



**CITY OF KINGSTON
OFFICE OF ECONOMIC AND COMMUNITY DEVELOPMENT
2018-2019
LEAD SERVICE LINE REPLACEMENT PROGRAM GUIDELINES**

This program is made possible by the New York State Department of Health. New York's Clean Water Infrastructure Act of 2017 amended the Public Health Law to require the Department of Health to institute a Lead Service Line Replacement Program helping municipalities combat this public health issue.

For additional information contact:

Stephan Knox - Housing Rehabilitation Specialist
City of Kingston Office of Economic and Community Development
420 Broadway
Kingston, NY 12401
(845) 334-3928
sknox@kingston-ny.gov

or

Brenna L. Robinson - Director
City of Kingston Office of Economic and Community Development
420 Broadway
Kingston, NY 12401
(845) 334-3924
brobinson@kingston-ny.gov

A. INTRODUCTION

The City of Kingston`s Lead Service Line Replacement Program (Program) will administer funds provided by the New York State Department of Health to provide lead water service line replacement assistance to owner-occupied single-family residences and rental properties located within City of Kingston limits. The Program will concentrate on homes built prior to 1940 that are located in the Mid-town area including all of Franklin Street and all residences from Franklin Street to Cedar Street between Broadway and Clinton Avenue. This target area has some of the oldest housing stock in the City and will be prioritized because of the high density of lead service lines and high density of children. Homes with children under 6 years old, having service lines identified as being lead, will be prioritized and may submit an application even if they are located outside of the Mid-town target area. The City of Kingston Water Department, based on historical documentation and service line installation dates, estimates that approximately 59% of existing City water service lines may contain lead pipes. The EPA estimates that 10 to 20 percent of the lead exposure in young children may come from drinking water. The City of Kingston is committed to the protection of public health and its high quality water does not contain lead when it leaves the treatment plant. Lead enters water through contact with the corrosion of lead pipes and lead solder. The City will begin replacing identified lead service line beginning spring 2018 and continue throughout 2019 until all funds have been expended. The City anticipates replacing up to 84 lead service lines with up to 46 being replaced in year one of the grant and up to 38 in year two.

B. FAIR HOUSING

The Lead Service Line Replacement Program will be implemented in ways consistent with the City`s commitment to Fair Housing. No person shall be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity funded in whole or in part with LSLRP Funds on the basis of his or her religion or religious affiliation, age, race, color, ancestry, national origin, sex, marital status, familial status (children), physical or mental disability, sexual orientation, or other arbitrary cause.

C. OUTREACH

Community members are informed of the details of the LSLRP Program and eligibility requirements through area newspapers, advertisements, Program flyers and the City of Kingston`s website. Property owners will be provided with information about the flushing procedures that need to be done post lead service line replacement. Persons who do not speak English who wish to participate in the LSLRP Program and need assistance should contact the Office of Economic and Community Development (Kristen Wilson) at (845)334-3962.

D. ELIGIBLE WORK

This Program is for the replacement of identified lead water service lines from the City of Kingston water main to the homeowner`s water meter connection usually located in the basement of the residence. Replacement of the lead water service line may include a main supply tap, curb box, shut off, copper supply line and meter connection. Projects with road, sidewalk and/or yard disturbance (lawn repairs only, no plants or shrubs) will be repaired to match existing as closely as possible.

E. ELIGIBILITY

1. Eligible properties must have a lead water service line and be located in the mid-town Kingston target area which includes the full length of Franklin Street and all residences from Franklin Street to Cedar Street between Broadway and Clinton Avenue. Homes,

with a child under the age of 6 with confirmed elevated blood lead levels, may apply for assistance if the home is located within the City of Kingston limits.

2. Eligible properties may be single-family owner-occupied or rental properties located within the target area.
3. Owners of rental properties that are not owner-occupied will be required to contribute \$750.00 toward the cost of their lead water service replacement. Owners of multiple rental properties may apply for additional properties but the required contribution will increase to \$1,000.00 for each property after the second water service line replacement approval. Rental property owners that are required to contribute funds must make the down payment directly to the contractor at least three (3) business days before the project starts.
4. Applicant must submit a copy of and be listed on the property deed.
5. Property owner must have and submit a copy of their homeowner's insurance.
6. This program is for residential properties only. Mixed use, industrial, manufacturing and commercial properties are not eligible.
7. The owner must agree to hold the City of Kingston and its staff harmless and not liable for any damages as a result of any lead service line replacement activities.
8. The Lead Service Line Replacement Program will not be retroactive to include any work started before application submission, approval and contract execution.

F. FEASIBILITY

A preliminary inspection will be conducted by the Housing Rehabilitation Specialist to get a general look of the property, identify potential hazards and to see if any obvious obstacles exist. The inspection will help the Housing Rehabilitation Specialist get an understanding of the estimated project costs in order to determine the project's feasibility as it relates to the limits of assistance available. We anticipate project costs in the range of \$3,000.00 to \$5,000.00. Projects with costs exceeding the anticipated range will be reviewed on a case-by-case basis for costs reasonableness. Property owners may be required to contribute funds if contractor quotes exceed the \$5,000.00 anticipated limit. Property owners required to contribute funds must pay the required amount as a down payment payable to the contractor at least three (3) business days prior to starting the project.

G. PROCESS & PROCEDURES

1. The City will work with the Water Department and property owners to identify and confirm the presence of lead service lines.
2. Property owners will confirm their interest in replacing lead service lines by submitting an application for assistance to the City. Applications will be accepted until the goals of the Program have been met and/or all funds have been committed. Completed applications with all supporting documentation will be processed on a first-come, first-served basis.
3. The City's Housing Rehabilitation Specialist will conduct a preliminary inspection of the property to get a general look of the property, identify potential hazards and to see if any obvious obstacles exist.
4. The property owner will be given a list of eligible plumbing contractors who they will contact to provide a minimum of three (3) cost estimates for their project. These provided cost estimates will be compared with the Housing Rehabilitation Specialist's assessment of the lead service line replacement to establish cost reasonableness for each project. The plumbing contractor submitting the lowest responsible cost estimate will be awarded the project unless the property owner can show reason why the contractor is not

responsible and must do so in writing. The contractor will be required to submit appropriate liability, workers compensation and disability insurance certificates, sub-contractor insurance certificates and bonding documents if required. The contractor will also be required to obtain all necessary permits which may include a plumbing permit, sidewalk and street disturbance permit and a water department tap permit.

5. Prior to expending any funds for the project, the property owner will enter into an agreement with the City permitting work on their private property. The property owner will also agree to indemnify and hold harmless the City of Kingston, its staff and the NYS Department of Health.
6. Contract execution shall include the property owner, City staff and plumbing contractor and will take place in the Office of Economic and Community Development or at the project site. All parties will review the contract documents and the scope of work listed on the cost estimate which will become a part of the contract. Upon acceptance of the terms and execution of the contractual documents by the property owner and the contractor, the Housing Rehabilitation Specialist or City staff will issue a Notice to Proceed to the contractor.
7. Project will commence no later than 20 business days after issuing the Notice to Proceed. The contractor is responsible for securing all required permits, inspections and fees. Change orders are required for any deviation from, or addition or deletion made to, the original contractual documents. All change orders must have the written approval of the property owner and the Housing Rehabilitation Specialist or City staff. All work will be subject to progress inspections by the Housing Rehabilitation Specialist or City staff. All work performed under the contractual agreement must comply with the City's adopted 2015 International Plumbing, Building and Property Maintenance Codes.
8. Upon completion of contractual work, the contractor will submit an original invoice detailing work items completed and a signed City of Kingston voucher form to the Office of Economic and Community Development. The contractor must schedule all required inspections and submit permit closeouts. The Housing Rehabilitation Specialist will inspect the property to see if contractual items have been complete in a workman-like manner. The property owner will be provided an Authorization to Release Payment form, for their signature, indicating that they are satisfied with the work and the amount to be paid. When all required documentation has been received, the Office of Economic and Community Development will process the payment request and payment will be made within 30 days. At the time final payment is made, the contractor will execute a one-year warranty of work performed and a lien release from all sub-contractor costs, labor costs, materials and equipment.

H. DISPUTE RESOLUTION/APPEALS PROCEDURE

Contractor/Homeowner Disputes: The contractual obligation for the Lead Service Line Replacement is ultimately between the contractor and the homeowner. If a situation occurs where the two parties are in conflict, the following procedure will be followed:

Stage 1: Before any intervention occurs, the homeowner or contractor shall communicate perceived problems or complaints directly to the other party. In an attempt to resolve the differences, each party will give the other party an opportunity to respond or correct the problem.

Stage 2: If the Stage 1 attempt fails to resolve the problem, the homeowner or contractor may ask the Housing Rehabilitation Specialist to informally intervene. This intervention might include telephone call(s) to the contractor or homeowner, meeting(s) at the job site or in the office, or other actions as seem appropriate, including such things as the establishment of written working guidelines, or other post-contractual agreement.

Stage 3: It must be recognized that the homeowner has other options which s/he may choose to utilize, including contacting the contractor's applicable state licensing board to submit a complaint if applicable.

Any controversy between the parties that cannot be settled through the informal intervention process outlined above may need to seek other avenues such as binding arbitration or legal channels if necessary.

I. CHANGES & EXCEPTIONS

At the discretion of City of Kingston staff, the Lead Service Line Replacement Program may be modified to ensure timely expenditures of Program funds, to implement improved practices, or to better comply with New York State Department of Health grant requirements.

Exceptions are defined as any action which would depart from policy and procedures stated in the Program Guidelines. The City or its agent may make an exception based on extenuating circumstances.

These provided cost estimates will be compared with the Housing Rehabilitation Specialist's assessment of the lead service line replacement will establish cost reasonableness for each project.