



REMOVAL OF ARCHITECTURAL BARRIERS

PROGRAM DESIGN

CITY OF FREDERICKSBURG, VIRGINIA

Office of Planning and Community Development

Adopted by City Council
July 14, 2009

INTRODUCTION

The City of Fredericksburg has committed itself to provide assistance to people with disabilities to live and function more independently in their homes and in the community. It seeks to modify existing housing stock as a means to increase the availability of accessible dwelling units.

This program design describes how the City administers the Removal of Architectural Barriers Program, funded through its Community Development Block Grant (CDBG).

I. PROGRAM PURPOSE

As part of its ongoing effort to address housing needs, the City of Fredericksburg seeks to assist qualified residents in making limited modifications to their homes to remove architectural barriers. To meet the tremendous demand, the City has developed a Removal of Architectural Barriers Program to assist low- to moderate-income persons to make repairs or modifications such as ramp or railing installation, bath or kitchen modifications, and widening of doorways. The program may also provide flashing alarm systems for persons with hearing impairments.

II. APPLICANT ELIGIBILITY

In order for a household to be eligible for modifications, under this program, the following criteria must be met:

A. Income Eligibility

Households (individuals or families residing in one residence) must have a total household income of 80 percent of area median income or below, adjusted according to household size. In determining applicant eligibility, the program will use the most current Section 8 income limit thresholds, as provided by the U.S. Department of Housing and Urban Development (HUD)(24 CFR 5.609).

Income eligibility is determined by verifying the income and asset information provided by applicants seeking assistance. Total household income includes income received by all household members over age 18, from all sources, including wages, salaries, interest income, investment income, social security, public assistance (such as unemployment compensation, but not including food stamps), and other sources. Real property assets shall be computed at a rate of fifteen percent (15%) of assessed value. For all other assets not specified elsewhere, income shall be computed at a rate of five percent (5%) of current market value, unless the actual income is a greater percentage, in which case the greater percentage shall be used.

B. Property Eligibility

The property must be located within the City limits and be occupied by a person who has a disability which requires home modifications. The owner of the property must consent to all proposed modifications.

The City will conduct an initial inspection of the property to determine property eligibility. Copies of the initial inspection report will be provided to the homeowner or occupant upon request.

C. Cost Eligibility

Projects shall be reviewed and approved by the Housing Advisory Committee (a standing committee of City Council) before any funds will be made available for the required modifications. The cost of all projects shall **not** exceed \$4,000.00 for any one dwelling, unless special approval has been obtained from the Housing Advisory Committee.

III. AVAILABLE FINANCIAL ASSISTANCE

A. Owner-Occupied Units

Households eligible for program assistance and who hold legal title or life-tenancy rights to the property in need of modification may qualify for assistance without any obligations for repayment.

B. Rental Units

Units occupied by persons who do not hold legal title or life-tenancy rights to the property in need of modification will be considered to be rental units and may qualify for financial assistance in the form of a forgivable loan.

Forgivable loans will be secured by a mortgage lien and promissory note which will be valued at the cost of the modification. A limited title search will be completed by the City to ensure that the Owner of the property has sufficiently clear title to adequately secure the loan. If the following criteria is met over a five (5) year period from the date of the execution of the mortgage lien and promissory note, all obligations to the City shall be considered forgiven:

1. The property is occupied by a household which meets the criteria set forth in Section IIA, Income Eligibility.
2. Rents charged for the property, including utilities, do not exceed HUD Section 8 Fair Market Rents (at no time shall the tenants be required to pay more than thirty percent (30%) of their adjusted gross monthly income in rent, including utilities).

3. The Owner provides the City annually with written verification of compliance. If the Owner cannot satisfy the program criteria over the five (5) year period, however, the amount of assistance, plus ten percent (10%) interest, shall immediately become due to the City.

IV. APPLICATION PERIODS AND PRIORITY SYSTEM

Applications will be accepted on a first come, first served basis, in the Office of Planning and Community Development, Room 209, City Hall. Projects will be accomplished as available funding allows. A waiting list will be established and maintained in the above office for projects that are not funded immediately. As additional funds become available, applicants from the top of the list will be reviewed for eligibility and funding. The City reserves the right to take an application out of sequence if available funds are insufficient to fund a project ahead of it on the waiting list.

V. CONTRACTING PROCEDURES

The City will provide the modification specifications and develop an initial estimate. The Owner will be responsible for obtaining bids based on these specifications. For the convenience of the applicant, the City can assist with this process through the use of the pre-qualified bidders list. The City will not award any contract or subcontract to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." The City will review bids to ensure they are within fifteen percent (15%) of the City's own estimate. (Fifteen percent is thought to be a reasonable threshold for projects of this size). Contractor bids under \$1,000.00, however, need not meet these criteria, but will still be reviewed by the rehabilitation specialist. With the owner's consent, the lowest qualifying bidding contractor will be accepted and a contract for the work will be developed for signature by the Owner (or representative), the Contractor, the City. The City will pay for the work upon receiving a satisfactory report of Final Inspection by the Building Official and/or the contract Rehabilitation Specialist and once the owner (or representative) has signed the invoice acknowledging the completed work.

VI. DISPLACEMENT

No program funds will be expended on units requiring the permanent displacement of the occupants.

VII. LEAD-BASED PAINT PROCEDURES

Federal regulations described in 24 CFR Part 35 Subpart J-Rehabilitation require that lead hazard evaluation and reduction activities be carried out for all properties built before 1978 that are receiving rehabilitation assistance if the scope of work exceeds de minimus levels.

De Minimus Levels allows for an exception to Safe Work Practices and Clearance testing and is defined as work which disturbs less than:

- 20 square feet on exterior surfaces;
- 2 square feet in any one interior room or space; and
- 10 percent of total surface area of interior or exterior component type with a small area (sills, baseboards, etc.)

Lead Hazard Evaluation. A risk assessment, paint testing or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

Lead Hazard Reduction. Activities designed to reduce or eliminate exposure to lead-based paint hazards through methods including interim controls, standard treatments, or abatement.

Clearance. An activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activity is complete.

The requirements for rehabilitation correspond to the following three approaches to lead hazard evaluation and reduction. Larger rehabilitation jobs must meet more stringent requirements than smaller ones. The three approaches are:

1. **Do Not Harm.** Perform the rehabilitation in a way that does not create lead hazards.
2. **Identify and Control Lead Hazards.** Identify lead-based paint and hazards and use a range of methods to address the hazards.
3. **Identify and Abate Lead Hazards.** Identify lead-based paint hazards and remove them permanently.

The following table summarizes the requirements of the Federal regulations:

Estimated Cost of Modification	<or = \$5,000	\$5,000 - \$25,000	> \$25,000
Approach to Lead Hazard Evaluation and Reduction	Do not harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing of surfaces to be disturbed by rehab	Paint Testing of surfaces to be disturbed by rehab Risk Assessment	Paint Testing of surfaces to be disturbed by rehab Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehab Safe work practices Clearance of worksite	Interim Controls Safe work practices Clearance of unit	Abatement (Interim Controls on exterior surfaces not disturbed by rehabilitation) Safe work practices Clearance of unit
Options	Presume lead-based paint Use safe work practices on all surfaces	Presume lead-based paint and/or hazards Use standard treatments	Presume lead-based paint and/or hazards Abate all applicable surfaces

NOTE: Workers performing Safe Work Practices, Interim Controls, Standard Treatments, and/or abatement must meet specialized training and certification requirements.

Property Inspection

The Program Manager will conduct a visual assessment to begin to identify potential lead hazards during the initial inspection. Based upon the initial inspection, the Rehabilitation Specialist can prepare a cost estimate for the needed work. The amount of this cost estimate is used with the amount of Federal funding to determine the type of lead hazard evaluation reduction required.

Post-Evaluation Activities-Notice of Hazard Evaluation and Reduction

In accordance with Federal regulations, residents of housing units constructed prior to 1978 must receive the following two notices: *Lead Hazard Information Pamphlet and Disclosure, "Protect Your Family From Lead in Your Home"* and the *Notice of Hazard Evaluation and Reduction*. Homeowners must sign an acknowledgement of receipt of these items. The Program Manager must notify occupants about the results of the lead hazard evaluation within 15 days after the results have been determined. The notification must provide the following information:

1. The presence and location of lead-based paint.
2. A description of how occupants can get further information including the full report of the lead testing methods and results.
3. An explanation of the decision to forego evaluation and presume that lead-based paint and/or hazard exists. Occupants must be notified of the reason for making this presumption.

The information is provided directly to the homeowners and/or occupant. Each pre-1978 unit must be evaluated to identify lead hazards. The required method of evaluation depends on the level of rehabilitation assistance (see previous chart). Methods include paint testing of surfaces to be disturbed by rehabilitation and conducting a risk assessment. This process is called Lead Hazard Evaluation.

Occupant Relocation

It may be necessary to relocate occupants while the work is being performed to protect the health of occupants. For occupants 62 years of age or older, an Elderly Waiver for Relocation may be signed by the occupants of the dwelling if they wish to remain in the home (but outside of the work area) during renovation. Waiver eligibility also requires that no children under age six or women of childbearing age may live in the home or spend significant amounts of time in the home during renovation. In large part, the decision to relocate is determined by the extent of the necessary work and lead hazard reduction work. Relocation options may include having occupants staying with relatives, providing a hotel room, or temporary rental housing. The Program Manager and the homeowners and/or occupant will evaluate the relocation options. In cases where temporary hotel or

rental housing is the only viable option, payment will be provided directly to temporary housing provider through the Removal of Architectural Barriers Program.

Supervising Lead Hazard Reduction During Construction

The Program Manager will oversee lead hazard reduction work. Safe work practices are required as part of all rehabilitation which exceeds de minimus levels and lead hazard reduction work (interim controls and abatement). Safe work practices minimize dust and control the spread of lead based paint particles. The following practices are examples of safe work practices:

Worksite Preparation. The following measures may be appropriate to reduce the spread of debris and dust to other parts of the dwelling:

- Sealing doorways with two flaps of poly sheeting and tape;
- Sealing off vents (if possible);
- Covering floors and ground with poly sheeting;
- Relocating occupant belongings outside of work area;
- Covering furniture and belongings in place and/or shrubs with poly sheeting with all seams and edges taped or otherwise sealed;
- Wrapping debris in poly sheeting before disposal;
- Removing lead-contaminated protective clothing before exiting the worksite; and
- Posting a warning sign at the entry of each room being treated for lead-based paint hazards when occupants are present. Warning signs on exterior surfaces should be visible 20 feet from the worksite.

Worker Protection. The Occupational Safety and Health Administration (OSHA) has regulations that cover works who come into contact with lead. Workers should take proper precautions to protect themselves from lead-based paint hazards, including inhaling dust and avoid taking it home with them on their clothes where it can poison children. Protective measures for workers include:

- Using safe work practices;
- Wearing NIOSH-approved respirators; and
- Wearing disposal gloves, work suits, booties and head coverings.

Daily Cleanup. Daily cleanup is crucial to containing debris to the worksite and for reducing occupant and worker exposure to lead hazards. Debris should be disposed of properly each day and excessive amounts of paint chips and dust should be removed. If dust and chips are not removed daily, there is greater chance that they will be tracked to other parts of the dwelling.

Safe Treatment Methods

Removal of defective paint by:

- Wet scraping
- Wet sanding
- Chemical stripping off site

- Replacing painted components
 - Scraping with an infrared or coil-type heat gun with temperatures below 1,100°F
 - HEPA vacuum cleaning
 - HEPA vacuum needle gun
 - Abrasive sanding with HEPA vacuum
- Covering of defective paint surface with:
- Durable materials such as wallboard or vinyl siding with joints sealed and caulked

Prohibited Treatment Methods

- Open flame burning or torching
- Machine sanding or grinding without HEPA local exhaust
- Abrasive blasting or sandblasting without HEPA local exhaust
- Heat guns operating above 1,100 degree F
- Dry scraping or sanding except in conjunction with heat guns or within one foot of electrical outlets
- Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.

Clearance

All units built prior to 1978, where lead hazards which exceed de minimus levels are present and lead reduction or abatement activities are performed must pass a clearance test. Occupants are not permitted in the work area until it has achieved clearance. Clearance must be performed at least one hour after work has been completed. During clearance, a certified professional will take dust samples and have them tested for lead. Clearance tests must be conducted by a certified professional. Certified professionals include certified Risk Assessors, Paint Inspectors and licensed Clearance Technicians. The person conducting clearance must be independent of the contractor who performed the lead hazard reduction work. The Removal of Architectural Barriers Program will pay for the first clearance test. Should the contractor's work not pass the clearance test on the first try, the remedies and subsequent reevaluation charge(s) will be paid by the contractor. These charges will be deducted from the contract amount due to the contractor upon completion of the project.

Occupant Notification of Clearance

Occupants will receive the results of the hazard reduction and clearance test within 15 days of completion. The notification of hazard control and clearance includes:

1. A summary of the hazard reduction activities and clearance results.
2. A contact name, address and telephone number for further information.
3. The locations of remaining lead-based paint surfaces and lead hazards.