

Program:	Home Accessibility and Repair Program (HARP) Federal Lead and State Lead (N261) Programs	MHN #	2021-005
Issued by:	MaineHousing Energy and Housing Services	Effective Date:	09/20/2021

MaineHousing Notice 2021-05 is being issued to notify CAAs of revisions made to the HARP Guide and forms, LEAD Guide and forms.

1. Revised HARP Guidance and Procedures (HARP Guide) and LEAD Guidance and Procedures (LEAD Guide)

Reference: HARP Guide (revised 08/18/2021); LEAD Guide (revised 08/18/2021)

- a. The requirement of Binding Arbitration has been removed from the HARP Guide and LEAD Guide. Revised Guides are posted to the CAA Portal.
- b. The HARP and LEAD Guide has been revised to clarify unresolved claims or disputes between the Applicant and contractor arising out of or related to the work shall be resolved in the agreed upon method outlined in the Construction Contract.
- c. Any costs arising from the dispute resolution will be equally split between the Applicant and the Contractor.

2. Revised HARP and LEAD Guidance and Procedures (HARP Guide)

Reference: HARP Guide (revised 08/18/2021)

- a. Section A13 (C): Dispute Resolution has been revised to require the selected dispute resolution method selected in the Construction Contract be used to resolve all disputes. Any costs arising from the dispute resolution will be equally split between the Applicant and the Contractor.

Reference: LEAD Guide (revised 08/18/2021)

- b. Section A13 (D): Dispute Resolution has been revised to require the selected dispute resolution method selected in the Construction Contract be used to resolve all disputes. Any costs arising from the dispute resolution will be equally split between the Applicant and the Contractor.

3. *Revised HARP and LEAD Forms/Bundles*

Reference: CAA Portal Program Forms and Documents

- a. HARP Construction Contract (Section 14: Resolution of Disputes)
Requires the Applicant and Contractor to select an option to settle disputes under the contract by jointly payment for one of the following:
 - i. Binding arbitration
 - ii. Non-binding arbitration
 - iii. mediation

- b. HARP Construction Escrow Agreement (Section 8: Dispute Resolution)
Requires that any disputes arising between the Contractor and the Applicant will be resolved using the method outlined in the Construction Contract.
The Escrow Agent will be responsible for arranging the dispute resolution in accordance with the choice the parties agreed upon in the Construction Contract.

- c. LEAD Appendix A1-MF Applicant Information (Section 11: Resolution of Disputes)
Any unresolved disputes are required to be resolved using the method indicated in the Construction Contract. The parties shall be responsible for splitting the cost of the dispute resolution option agreed upon in the Construction Contract.

- d. LEAD Appendix A1-SF Applicant Information (Section 10: Resolution of Disputes)
Any unresolved disputes are required to be resolved using the method indicated in the Construction Contract. The parties shall be responsible for splitting the cost of the dispute resolution option agreed upon in the Construction Contract.

- e. LEAD Appendix B Tenant Application and Information (Section 6: Resolution of Disputes)
Any unresolved disputes are required to be resolved using the method indicated in the Construction Contract. The parties shall be responsible for splitting the cost of the dispute resolution option agreed upon in the Construction Contract.

- f. LEAD Construction Contract (Section 23: Resolution of Disputes)
Requires the Applicant and Contractor to select an option to settle disputes under the contract by jointly payment for one of the following:
 - i. Binding arbitration
 - ii. Non-binding arbitration
 - iii. mediation

- g. LEAD Construction Escrow Agreement (Section 6: Dispute Resolution)
Requires that any disputes arising between the Contractor and the Applicant will be resolved using the method outlined in the Construction Contract.
The Escrow Agent will be responsible for arranging the dispute resolution in accordance with the choice the parties agreed upon in the Construction Contract.

Notice Contact

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