitor requirements for enrollment into the program. The scope of such projects shall include common areas of the building.
 - i. Vacant units are not eligible for LSP CHIP funding.
 - (i) An exception may be made, subject to approval by the LSP program manager and MDHHS, in the event that a unit was vacated by an eligible applicant as the result of a lead hazard. Special conditions, such as an affordability agreement and lien or a commitment to rent to an eligible family may apply.
2. The City and its external partners use a prioritization hierarchy to determine which households will be given the highest priority for services. The following criteria will be considered when assigning a household priority for services:

- a. Presence of a child with an Elevated Blood Lead Level (EBL)
 - b. Presence of a child under the age of six (6) years of age
 - c. Blood lead level of child(ren) over 20 ug/dl
 - d. More than one child living in or visiting the unit on a regular basis
 - e. Presence of pregnant woman
 - f. Site located within high priority target area
3. Additional requirements for Unit Selection include:
- a. All units, owner occupied and rental properties, must be privately owned. Eligible housing may not be federally-assisted, federally-owned, or public housing.
 - b. Housing units owned and operated by public entities will only be eligible if:
 - The unit will transfer to private or non-profit ownership prior to abatement work beginning and
 - The unit will comply with the residency and child occupancy requirements.
 - c. Units owned by non-profit entities are considered to be privately owned for purposes of this program.
 - d. A vendor, contractor, employee, or member of a contracting firm who is pre-qualified to bid on LSP projects may also qualify for assistance for lead hazard control on a unit which they own and/or occupy through the LSP.
 - The unit, contractor and if applicable, the tenant occupying the unit must meet all eligibility requirements.
 - The project must also follow all competitive bidding procedures.
 - The vendor, contractor or employee is ineligible to bid on, complete the lead hazard control work or have any involvement or participation with the internal process for this project.
 - e. City Community Development and External Partner staff assigned to administer the project are not eligible for assistance through the Lead Safe Program.
 - Family members of staff are eligible for lead hazard control on a unit through the Lead Safe Program as long as the occupant and unit meet all eligibility requirements as discussed in detail above.
 - The project must follow all competitive bidding procedures.
 - The person assigned to administer the project must not be related to the owner/occupant.

- f. Homes that are in the redemption period of mortgage foreclosure are ineligible. Homes that are in tax forfeiture are eligible provided the abatement project can be completed prior to foreclosure.
- g. Housing is not eligible for LSP funding if it is covered by a pending or final U.S. Department of Housing and Urban Development (HUD), Environmental Protection Agency (EPA) and/or Department of Justice (DOJ) settlement agreement, consent decree, court order or other similar actions regarding noncompliance with Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, Sale and Lease Lead Disclosure Rule or by HUD regarding the Lead Safe Housing Rule (24CFR part 35, subparts B-R).
- h. Downtown Rental Rehabilitation Projects (Commercial to Residential Conversion or gut rehabilitation) are not eligible for LSP assistance.
- i. The City and its external partners will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political belief.
- j. All applicants and enrollees in the program will be treated equally, regardless of funding and occupancy status.

C. Unit Production

1. The City and its external partners are committed to complete 50 units. The City will complete 29 projects within the city limits and contract with an external partner to complete 21 projects within the balance of Calhoun County.

D. Application and Intake

1. Application Distribution
 - a. The primary method of application distribution will be through the implementation of the Enrollee Engagement Protocol. LSP will send an application and outreach material to households found on the monthly list sent by MDHHS of individuals enrolled in Medicaid or CHIP who meet household eligibility requirements and who live in target areas.
 - b. Applications may also be distributed by other agencies including member agencies of the Calhoun County Lead Task Force, other Calhoun County municipalities, health agencies, housing agencies, or agencies providing early childhood services.
2. Application Received
 - a. All completed applications must be submitted to the City of Battle Creek, Community Development Division, 10 N Division St Battle Creek, MI 49014.
 - b. Applications received are reviewed by the City Grant Specialist within seven (7) business days.
 - c. Applications that are determined to be high priority will be processed within one business day.
 - d. The Grant Specialist validates that the application is complete. If any part of the application is incomplete or if additional information is needed, the Grant Specialist will attempt to contact

- the applicant no fewer than two times, at least once by mail, to request the information. If the applicant does not respond, the application is closed out two weeks after last attempt at contact.
- e. The Grant Specialist will verify ownership of the unit through the local assessor's monitoring system.
 - f. The Grant Specialist will verify and document the age and Medicaid enrollment status of the child or pregnant woman who occupies or visits the unit.
3. Application Denied
 - a. Applications may be denied for the following reasons:
 - An applicant refuses to provide additional document requested by intake staff.
 - The individual(s) residing in the unit are no longer enrolled in Medicaid or CHIP.
 - The property owner refuses to participate.
 - An applicant has sent an incomplete application and has failed to respond to at least two contacts by intake staff.
 - An applicant does not meet eligibility requirements.
 - b. The Grant Specialist shall notify an applicant in writing when they have been denied.
 4. Application Approved
 - a. When the occupants have been determined to be eligible for LSP services, the Grant Specialist shall enter applicant information into the enrollee engagement record.
 - b. For projects located within the City of Battle Creek, the Specialist then contacts the applicant to schedule an intake.
 - c. For Projects located in the balance of the county, the Specialist forwards the application to external partner intake staff to schedule an intake.
 - d. Intakes can be scheduled at a City or external partner office or in the applicant's home at the discretion of staff. In-home intakes will be coordinated with Lead Inspectors or Calhoun County Health Department staff and will typically be conducted by two people, the intake staff and either an inspector or a nurse.
 - e. Unit occupants may be asked to provide evidence that a child resides in or visits the property. Forms of evidence include but are not limited to a birth certificate, note from a child's school, or note from a child's physician.
 5. Intake
 - a. An intake appointment shall be scheduled upon approval of the application and shall be conducted using the intake worksheet.
 - b. Preliminary field investigations may be coordinated with program intake to occur at the home at the same time. Joint visits shall be coordinated by Intake staff. When visits aren't coordinated, intake staff will forward contact information to a lead inspector for scheduling.
 6. Reference *Appendix H: Lead Safe Program Application*

E. Blood Lead Testing

1. Applicants must submit blood test results for every occupant under six years of age before a lead inspection can be scheduled. City or External Partner program staff may wave this requirement if at least one occupant of the home under the six years of age has an elevated blood level within the past six months.
2. Previous test results are acceptable, but must be within 6 months of the date of application.
3. The blood test may be a capillary or venous sample. Although a confirmatory venous sample is recommended, it is not required.
4. Testing methods must be consistent with those prescribed by the CDC.
5. Families will be referred to the Calhoun County Health Department or their primary care physician or medical clinic for blood lead testing.
6. If a primary care physician or medical clinic is used for blood testing, the medical laboratory doing the testing must report blood lead test results to the Childhood Lead Poisoning Prevention Program's statewide surveillance system.
7. The LSP Intake staff will verify the results of testing.

F. Preliminary Field Investigation

1. A preliminary field investigation shall be scheduled upon approval of the application and will be conducted using the Preliminary Field Investigation Form. The purpose of the investigation is to ensure that the unit is suitable for project assistance and that there are no underlying issues that may pose a problem after abatement work begins (e.g., structure condition, historic preservation, flood plain location, social misuses, etc.).
2. The LSP program will comply with the requirements of the U.S. Department of Housing and Urban Development (HUD) environmental review process.
3. Lead inspection staff will utilize the Lead Safe Program Walk Away Parameters document in situations where assistance may be needed in determining project viability.
4. Program staff should inform all occupants of their unit preparation responsibilities, which may include removal of furniture, valuables, small appliances, personal items, etc., and making the property available daily to the lead abatement contractor during work project hours.
5. If lead inspection staff determine that the project should not proceed based on findings during the preliminary field investigation, the Lead Inspector will notate on the Investigation form that the unit is not recommended for LSP assistance.
6. Once the preliminary field investigation is completed, the Lead Inspector will place the Preliminary Field Investigation Form and all necessary attachments in the project file. Attachments include:

- a. State Historic Preservation Office documentation
 - b. Flood plain submittals
 - c. Determinations
 - d. Photographs of the unit
7. The Grant Specialist (or Housing/Intake Manager if an External partner) will review the preliminary field investigation results.
 - a. If a determination to proceed is made, the Grant Specialist (or Housing/Intake Manager if an External Partner) ensures that all other aspects of the intake, including blood testing, are complete and notifies the Lead Inspector of approval to proceed.
 - b. If a determination is made not to proceed, the Grant Specialist (or Housing/Intake Manager if an External Partner) will send a letter to the family notifying them of their denial for enrollment into the Lead Safe Program.
 8. Reference *Appendix I: Preliminary Field Investigation Form; Appendix J: Lead Safe Home Program Walk Away Parameters*

G. Pre-Treatment Lead-Based Paint Testing

1. The Lead Inspector receives the approval to proceed with further investigation.
 - a. The Lead Inspector will schedule and conduct a full Risk Assessment with water testing.
 - b. If there is a child in the home with an elevated blood lead level, then an Ebl Investigation will also be conducted.
 - c. If the Risk Assessment, Lead Inspection, and Ebl Investigation do not find lead hazards, the Grant Specialist will close the case.
2. Once the Risk Assessment is completed, the Lead Inspector and Grant Specialist (or Housing/Intake Manager if an External Partner) will evaluate all eligibility and program criteria and assign priority.
3. Families and units are enrolled in the LSP when the Preliminary Field Investigation Form and the Lead Inspection/Risk Assessment and/or the Elevated Blood Lead (EBL) Environmental Investigation are successfully completed.
4. Certified lead inspectors/risk assessors are used for all testing. For all pre-1978 properties, there is a minimum requirement of a combined lead inspection and risk assessment with water sampling. These activities are conducted according to work practice standards referenced in Michigan's Lead Laws and HUD Guidelines.
5. For all post-1978 properties, there is a minimum requirement of water sampling, conducted according to work practice standards referenced in Michigan's Lead Laws and HUD Guidelines.
6. The Water Sampling and Treatment protocol is appended. All lead inspection staff are required to follow this protocol.

7. Certified risk assessors performing unit testing must be independent of the abatement contractor. The results of this investigation must be sufficient to support hazard control decisions and actions.
8. Lead inspection staff should conduct an Elevated Blood Lead Level Environmental (EBL) Investigation on LSP cases when a child occupant or visitor to a home has a lead level of 5ug/dL or higher.
9. For cases with children under 5ug/dL, a Lead Inspection/Risk Assessment combination should be performed; however, lead inspection staff may elect to perform an EBL Environmental Investigation for these cases on a case-by-case basis.
10. Lead inspection staff shall adhere to the EBL Environmental Investigation Protocol. Case management functions as required by the protocol should be referred back to the Calhoun County Public Health Department (CCPHD).
11. Lead inspection staff shall provide a copy of the lead reports to the owner, and tenant when applicable, no more than 20 business days after completion. Staff shall provide a notice describing the owner's duty to disclose the results to tenants and buyers per federal law.
12. The Program shall adhere to the following lead dust hazard and clearance action levels:
 - a. Lead Dust Action Levels
 - Floors $\geq 10\mu\text{g}/\text{dL}$
 - Window Sills $\geq 100\mu\text{g}/\text{dL}$
 - (Window Troughs Default to clearance level of $\geq 100\mu\text{g}/\text{dL}$)
 - b. Clearance Action Levels
 - Interior Floors $<10\mu\text{g}/\text{dL}$
 - Porch Floors $<40\mu\text{g}/\text{dL}$
 - Window Sills $<100\mu\text{g}/\text{dL}$
 - Window Troughs $<100\mu\text{g}/\text{dL}$
13. Housing having prior combination risk assessment/inspections may be included in the program and the report may be utilized pending that the inspection and report are no older than 6 months. Testing completed within previous six months will be evaluated or reviewed by the lead inspections staff. It may be necessary that additional XRF testing and/or dust wipe sampling be done. Water sampling shall also be completed and shall be added as addendum to report. The unit shall be re-inspected or re-assessed if the service was performed more than 6 months past, or earlier at the discretion of the lead inspection staff, or if lead inspection staff feel that previous report was incorrect, inadequate, incomplete or non-compliant.
14. In the event that the lead inspection staff identifies a garage, fence or other structure that appears to be owned by a neighboring property owner but sits on the perimeter of the subject property, written permission from the neighboring property owner must be received to conduct testing and remediation of that portion only of the structure (i.e., one side of garage). Should the neighboring property owner be unavailable or unwilling to provide written permission, a written disclosure shall be provided in the report notating the possible that this portion of the neighboring structure had possibility to be a lead hazard.
15. Reference *Appendix K: EBL Environmental Investigation Protocol*

H. Occupant Protection and Relocation

1. EPA regulations require that a written Occupant Protection Plan (OPP) be developed for all abatement projects (40 CFR 745.227(e)(5)). The OPP is required to:
 - a. Be unique to the dwelling or facility;
 - b. Be developed before the abatement;
 - c. Describe the measures and procedures that will be taken to protect the occupants from exposure to lead-based paint hazards; and
 - d. Be prepared by a certified lead-based paint abatement supervisor.
2. Lead inspection staff are responsible for ensuring that an Occupant Protection Plan (OPP) is submitted by the abatement contractors conducting work in a unit.
 - a. This OPP must be maintained by the contractor at the project site during all hazard control activities.
 - b. Contractors are also responsible for coordinating work with program staff for occupant relocation and unit preparation.
 - c. Lead inspection staff will supervise and monitor contractors to ensure that occupant health and safety measures are in place and that work quality and work practices are efficient and timely.
3. Temporary relocation of the occupants may be required during the time that interior lead hazard control work is conducted. Temporary relocation is generally recommended when work will disturb painted surfaces containing lead-based paint and the work will occur throughout much of the dwelling over several days.
 - a. Temporary relocation shall be required if residents cannot have safe access to bathrooms, sleeping areas, and kitchen facilities (or alternative eating arrangements) during non-work hours.
 - b. Safe access includes the absence of other significant safety, health, or environmental hazards in addition to lead hazards (e.g., toxic fumes, on-site disposal of hazardous waste, or exposed electrical wiring).
4. Temporary relocation may not be required under the following conditions:
 - a. Work is only on the outside/exterior. Residents and their belongings may remain inside the dwelling if the work is only on the exterior and building openings (windows, doors, vents) within 20 feet of disturbed paint surfaces are tightly closed or sealed and cleaned afterward, and an entryway is provided that is free of dust-lead hazards, soil-lead hazards, and debris.
 - b. Work area is limited and work is of a short duration.
 - (i) Work takes less than five days.
 - (ii) Work is conducted in two or less rooms.

(iii) Work provides for safe access (see H.1.b, c)

5. Prior to work commencing on any project, participants being relocated will be asked to sign either the Temporary Housing Relocation Acknowledgement or the Temporary Housing Relocation Agreement stating that they are willing to relocate temporarily at their expense and responsibility while work is occurring on their unit.
6. Intake staff shall explore with occupant, alternative, cost-free housing, such as relatives or friends of the occupants.
7. If the occupant cannot relocate at their expense, intake staff will offer assistance and will follow applicable rules relocating the family to safe, decent and lead-safe housing in 10 days or less.
8. If monetary assistance is necessary for relocation, the intake staff shall complete the Temporary Housing Relocation Agreement.
9. The state rate, when possible, or a maximum of \$125 per night shall be allowed for hotel expense.
10. If changes in relocation plan are required, an addendum to the Temporary Housing Relocation Acknowledgement or the Temporary Housing Relocation Agreement will be created and signed by the occupant and the Grant Specialist (or Housing/Intake Manager if External Partner).
11. Once work has begun, occupants can return to the unit **only if** specific safety measures outlined by lead inspections staff are followed, interior clearance is achieved, and approval is obtained from an LSP Manager.
12. LSP Staff will notify the Occupant with a Re-Occupancy Authorization upon receipt of Final Clearance. The Authorization for Re-Occupancy will include final coverage date for relocation expenses, i.e., hotel fees, if applicable.
13. Reference *Appendix L: Temporary Housing Relocation Agreement; Appendix M: Temporary Housing Relocation Acknowledgement*

I. Development of Lead Hazard Control Specifications

1. Per the Lead Abatement Act, for each lead inspection/risk assessment or EBL Environmental Investigation completed on potential projects, all components identified as lead based paint hazards (including paint, dust, soil) or water hazards shall be addressed and abatement and/or interim control specifications shall be developed.
2. The specifications should include all lead hazard control and plumbing activities which are required to make the residence a lead-safe unit using the most cost-effective measures.
3. Control activities may include interior and exterior abatement and/or interim control activities.
4. LSP specifications shall address bare soil areas accessible to and frequented by children that test above standard protocol measures, including foundation drip line and child play areas.
5. The specifications may include minimal rehabilitation necessary to carry out effective lead hazard control to ensure that the hazard control can be completed and maintained. If minimal rehabilitation activities are included in the specifications, a written justification should be provided, along with several descriptive photographs. Examples of minimal rehabilitation include repairing leaking plumbing, flashing, leaking chimneys, defective roof coverings, etc.
6. If the structure is in very poor condition and requires major rehabilitation before lead hazard control can take place, other sources of funding must be found to bring the structure up to code. Medicaid CHIP funds shall not be used for full rehabilitation services.

7. Demolition of outbuildings or other structures found to be structurally unsound is allowable if necessary to eliminate a lead hazard.
8. Bathtub/sink removal and replacement or installation of a tub liner/surround is allowable when the bathtub or sink is found to be the source of a lead hazard.
9. Service lines need not be replaced unless water sampling results demonstrate that the service line may be contributing to elevated lead levels within the water.
10. All faucets used or potentially used for drinking shall be replaced following Lead Safe Home Program Water Protocol, unless there is evidence that they were replaced in 2014 or later.
11. Bathtub faucets shall not be replaced unless water sampling indicates elevated lead.
12. Lead inspection staff will ensure that these specifications address all lead hazards within the unit, identified through the Lead Inspection and Risk Assessment or EBL Environmental Investigation report.
13. If gutters and downspouts are in poor condition or non-functional and must be removed to complete the necessary lead work (i.e., soffit/fascia), they will be removed and will not be replaced.

J. Bid Process

1. LSP abatement projects shall be bid in a competitive manner to ensure cost effectiveness. The City or the External Partner shall administer the bid process, verify the documentation and create/approve the specifications for the scope of work for each project. Unless specified otherwise, the City shall be responsible for projects within the City of Battle Creek and the External Partner(s) shall be responsible for projects in the remainder of Calhoun County.
2. Once projects are identified and specifications have been created addressing all lead hazards with the home, all contractors in the contractor bid pool will be solicited for bids. As part of the solicitation a bid packet shall be made available that includes project specifications, program guidelines, notification of a project walk-through and the due date for completed bids.
3. A project walk-through shall be scheduled within seven days of the bid notification. Unless otherwise directed by the City or External Partner, all contractors wishing to submit bids must be present at the walk-through.
4. On or before the due date and time in the bid packet, contractors wishing to submit a bid for the projects shall do so by mail delivery or in person to the City or External Partner. At that time the bid is opened and reviewed, a summary sheet is composed that tallies all bids.
5. Projects are awarded based on the lowest responsive, responsible bid. If the lowest bidder is not awarded a project, the reasons shall be documented in the summary sheet.
6. In order to be eligible to be awarded a project a contractor must be able to meet all program guidelines. The contractor must provide the City or External Partner copies of required insurance policies, licenses, and certifications. All required insurance policies must list the City or External Partner as additionally insured, as applicable.
7. If the scope of work changes during the bid process, the City or External Partner shall send an addendum to the bid packet to all contractors in the bid pool.

K. Lead Hazard Control Activities

1. No work shall commence until a Proceed to Work order is executed.
2. Certified abatement contractors shall be used for all lead hazard abatement work.

3. All abatement contractors shall meet federal (HUD, EPA, OSHA) and Michigan regulations, as well as carry RRP certification. Periodically, the City or External Partner shall conduct unannounced, on-site inspections of projects to determine compliance with Michigan's laws.
4. All construction work shall be performed in accordance with state and local building, plumbing, electrical and mechanical codes.
5. Installation of materials shall comply with manufacturer instructions
6. All construction work shall be inspected and approved by the City or External Partner Lead Inspector. Final inspections shall also be approved by the property owner(s).
7. The awarded contractor shall be responsible for completion of each item specified in the written specifications. Any changes shall be authorized by the City or External Partner, using a formal change order and signed by the contractor and the property owner.
8. Contractors shall be fully responsible for obtaining necessary permits as required by the local inspections division. Copies of all permits shall be included in the project file before processing the first invoice from the contractor.
9. The contractor shall comply with all HUD regulatory requirements per Federal Regulation 24 CFR, Part 35, regarding the treatment of Lead Based Paint and Lead Based Paint Hazards.

L. Clearances

1. At the close of the project, either the City or External Partner Lead Inspector will conduct clearance dust testing according to HUD Guidelines and the Michigan Lead Abatement Act, verifying that all work was completed and performing a visual clearance inspection. The Lead Inspector will compare results with the post-hazard control dust-wipe test clearance thresholds provided by EPA and HUD. In addition, where plumbing interventions, including faucet and service line replacement are performed, post-intervention water sampling must be performed following the required protocol.
2. Dust clearance levels are defined by the EPA and further strengthened by HUD as follows: 10 $\mu\text{g}/\text{ft}^2$ for interior floors, 100 $\mu\text{g}/\text{ft}^2$ for interior window sills, 100 $\mu\text{g}/\text{ft}^2$ for window troughs/wells and 40 $\mu\text{g}/\text{ft}^2$ for exterior porch floors. This information must be documented within a clearance report conforming to standards within the Michigan Lead Laws and provided to the LSHP office by the Regional Field Consultant as part of the necessary project closeout documentation.
3. The Lead Inspector is required to provide this report to the property owner and tenant, if applicable. Clearance results will be provided by the Inspector to the Pre-Qualified Abatement Contractor completing the project at the time payment is issued. Also, at completion of the project, copies of the Lead Hazard Control Report and Occupant Protection Plan shall be provided by the Lead Inspector to the property owner and tenant, if applicable, and included in the project file.
4. Units treated will not be reoccupied until final interior dust clearance is achieved and documented through approved lab results. Certified risk assessors performing clearances must be independent of the abatement contractor.
5. Initial Clearance will be paid for by LSP.
6. With each failed clearance, the City or External Partner is responsible for re-sampling not only failed clearance component, but all representative components in untested rooms. The cost for each episode of failed clearance (scope of work, dust or visual) will be listed in the construction contract and will be deducted from the contractor's final payment.

7. A unit may not be considered fully cleared and complete until:
 - a. Lead-based paint clearance is achieved (scope of work, visual and dust)
 - b. Service line is replaced, when applicable or verified non-lead and all other plumbing repairs are complete and
 - c. Post-water clearance sampling is complete.

M. Project Close Out

1. Intake Staff will use Project Closeout form to verify all required items are in the file.
 - a. The appropriate staff person will be notified in the event of missing items and will have five business days to respond.
2. Intake Staff will verify copies of all necessary invoices and documentation are included in the file.
3. Upon verification of all required documents disclosures items and invoices, file shall be reviewed for completion and signed by Grant Specialist (or Housing and Intake Manager if External Partner).
4. All files will be kept in a secure location for _____ days/months/yrs.

VII. LIST OF APPENDICES

- Appendix A: Historic Preservation Field Guide
- Appendix B: Data Use and Non-Disclosure Agreement
- Appendix C: External Partner Operations Agreement(s)
- Appendix D: Monthly Monitoring Report
- Appendix E: Benchmark Progress Report
- Appendix F: LSP Intake Worksheet
- Appendix G: Enrollee Engagement Record
- Appendix H: Lead Safe Program Application
- Appendix I: Preliminary Field Investigation Form
- Appendix J: Lead Safe Home Program Walk Away Parameters
- Appendix K: EBL Environmental Investigation Protocol
- Appendix L: Temporary Housing Relocation Agreement
- Appendix M: Temporary Housing Relocation Acknowledgement