



Board Agenda Item 46

DATE: June 23, 2020

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health
Steven E. White, Director, Department of Public Works and Planning

SUBJECT: Retroactive Grant Application Amendment for Lead-Based Paint Hazard Control Grant Program

RECOMMENDED ACTION(S):

- 1. Approve and retroactively authorize the Department of Public Health Director to execute the Application Amendment for Federal Assistant for the Lead Based Paint Hazard Control (LBPHC) grant program, with a period of performance of January 16, 2018 through January 15, 2021 (\$3,541,249).**
- 2. Authorize the Director of Public Health, or designee, to sign all corresponding reports, claims and necessary documents as required by the U.S. Department of Housing and Development.**

There is no Net County Cost associated with the recommended actions, which will allow the County to receive non-competitive funding from the Department of Housing and Urban Development for lead hazard remediation services for the removal of lead-based paint hazards in houses where a lead-poisoned child has been identified. Approval of the first recommended action will approve and retroactively authorize the submission of a non-competitive grant application amendment to the Department of Housing and Urban Development (HUD) for lead hazard remediation services for the removal of lead-based paint hazards in houses where a lead-poisoned child has been identified. The Department of Public Health (DPH) submitted the application amendment to HUD to meet the grant's filing deadline of August 9, 2019, contingent upon your Board's approval. The application amendment adds an additional \$2,000,000 to the \$1,000,000 the county had already received and includes leveraging in-kind funding (\$541,249) mostly made in the form of risk assessments and clearance inspections of lead contaminated homes for a total grant project cost of \$3,541,249.

The second recommended action authorizes the Director of Public Health, or designee to sign all corresponding reports, claims and necessary documents as required by HUD. The application amendment was executed and submitted to meet HUD's requirements, contingent upon your Board's approval. The application amendment allows DPH to accept Lead Based Paint Hazard Control Grant Program (LBPHC) funds (\$3,000,000) to support remediation services for the removal of lead-based paint hazards in high-risk houses. The application amendment includes a 20% County in-kind match (541,249) in the form of risk assessments and clearance inspection services. The Department will work with the Department of Public Works and Planning (PWP) to complete the remediation services with no net increase in Net County Cost.

This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the submitted grant application amendment will be withdrawn from consideration for funding and DPH would be unable to provide the lead-based paint hazard remediation services.

RETROACTIVE AMENDMENT:

DPH received notification of the grant application on June 25, 2019 and submitted the proposal on August 9, 2019. The Department was notified of the award on October 2, 2019, and final negotiations were completed January 22, 2020 and is retroactive to January 16, 2018.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The revenue amendment will provide \$3,000,000 to continue the Lead-Based Paint Hazard Control (LBPHC) program through FY 2020-21. The project began in 2018 with \$1,000,000 grant funds; the current final HUD approved grant amendment provides an additional \$2,000,000 with a required in-kind match of \$541,249 for total grant project cost of \$3,541,249. The initial application request included leveraging in-kind services (\$415,442), mostly in the form of DPH risk assessments and clearance inspections of lead contaminated homes; however after further negotiation that number was changed to \$541,249. The grant allows for a 10% (\$298,761) maximum to be spent on administrative grant activities which will be used to offset staffing related to direct project management and operational cost. No invoices are currently pending. Sufficient appropriations and estimated revenues are included in the DPH Org 5620 for FY2019-20 and will be included in subsequent budget requests for the duration of the grant term.

DISCUSSION:

In November 2017, the Department was awarded a \$1,000,000 grant from HUD to support remediation services for the removal of lead-based paint hazards in high-risk houses. The program's project goal is to abate lead hazards in sixty-five (65) homes. Currently, sixty-seven (67) applications have been received, and thirty-seven (37) projects have been assessed, with sixteen projects completed.

Additional grant funding of \$2,000,000 became available on June 25, 2019. The proposal was due and submitted on August 9, 2019; the Department was notified of the award on October 2, 2019 and required contract negotiations were expected to be finalized by November 22, 2019. However, HUD finalized the negotiations on January 22, 2020 and the application and the associated amendment is being brought to your Board on the first available Board date.

The LBPHC program will continue to help local governments create and implement programs to make homes lead safe. Remediation services include the removal and/or containment of dangerous lead paint, soil, and dust, insuring a health living environment. DPH, in conjunction with staff from PWP's Community Development Division's Affordable Housing Programs, will continue to assist both rental and owner-occupied houses to remediate lead-based paint hazards. The grant includes leveraging in-kind funding in the form of services such as risk assessment of homes for lead contamination and clearance inspections at the end of services to ensure properties are lead safe.

The LBPHC allocation provides Federal funds to assist State, local, territorial, and tribal governments, as authorized under Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992; Public Law 102-550; 42 U.S.C. 4852) and funding was signed into law on May 5, 2017 through the Consolidated Appropriations Act of 2017 (Public Law 115-31). Lead Hazard Control funding assists states, Native American Tribes, cities, counties/parishes, or other units of local government to identify and eliminate lead-based paint hazards in low- and very low-income private housing where children under six years of age reside or are likely to reside.

The Federal grant amendment contains provisions that vary from the County's model contract terms such as requiring the County to participate in informal dispute resolution procedures that may foreclose other legal remedies and authorizing the Federal government to terminate the agreement for cause if the County engages in "unethical activities" which may include County violations of certain Federal statutes/regulations and a failure to report/disclose to the granting agency such violations.

REFERENCE MATERIAL:

BAI # 44, March 20, 2018

BAI # 52, July 11, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Application/Amendment with HUD

CAO ANALYST:

Raul Guerra