

ATTACHMENTS

Oregon's 2017 Annual Action Plan



APPENDIX

ATTACHMENTS

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Community Development Block Grant 2017 AMENDED Proposed Method of Distribution

(This Method of Distribution is adopted as part of Oregon Administrative Rule
(OAR) 123-080-0030 (3) by reference.)



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Introduction

Administration of State of Oregon CDBG Program

Business Oregon (department) administers the State of Oregon's annual federal allocation of Community Development Block Grant (CDBG) funds for non-metropolitan cities and counties. Urban Cities and Counties and tribes are not included in the state's program because they receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD). Refer to Chapter 2 for more information regarding eligible applicants.

Primary Objective

The primary objective of the CDBG program is the development of viable (livable) communities by expanding economic opportunities, providing decent housing and a suitable living environment principally for persons of low and moderate income.

National Objective

Projects must meet one of three national objectives: 1) benefiting low- and moderate-income persons; 2) prevention or elimination of slums or blight; or 3) meeting other community development needs having particular urgency that pose a serious and immediate threat to the health or welfare of the community.

Low and Moderate Income

"Low income" means income equal to or less than 50 percent of the area median (adjusted by family size).

"Moderate income" means income equal to or less than 80 percent of the area median (adjusted by family size).

Applicable income limits are determined by HUD on an annual basis for all Oregon counties and metropolitan statistical areas.

Business Oregon's Mission is Prosperity for all Oregonians. We endeavor to achieve that mission through our **Vision to invest in Oregon businesses, communities and people to promote a globally competitive, diverse, and inclusive economy.**

Method of Distribution (MOD)

Oregon's 2017 CDBG program is offered to eligible cities and counties for a wide range of activities as authorized under Section 105(a) of the Housing and Community Development Act (HCDA) of 1974, as amended. The eligible activities for the 2017 program year that begins January 1, 2017 are described within this 2017 Method of Distribution.

The state expects to receive approximately \$12 million in new federal funds during 2017 for grants to non-entitlement cities and counties for eligible projects.

The CDBG funds covered by this Method of Distribution include: new 2017 funds, unobligated 2016 program year funds, program income and grant funds recaptured from projects funded in prior grant years.

In accordance with Oregon Administrative Rule (OAR) 123-080-030(3), the department will manage the competitive award and funding process for eligible projects under this 2017 Method of Distribution.

Instructions on How to Use the Method of Distribution

No single chapter is a stand alone chapter. The entire Method of Distribution must be read and used in its entirety to obtain the necessary program information and requirements.

Oregon Administrative Rule

This Method of Distribution provides information to assist eligible entities prepare grant applications and is adopted as part of Oregon Administrative Rule (OAR) 123-080-0030 (3) by reference.

Contact the Department

Contact Business Oregon for more information at 503-986-0123.

Chapter 1 Funding Priorities/Targets

Consistency with Oregon’s Consolidated Plan

Priorities for Community Development Block Grant (CDBG) funds must be consistent with the policies and priorities contained in the 2016-2020 State of Oregon Consolidated Plan for Housing and Community Development. The 2016-2020 Consolidated Plan is anticipated to be approved by the U.S. Department of Housing and Urban Development (HUD) sometime late 2016. The 2017 Method of Distribution is the first annual update to the 2016-2020 Consolidated Plan and has been developed with participation from HUD, Business Oregon and the public input received during the 30-day public comment period.

Priorities

Section 106(d)(2)(C)(iii) of the Housing and Community Development Act (HCDA) prohibits a state from declaring certain statutorily eligible activities as ineligible for funding under the state’s program, but allows a state to establish funding priorities among the types of eligible activities. The State of Oregon’s funding priorities for 2017 are described within the 2017 Method of Distribution (MOD). In accordance with the HCDA the state will consider applications for funding consistent with the identified funding priorities within the 2017 MOD.

There is a broad range of activities that may be assisted with CDBG funds as defined in Section 105(a) of the Housing and Community Development Act (HCDA) of 1974, as amended. States that administer a non-entitlement CDBG program are required to establish procedures for distributing the funds and identification of the activities (priorities) which will be eligible for funding under the state’s program. These priorities are described within the 2017 MOD. The priorities eligible for funding under Oregon’s 2017 Community Development Block Grant program are:

Programs offered through Business Oregon

1. **Microenterprise Assistance Public Services:** Recruitment, screening and providing classroom training to microenterprise owners and persons developing microenterprises.
2. **Public Works:** Public water and wastewater system improvements.
3. **Community/Public Facilities:** Community facilities that rarely produce a reliable or sufficient revenue stream to repay a loan.
4. **Community Capacity/Technical Assistance:** Grants for local capacity building.
5. **Emergency Projects:** Projects arising from bona fide emergencies.
6. **Housing Rehabilitation:**
 - a. **Type One** – Regional Housing Rehabilitation Revolving Loan Fund.
 - b. **Type Two** – Regional Housing Rehabilitation Grant Fund.

Targets

The state receives an annual allocation from HUD for the CDBG program. After subtracting amounts allowed for State Administration (2% plus \$100,000) and State Technical Assistance (1%), the department intends to award available new 2017, unobligated 2016, program income and recaptured grant funds from prior year grants to projects in the categories listed below using the percentages shown. Funding priority target percentages were adjusted to be more in line with the increase demand for Community Facility and Public Works projects.

| | 2016 | Target % | 2017 | Target % |
|---|---------------------|----------|---------------------------------|----------|
| Annual Allocation from HUD | \$12,055,779 | | \$11,978,330 (Note 2) | |
| State Administration 2% (The required match for these funds comes from the Special Public Works Fund (SPWF)). | 241,116 | 2% | 239,567 | 2% |
| State Administration \$100,000 - no match funds | 100,000 | N/A | 100,000 | N/A |
| State Technical Assistance Set-Aside 1% | 120,558 | 1% | 119,783 | 1% |
| Annual Allocation Available for Projects | \$11,594,106 | | \$11,518,980 | |
| Program Income (Note 2) | \$320 (Note 4) | | \$0 (Note 3) | |

| | | | | |
|---|---------------------|-----|---------------------------------|-----|
| Recaptured Funds | \$6,386 (Note 4) | | \$100,000 (Note 3) | |
| ESTIMATED TOTAL AVAILABLE FOR PROJECTS | \$11,600,812 | | \$11,618,980 (Note 5) | |
| Microenterprise Assistance | \$232,016 | 2% | \$232,380 | 2% |
| Public Works | \$5,916,414 | 51% | \$6,158,059 | 53% |
| Community/Public Facilities | \$3,248,227 | 28% | \$2,323,796 | 20% |
| Regional Housing Rehabilitation | \$2,204,154 | 19% | \$2,904,745 | 25% |

Note 1 When received, program income is allocated to projects using the target percentages identified above, after taking 2% for state administration.

Note 2 Total 2017 CDBG allocation.

Note 2 Estimated to be received in 2017.

Note 3 Actual as of December, 2016.

Note 4 Unobligated amounts from 2016 will be added to this figure.

The final 2017 fiscal year allocation amount will be posted on the department's website for access by eligible applicants and distributed to the CDBG list serve.

Target Funding

Business Oregon has no control over the type and quantity of applications submitted for funding under the program. Therefore, after each calendar quarter Business Oregon conducts a quarterly target review to determine if funds need to be moved from one funding category to another to address program needs. Target funding is used to give the department investment flexibility. Targeted funding does not obligate the department to award all the funds targeted for each category. **If a sufficient number of projects are not awarded in a particular category, applications in other categories may be funded. Each calendar quarter March 31, June 30, September 30 and December 31 the department will conduct a quarterly target review and determine if funds need to be moved from one category to another to address program needs.**

Program Year

The State of Oregon's 2017 program year (Fiscal Year-FY) is from January 1 thru December 31, 2017.

Funds Remaining after December 31, 2016

On January 1, 2017 any un-obligated or recaptured FY 2016 funds, earlier program year funds or program income will be applied in conformance with the proposed or HUD approved FY 2017 target percentages and will be awarded in accordance with either the proposed or HUD approved 2017 Method of Distribution.

Funds Remaining after December 31, 2017

On January 1, 2018 any un-obligated or recaptured 2017 funds, earlier program year funds, recaptured funds or program income will be applied in conformance with the proposed or HUD approved FY 2017 target percentages and will be awarded in accordance with either the proposed or HUD approved 2018 Method of Distribution.

Recaptured Funds and Program Income

The state anticipates the receipt of approximately \$100,000 of recaptured funds and \$3,500 of program income during 2017.

- **Recaptured funds** are those funds that are returned to the department through closeout of a grant, termination for cause or other means.

Recaptured funds on hand, where a grant recipient had to re-pay funds to the state, will be returned to the U.S. Treasury and recorded as such in IDIS. Once they are credited back to the state, they will be awarded/obligated in conformance with the MOD.

- **Program income** is funds received by the department from repayment of grant funds either loaned to recipients (principal and interest), proceeds from lease or disposition of real property and equipment

acquired with CDBG funds, interest earned on any program income pending disposition of such income or from projects that were unable to meet the five-year change of use requirement. Refer to Chapter 4 for more information. Program income will be disbursed before funds are requested from the U.S. Treasury.

The state has two requirements which must be met: 1) 24 CFR 570.494(b)(2) and 2) 24 CFR Part 570.494(b)(1) which requires each state to obligate and announce (excluding state administration) 100% of each annual grant within 15 months of the state signing its grant agreement with HUD to Units of General Local Government (UGLG's). To comply with the requirements Business Oregon prioritizes its obligation and announcement of CDBG funds as follows:

- 1) CDBG awards will be obligated and announced from the current annual grant within 15 months of the state signing the grant agreement with HUD (24 CFR Part 494(b)(1));
- 2) Any recaptured funds and program income on hand will be expeditiously obligated and announced in accordance with (24 CFR Part 570.494(b)(2)).

Any recaptured funds and program income received by the state will be tracked and disbursed to projects eligible for funding under the 2017 Method of Distribution. Funds received after December 31, 2017 will be disbursed as described above. Recaptured funds remaining after the last day of the program year will be added to the next program year's total allocation and disbursed through the regular grant award process for that year.

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Chapter 2 Eligible Applicants/Limits on Applications

Eligible Applicants

Only non-metropolitan (non-entitlement) cities and counties in rural Oregon can apply for and receive grants. Urban (entitlement) cities (Albany, Ashland, Beaverton, Bend, Corvallis, Eugene, Grants Pass, Gresham, Hillsboro, Medford, Portland, Redmond, Salem and Springfield) and counties (Clackamas, Multnomah, Washington) are not included in the state’s 2017 Community Development Block Grant (CDBG) program because they receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD).

Tribes are ineligible to directly apply for CDBG funds from the state’s non-entitlement CDBG program since they receive their own CDBG allocation directly from HUD. In addition tribes are considered sovereign entities and as such are not considered a unit of general local government under the state’s authority. An eligible non-entitlement city or county may apply for CDBG funds for projects that benefit both tribal and non-tribal members. However, state CDBG funds can only be used for the portion of the project that will benefit the non-tribal members.

Table A on pages 2-3 to 2-6 lists each city and county that may be eligible to apply for 2017 Oregon CDBG funds under the low and moderate income area wide national objective.

Applications on Behalf of Another Eligible Applicant

A city or county may not apply for a project where the project to be constructed will be owned and operated by another eligible applicant, a state or a federal agency.

Facilities Owned by Other Public Bodies

Cities and counties may undertake projects to improve existing facilities owned by other public bodies such as sanitary districts and water districts, including water supply authorities, or other political subdivisions of the state and organizations operated on a not-for-profit basis such as associations and cooperatives that provide drinking water to primarily residential areas. These other public or nonprofit organizations must own the facilities to be upgraded and need to contact the appropriate city or county to discuss application sponsorship. The respective city or county where the system is located must sponsor the application for an “other public or nonprofit organization”.

Counties considering applying on behalf of another government body are encouraged to enter into an intergovernmental agreement with the government body, identifying the roles and responsibilities of each to ensure the county has proper authority to achieve compliance with the federal CDBG program requirements during the project. Counties also are encouraged to request a meeting with the department for technical assistance and to explain the county’s responsibilities under a CDBG grant in projects of this nature.

Regional Projects

Two or more local governments (for example, a city and a county, or two cities) may work on an application for a regional project. In such cases, only one jurisdiction can be the applicant and act as the responsible party under the contract with the state. Joint applications where two or more parties are equally responsible will not be accepted. Regional projects are activities that benefit more than one jurisdiction and address a common problem in a region. Some examples of regional projects include regional housing rehabilitation programs, regional water or wastewater systems and regional microenterprise assistance programs.

Non-Entitlement/Entitlement Boundaries

When an eligible non-entitlement city or county applicant applies for and is awarded CDBG funds for a project that will be located within the boundaries of a CDBG entitlement city or county whose residents are also residents of the non-entitlement applicant area (for example, Lane County sponsoring a project to be physically located within the City of Eugene), eligible project costs are limited to the estimated pro rata share of the project activity beneficiaries who reside in the non-entitlement portion of the project’s service area.

Pass Through

Cities and counties cannot “pass through” the awarded funds to another entity to carry out the project activities. The recipient must carry out the project activities and remain fully responsible for the grant-funded project’s compliance

with all federal and state requirements. In other words, the project must be under the direct control of the grant recipient at all times.

Project Phasing

Projects cannot be divided into phases to obtain multiple CDBG grants for the same facility. Some examples of project phasing not allowed under the program include:

1. Separating a Public Works project into phases, such as collection system improvements in one-phase and treatment system improvements into another phase in order to apply for more than the maximum grant within a five-year period.
2. Building one portion of a Public/Community facility now, and then building the remaining portion later, in order to qualify for two grants for the same facility.

TABLE A – 2016 LOW AND MODERATE INCOME DATA

| City/County | 2016 LMISD | City/County | 2016 LMISD |
|------------------------|---------------|--------------------------|---------------|
| Baker County | 42.56% | Deschutes County | 36.58% |
| Baker City | 46.44% | La Pine | 82.74% |
| Greenhorn | 0% | Sisters | 35.70% |
| Haines* | 56.40% | Douglas County | 38.73% |
| Halfway | 55.84% | Canyonville | 50.00% |
| Huntington | 59.26% | Drain* | 56.30% |
| Richland | 50.00% | Elkton | 37.84% |
| Sumpter | 37.93% | Glendale | 60.87% |
| Unity | 54.55% | Myrtle Creek | 49.71% |
| Benton County | 48.22% | Oakland | 30.49% |
| Adair Village | 35.56% | Reedsport | 47.29% |
| Monroe | 69.75% | Riddle | 40.19% |
| Philomath | 37.61% | Roseburg | 37.80% |
| Clatsop County | 38.65% | Sutherlin | 40.16% |
| Astoria | 42.52% | Winston | 50.00% |
| Cannon Beach | 47.95% | Yoncalla | 59.60% |
| Gearhart | 13.73% | Gilliam County | 41.91% |
| Seaside | 50.84% | Arlington | 37.00% |
| Warrenton | 42.03% | Condon | 47.50% |
| Columbia County | 38.17% | Lonerock | 42.86% |
| Clatskanie | 49.29% | Grant County | 40.88% |
| Columbia City | 33.33% | Canyon City | 35.71% |
| Prescott | 66.67% | Dayville | 58.62% |
| Rainier | 46.81% | Granite | 0% |
| Scappoose | 34.77% | John Day | 41.28% |
| St. Helens | 42.94% | Long Creek | 54.55% |
| Vernonia | 45.34% | Monument* | 56.90% |
| Coos County | 38.21% | Mt. Vernon* | 57.30% |
| Bandon | 46.91% | Prairie City | 46.05% |
| Coos Bay | 41.52% | Seneca* | 56.60% |
| Coquille | 36.04% | Harney County | 38.42% |
| Lakeside | 39.26% | Burns | 40.92% |
| Myrtle Point | 54.56% | Hines | 40.40% |
| North Bend | 33.66% | Hood River County | 39.58% |
| Powers | 36.00% | Cascade Locks | 44.50% |
| Crook County | 36.54% | Hood River | 44.08% |
| Prineville | 44.40% | Jackson County | 38.20% |
| Curry County | 44.72% | Butte Falls | 32.38% |
| Brookings | 44.70% | Central Point | 32.41% |
| Gold Beach | 34.64% | Eagle Point | 39.26% |
| Port Orford | 42.86% | Gold Hill | 41.10% |

*Indicates results of income surveys conducted in accordance with CDBG requirements. Income Survey results are valid for five years from the date the survey was completed.

TABLE A – 2016 LOW AND MODERATE INCOME DATA

| City/County | 2016 LMISD | City/County | 2016 LMISD |
|---------------------------------|-------------------|------------------------------|-------------------|
| Jackson County Continued | | Linn County Continued | |
| Jacksonville | 34.68% | Halsey | 42.31% |
| Phoenix | 48.74% | Harrisburg | 35.96% |
| Rogue River | 41.03% | Idanha* | 69.90% |
| Shady Cove | 49.91% | Lebanon | 44.02% |
| Talent | 43.25% | Lyons | 27.40% |
| Jefferson County | 43.22% | Mill City | 43.73% |
| Culver | 64.57% | Millersburg | 22.26% |
| Madras | 45.65% | Scio | 43.36% |
| Metolius | 24.03% | Sodaville | 37.93% |
| Josephine County | 39.48% | Sweet Home | 42.40% |
| Cave Junction | 52.79% | Tangent | 36.70% |
| Klamath County | 38.48% | Waterloo | 53.19% |
| Bonanza | 52.17% | Malheur County | 43.92% |
| Chiloquin | 71.22% | Adrian* | 57.22% |
| Klamath Falls | 48.02% | Jordan Valley | 32.26% |
| Malin | 52.07% | Nyssa | 35.65% |
| Merrill | 41.96% | Ontario | 49.75% |
| Lake County | 38.97% | Vale* | 62.45% |
| Lakeview | 29.67% | Marion County | 40.63% |
| Paisley | 46.67% | Aumsville | 53.74% |
| Lane County | 40.10% | Aurora | 18.57% |
| Coburg | 22.60% | Detroit | 38.71% |
| Cottage Grove | 39.80% | Donald | 25.15% |
| Creswell | 41.05% | Gates | 52.55% |
| Dunes City | 35.33% | Gervais | 45.07% |
| Florence | 47.37% | Hubbard | 44.54% |
| Junction City | 40.67% | Idanha* | 69.90% |
| Lowell | 28.66% | Jefferson | 45.90% |
| Oakridge | 43.91% | Keizer | 36.46% |
| Veneta | 32.94% | Mill City | 43.73% |
| Westfir | 28.30% | Mt. Angel | 39.48% |
| Lincoln County | 41.87% | Scotts Mills | 28.07% |
| Depoe Bay | 39.63% | Silverton | 34.42% |
| Lincoln City | 60.01% | St. Paul | 10.14% |
| Newport | 36.87% | Stayton | 41.36% |
| Siletz | 54.36% | Sublimity | 20.38% |
| Toledo | 45.44% | Turner | 42.68% |
| Waldport | 58.17% | Woodburn | 47.56% |
| Yachats | 48.39% | Morrow County | 39.24% |
| Linn County | 36.06% | Boardman | 46.03% |
| Brownsville | 46.65% | Heppner | 44.26% |

*Indicates results of income surveys conducted in accordance with CDBG requirements. Income Survey results are valid for five years from the date the survey was completed.

TABLE A – 2016 LOW AND MODERATE INCOME DATA

| City/County | 2016 LMISD | City/County | 2016 LMISD |
|--------------------------------|-------------------|-------------------------------|-------------------|
| Morrow County Continued | | Union County Continued | |
| Ione | 28.85% | North Powder | 47.87% |
| Irrigon | 51.43% | Summerville | 19.44% |
| Lexington | 15.22% | Union | 42.41% |
| Polk County | 32.93% | Wallowa County | 34.82% |
| Dallas | 35.35% | Enterprise | 42.42% |
| Falls City* | 55.15% | Joseph | 33.52% |
| Independence | 39.61% | Lostine | 37.88% |
| Monmouth | 48.01% | Wallowa | 31.82% |
| Willamina | 53.97% | Wasco County | 39.87% |
| Sherman County | 40.11% | Antelope | 88.89% |
| Grass Valley | 66.67% | Dufur | 34.51% |
| Moro | 58.62% | Maupin | 33.33% |
| Rufus | 79.07% | Mosier | 47.31% |
| Wasco | 46.15% | Shaniko | 40.00% |
| Tillamook County | 41.92% | The Dalles | 41.83% |
| Bay City | 45.14% | Wheeler County | 41.38% |
| Garibaldi | 41.48% | Fossil | 46.84% |
| Manzanita | 37.50% | Mitchell | 66.67% |
| Nehalem | 45.95% | Spray | 20.83% |
| Rockaway Beach | 46.40% | Yamhill County | 42.12% |
| Tillamook | 59.04% | Amity | 54.22% |
| Wheeler | 59.65% | Carlton | 40.23% |
| Umatilla County | 40.01% | Dayton | 43.03% |
| Adams | 28.81% | Dundee | 20.10% |
| Athena | 41.75% | Lafayette | 52.19% |
| Echo | 45.86% | McMinnville | 52.27% |
| Helix | 7.69% | Newberg | 40.27% |
| Hermiston | 48.09% | Sheridan | 47.59% |
| Milton-Freewater | 47.97% | Willamina | 53.97% |
| Pendleton | 33.65% | Yamhill | 29.96% |
| Pilot Rock | 42.02% | | |
| Stanfield | 47.69% | | |
| Ukiah | 53.33% | | |
| Umatilla | 56.39% | | |
| Weston | 31.25% | | |
| Union County | 40.89% | | |
| Cove | 48.00% | | |
| Elgin | 55.81% | | |
| Imbler | 24.39% | | |
| Island City | 28.16% | | |
| LaGrande | 46.99% | | |

*Indicates results of income surveys conducted in accordance with CDBG requirements. Income Survey results are valid for five years from the date the survey was completed.

Limits on Applications

To assist the state in complying with federal requirements pertaining to the timely distribution and expenditure of funds the 2017 Community Development Block Grant program will have the following application limits for all projects assisted in whole or in part with Community Development Block Grant funds.

- **Three open grant limit**
Applications will **not** be invited or Project Notification and Intake Forms (PNIF’s) approved from a city or county with three or more open grants.
- **Age and Expenditure of Funds Requirements**
 1. City/County - Before an application is invited or a PNIF is approved by the department all cities and counties with open grants must comply with the following requirements for their existing open grants:

Table B

| ONE YEAR GRANTS (microenterprise assistance) | Requirement | Multi – Year Grants (All other grants) | Requirement |
|---|---|---|---|
| For 2017 if an open grant is: | | | |
| 1 year old (2016 award) | Microenterprise Grants – 70% of the funds must be drawn down | 2 years old (2015 award) | 60% of the funds must be drawn down |
| 2 years old or more (2015 award) | Microenterprise Grants – The jurisdiction is ineligible to apply for any new grant unless this project is administratively closed | 3 years old (2014 award) | 100% of the funds must be drawn down |
| | | 4 years old or more (2013 award or earlier) | The jurisdiction is ineligible to apply for any new grant unless this project is administratively closed. |

2. Housing Rehabilitation and Microenterprise Assistance Service Provider - An eligible non-profit’s regional housing rehabilitation program and a service provider administering a microenterprise assistance program on behalf of a grant recipient, which includes the entire service area of the housing rehabilitation program or microenterprise assistance program, can only have one open grant from the CDBG program, unless that open grant is meeting the same age and expenditure requirements applicable to cities and counties identified above. If the one open grant is meeting the age and expenditure requirements, the eligible non-profit or microenterprise service provider can work with an eligible city/county to apply for a second grant. Under no circumstances will more than two open grants per eligible non-profit’s regional housing rehabilitation program or non-profit’s microenterprise assistance program, which includes the entire service area, be awarded.

- **Unresolved Performance Issues**

Cities and counties with unresolved performance issues under prior open or closed CDBG awards may be restricted (receive sanctions, refer to Chapter 5) by the state from receiving additional CDBG awards until such time the non-performance issues are resolved to the satisfaction of the department.
- **Application Limit**

A city or county may only apply for one project per year from one of the following categories: Community Facilities and Housing Rehabilitation. Also, no more than two applications from the remaining funding categories will be considered for funding at any one time. The applicant must designate which is the higher priority application; if the applicant makes no designation, and only one application can be funded, the department will make this determination.
- **Exceptions to Limits on Applications**
 - An exception to the “Age and Expenditure of Funds Requirement” may be granted if the city or county can demonstrate that timely completion and administrative closeout of a grant has been delayed by the actions of a federal or state agency.
 - The three open grant limit does not apply to disaster recovery grant funding received through special allocations from the U.S. Department of Housing and Urban Development.
 - New Emergency Projects (not previously awarded) are not subject to any of the “Limits on Applications” requirements.
 - Counties which have received a CDBG public works grant on behalf of a public body such as a sanitary district or water district, including water supply authorities, or other political subdivisions of the state and organizations operated on a not-for-profit basis may be granted an exception to any of the "Limits on Application" requirements due to the complexity of the governing/legal jurisdictional issues encountered in administering a grant that is benefitting an outside government body over which the recipient has no governing authority. Exceptions will be granted at the sole discretion of the Business Oregon after a thorough review by Business Oregon staff.

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Chapter 3 National Objectives

There are three federal national objectives for the Community Development Block Grant (CDBG) Program. However, the State of Oregon only qualifies projects for funding under two of the three national objectives. All projects and the individual activities funded in whole or in part with CDBG funds must meet one of these national objectives:

- **Benefiting Low- and Moderate-income Persons** – This is the primary program objective. The state must ensure that no less than 70 percent of the CDBG funds that it administers are spent for projects that meet this objective.
- **Urgent Need** – This must be a bona fide emergency declared by the Governor. CDBG funds are generally not available for meeting other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources.

Benefiting Low- and Moderate-income Persons

The federal regulations provide that in any case where there is substantial evidence that an activity might not principally benefit low- and moderate-income persons, even though the activity conforms to the literal reading of the low- and moderate-income benefit criteria, the presumption that the activity meets the national objective will be rebutted. The grant applicant/recipient must document how the activity will meet the low- and moderate-income benefit national objective.

There are four ways a project can meet the low- and moderate-income national objective. These are: 1) Area Wide, 2) Limited Clientele, 3) Housing and 4) Jobs. With the exception of the “Jobs” objective, the remaining three objectives (Area Wide, Limited Clientele and Housing) are described in the following sections.

Area Wide Qualification (LMA)

- The Area Wide Qualification applies to an activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low- and moderate-income persons. Such an area need not be conterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. It is critical that the service area proposed by the applicant and approved by the state is the entire area served by that activity.
- Units of general local government may, at the discretion of the state, use either U.S. Department of Housing and Urban Development (HUD) provided data comparing census data with appropriate low- and moderate-income levels or survey data that is methodologically sound and pre-approved by Business Oregon.
- An activity that serves an area that is not primarily residential in character will not qualify under this criterion, as determined by Business Oregon.
- The Area Wide Qualification also applies to an activity, where the assistance is for a public improvement that provides benefits to all the residents of an area that is limited to paying special assessments levied against residential properties owned and occupied by persons of low and moderate income.

Area Wide Documentation Needed (LMA)

1. All applicants must provide a map with their application showing the proposed project’s entire service area.

Community facility projects qualifying under this national objective must also provide written documentation such as a policy or other document demonstrating the use of the facility will be restricted to the residents within the defined service area.

2. The easiest way for applicants to document low- and moderate-income benefit for area-wide projects is to use the 2016 Low and Moderate Income Survey Data (LMISD) data. See Table A beginning on page 2-3 of this handbook.

Applicants for area-wide benefit projects, which have been determined to be eligible activities for funding under the CDBG program by Business Oregon, will use a special income survey in the following situations:

- a. Boundary – The geographic area where beneficiaries live does not generally coincide with census geography;
- b. Economic Changes - 2016 LMISD (effective March 28, 2016) data shows that less than 51% of the persons in an area are low and moderate income but the applicant believes that local economic conditions are significantly different. Compelling evidence, such as a mill/plant closing or other documentation must be presented by the potential applicant to substantiate that an income survey is necessary;
- c. Non-Economic Changes – 2016 LMISD (effective March 28, 2016) data shows that less than 51% of the persons in an area are low and moderate income but the applicant believes that local non-economic conditions are significantly different. Documentation of natural or human made disasters or other compelling evidence must be presented by the potential applicant to substantiate that an income survey is necessary; or
- d. Demographic Changes - There is compelling evidence that current community income characteristics are **significantly different from the most current LMISD data provided by HUD**. The 2016 LMISD data was derived from 2006-2010 American Community Survey (ACS) data and published by HUD in March, 2016. For example, a community with a substantial increase in population and new housing construction after 2012 cannot be assumed to have the same percentage of low- and moderate-income persons.

Population growth (increase or decrease) may be documented by comparing population data from the 2016 LMISD to the most current 2013 Portland State University (PSU) population estimate issued April 15, 2014, or other most recent PSU release.

All surveys must be conducted in compliance with HUD Community Planning and Development (CPD) Notice 14-013 dated September 25, 2014 and any other more current methodology developed by HUD. A copy of the survey methodology and a sample questionnaire is available by request from the department.

Applicants must secure approval from the department on the survey instrument and process in order for the department to recognize the results of local income surveys. In addition, applicants are encouraged to contract with an organization or private contractor to do the work. The cost of the survey is not eligible for CDBG assistance and cannot be recovered if a grant is awarded.

Communities planning to conduct a survey must contact their Business Oregon Regional Development Officer (RDO) prior to beginning the survey.

Business Oregon approved income surveys will be valid and usable for up to five (5) years, after Business Oregon approval. If economic, non-economic or demographic changes occur during this five (5) year period which would directly affect the low-moderate income data of a community and the applicant has a project determined to be an eligible activity for funding under the CDBG program, the applicant may contact Business Oregon to discuss the possibility of conducting an income survey.

In accordance with HUD CPD Notice 14-013, the HUD issued American Community Survey (ACS) derived LMISD must be used “to the fullest extent feasible” unless it can be documented that the data does not provide enough information regarding the income levels in the service area. In this case, a survey may be necessary. For projects determined to be CDBG eligible, surveys will be approved for the conditions identified in paragraphs a, b, c, and d above.

As soon as the 2017 LMISD data is published by HUD, the 2017 LMISD data must be utilized by the program, and will be immediately effective.

Limited Clientele Qualification (LMC)

Note: *A facility that is open to everyone within a defined service area must qualify under the low- and moderate-income area-wide national objective.*

Four possible “tests” document that beneficiaries of limited clientele facilities are principally low- and moderate-income. More than one test may be required, depending upon the project to be funded.

To qualify for the limited clientele national objective, an activity must benefit a limited clientele, at least 51 percent of whom are low- and moderate-income persons. The activity must meet one or more of the following tests:

- **Test 1 – Limited Clientele Based on Presumed Benefit** - It must benefit a clientele who are generally *presumed* to be principally low and moderate-income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low- and moderate-income:
 - **Abused children;**
 - **Battered spouses;**
 - **Elderly persons** - Persons 60 years of age and older;
 - **Severely disabled adults** - Adults meeting the Bureau of the Census’ Current Population Reports definition of “severely disabled,” - Persons with a severe disability must meet one of the following:
 - a. Used a wheelchair or have used another special aid for 6 months or longer;
 - b. Are unable to perform one or more functional activities or need assistance with an Activity of Daily Living or Instrumental Activity of Daily Living. (Functional Activities include: seeing, hearing, having ones speech understood, lifting, carrying, walking up a flight of stairs and walking. Activities of Daily Living include: getting around inside the house, getting out of bed or a chair, bathing, dressing, eating and toileting. Instrumental Activities of Daily Living include: going outside the home, keeping track of money, preparing meals, doing light housework and using the telephone.)
 - c. Are prevented from working at a job or doing housework;
 - d. Have a condition including autism, cerebral palsy, Alzheimer’s disease, senility or mental retardation; and
 - e. Persons who are under 65 years of age and who are considered disabled by Medicare or receive Social Security Income are considered to have a disability (severe disability).
 - **Homeless persons** - Persons living on the street or in an emergency shelter, or who will be living on the street or in an emergency shelter without assistance;
 - **Illiterate adults;**
 - **Persons living with AIDS;** and
 - **Migrant farm workers.**
- **Test 2 – Limited Clientele Based on Family Size and Income and Test 3 – Limited Clientele Based on Income Eligibility** - If the facility does not serve a clientele that consists solely of presumed low- and moderate-income persons, it must:
 - For Test 2, require information on family size and income from every client so that it is evident that at least 51 percent of the clientele are persons whose family income

does not exceed the low- and moderate-income limit. The Community Facility User Form must be completed using income limits in Table D; or

- For Test 3, have income eligibility requirements that limit the activity exclusively to low and moderate-income persons; or

- **Test 4 – Limited Clientele Based on Nature and Location of the Facility** – It must be of such a nature, and be in such a location, that it may be concluded the activity’s clientele will primarily be low- and moderate-income persons. (*Note: The use of this criteria under the state’s program is a rarity.*)
 - On February 15, 2008, the state received guidance from HUD that food bank/warehouses can qualify as meeting the LMI national objective on the basis of the nature of the service and the location where the services are provided. Food bank projects will no longer have to collect family size and income data to demonstrate compliance with the federal national objective. On May 7, 2008, the department researched and approved of this approach.
- **Microenterprise Exception** - A microenterprise assistance project is limited to owners of microenterprises and persons developing microenterprises who are low- and moderate-income persons based upon the family size and income limits contained within Table D. For purposes of this paragraph, persons determined to be low and moderate income may be presumed to continue to qualify as such for up to a three-year period.

Limited Clientele Documentation (LMC)

Applicants must document how proposed activities will benefit low- and moderate-income persons in conformance with federal law. The type of documentation necessary depends upon the users of the facility. Some proposed projects may involve more than one program/activity with different clientele and different documentation. The following describes what information must be submitted for different types of limited clientele activities:

1. **Test 1 – Limited Clientele Based on Presumed Benefit**
Documentation establishing that the facility or service is designed exclusively to serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low and moderate income: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census’ Current Population Reports definition of “severely disabled”, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers; or
2. **Test 2 – Limited Clientele Based on Family Size and Income** Documentation that at least 51 percent of the clientele are persons whose family income does not exceed the low- and moderate-income limit (e.g., child care center that is not exclusively for low- and moderate-income persons). The current income limits can be found in Table D. Required documentation shall be one or more of the following, as appropriate:
 - a. A summary that shows how many current users have family incomes above and below the low- and moderate-income limits. The summary must be based on information about the family size and family income of each user. This information may be from existing program forms (e.g., application for day care) or it can be collected using the form included in this chapter (Community Facility User Certification form) and reported on the “Documentation of Facility Users” form also contained within this chapter.

The documentation cannot be a survey. There must be information collected about the family of each beneficiary. If a family does not provide the required information, its members must be assumed to be above the income limits.

Individual information forms gathered by the applicant do not have to be included with the application but may be reviewed during a site visit by department staff and/or must be available upon request at any time from department staff.

- b. The applicant also must certify in the application that, if funded, it will ensure that family size and income data is collected on all current and future beneficiaries and that no less than 51 percent of the beneficiaries of the facility will be income qualified until at least five years after the grant project is closed; or
3. **Test 3 – Limited Clientele Based on Income Eligibility**
Documentation of the income eligibility requirements that limit, or will limit, benefits from the facility exclusively to low- and moderate-income persons. The income limits must be included with the application; or
4. **Test 4 – Limited Clientele Based on Nature and Location of the Facility** Documentation describing how the nature and, if applicable, the location of the facility or service establishes that it is used or will be used predominantly by low- and moderate-income persons.

Note: *Facilities must provide one year of family size and income data for the facility to be assisted. If one year of data is not available (new facility with no clientele history) the applicant must demonstrate how the services offered at the facility will be limited to low- and moderate-income persons so that the use of the facility will meet the national objective. This is done by the applicant providing the department application forms, policies and other documents and procedures that will be used to limit the use of the facility so that 51% or more of the use of the facility is for low- and moderate-income persons.*

The summary form Table E titled “Documentation of Facility Users” must be completed and included with the application for all “limited clientele” projects.

Housing Activities Qualification (LMH)

An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low- and moderate-income households. This would include, but not necessarily be limited to, the acquisition or rehabilitation of property, conversion of nonresidential structures and new housing construction. If the structure contains two dwelling units, at least one must be occupied by a low- and moderate-income household, and if the structure contains more than two dwelling units, at least 51 percent of the units must be occupied by low- and moderate-income households.

When CDBG funds are used for housing services eligible under section 105(a)(20) of the Act, such funds shall be considered to benefit low- and moderate-income persons if the housing units for which the services are provided are HOME- assisted and the requirements of 92.252 or 92.254 of this title are met.

Housing Documentation (LMH)

For each activity carried out for the purpose of rehabilitating or constructing housing which is determined to benefit low- and moderate-income households, each applicant must provide a description of how local program policies will ensure that only income qualified households will benefit along with a copy of the client intake and screening forms and applicable income limits to be used.

Note: *Only the housing program gathers data by household size and household income. Household size and income is an aggregate of multiple families residing within the same residence. To determine LMI status, the household size and income is compared against the family size and income chart contained in Table D.*

Urgent Need

To comply with this national objective a project must be designated to alleviate existing conditions which the local government certifies and the state determines:

- Pose a serious and immediate threat to the health or welfare of the community (Governor declared “State of Emergency” or Presidential declared disaster, through FEMA declaration);
- Are of recent origin or recently became urgent (i.e. Governor’s Emergency Declaration was within 12 months preceding the local government’s certification and the state’s determination.);
- The applicant is unable to finance the activity on its own; and
- Other sources of funds are not available to carryout the activity.

Urgent Need Documentation

- **A description of the nature and degree of seriousness of the conditions requiring assistance.**
- Evidence that the state grant recipient certified that the CDBG activity was designated to address an urgent need.
- Information on the timing of the development of the serious condition.
- Evidence confirming that other financial resources to alleviate the need are not available.

Table C National Objective

| Low and Moderate Income | |
|--|---|
| <p>Area Wide/Sub-Area 24 CFR 570.483 (b)(1)(i)</p> | <p>Definition – The activity must serve an area that is primarily a low- and moderate-income permanent residential area (at least 51% low- and moderate-income.)</p> <p>Examples – Public Works projects, Libraries, Fire Stations, Health Clinics, Community Centers and Family Resource Center projects.</p> |
| <p>Limited Clientele – in general 24 CFR 570.483 (b)(2)(ii)</p> | <p>Definition – The activity benefits a specific group(s) of low- and moderate-income persons (excludes housing). An activity may meet this criteria if it serves a 51% low- and moderate-income clientele, exclusively serves a presumed group (see definition below), be of such a nature and location that it can be concluded to serve a low- and moderate-income clientele, or remove material or architectural barriers for the mobility or accessibility of elderly persons or adults meeting the definition of “severely disabled”. To assist an entire facility, all services in a facility must be limited to those serving a clientele that is at least 51% low and moderate income. (Facilities that are open and available to everyone in the area must qualify under the area wide national objective. Under the limited clientele national objective, the facility must qualify based on services to limited clientele, not by use of the facility, and each user must be income qualified.)</p> |
| <p>Presumed Limited Clientele 24 CFR 570.483 (b)(2)(ii)(A)</p> <p><i>Test 1 – Limited Clientele based on Presumed Benefit.</i></p> | <p>Definition – Clientele that are generally presumed to be low- and moderate-income as determined by Housing and Urban Development. These are abused children, elderly persons, battered spouses, homeless persons, severely disabled adults, illiterate adults, persons living with AIDS, migrant farm workers.</p> <p>Examples – Senior Centers 60+, Homeless Shelters and Domestic Violence Shelters.</p> |
| <p>Family Size and Income Eligibility Limited Clientele 24 CFR 570.483 (b)(2)(ii)(C) or 24 CFR 570.483 (b)(2)(ii)(B)</p> <p><i>Test 2-Limited Clientele based on Family Size and Income and Test 3-Limited Clientele based on Income Eligibility.</i></p> | <p>Definition – Activities require information on family size and income that confirm at least 51% of clientele are low- and moderate-income. Information on family size and income can be determined by clients completing the Community Facility User Certification Form (Test 2) or having income eligibility requirements (Test 3).</p> <p>Examples – Head Start Centers and Microenterprise Assistance.</p> |
| <p>Nature and Location Limited Clientele 24 CFR 570.483 (b)(2)(ii)(D)</p> <p><i>Test 4-Limited Clientele based on Nature and Location of the facility.</i></p> | <p>Definition – Facility of such a nature, and be in such a location, that it may be concluded that the facility’s clientele will be primarily low- and moderate-income persons.</p> <p>Example – Food Banks and Head Start Centers</p> |

| Low and Moderate Income | |
|--|--|
| <p>Housing/Direct Benefit 24 CFR 570.483 (b)(3)</p> | <p>Definition – Activities carried out for purpose of providing or improving permanent residential structures, that upon completion, will be owned and occupied by low- and moderate-income persons. Must household size and income qualify all applicants.</p> |

| | |
|--|--|
| | Example – Housing Rehabilitation. |
|--|--|

| Urgent Community Needs | |
|--|---|
| Urgent Need 24 CFR 570.483 (d) | Definition – These projects must be designed to alleviate existing conditions which the grantee certifies, pose a serious and immediate threat to the health or welfare of the community, are of recent origin, unable to finance on their own, other funding resources are not available to carry out the activity. |
| | Examples – Major catastrophe such as a flood or earthquake that threatens the community residents with spread of serious disease. The community’s other resources may well be depleted and other federal programs may not be sufficient to cover all costs. |

**Table D – 2017 Low and Moderate Income Limits
Effective April 14, 2017**

| County | Median Family Income estimate for 2017 | Income Level | 1-Person Family | 2-Person Family | 3-Person Family | 4-Person Family | 5-Person Family | 6-Person Family | 7-Person Family | 8-Person Family |
|------------------|--|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | | Note 1 | | | | | | | | |
| Baker | \$52,200 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Benton Note 2 | \$87,400 | Low | \$28,650 | \$32,750 | \$36,850 | \$40,900 | \$44,200 | \$47,450 | \$50,750 | \$54,000 |
| | | Moderate | \$45,850 | \$52,400 | \$58,950 | \$65,450 | \$70,700 | \$75,950 | \$81,200 | \$86,400 |
| Clatsop | \$59,700 | Low | \$20,900 | \$23,900 | \$26,900 | \$29,850 | \$32,250 | \$34,640 | \$37,050 | \$39,450 |
| | | Moderate | \$33,450 | \$38,200 | \$43,000 | \$47,750 | \$51,600 | \$55,400 | \$59,250 | \$63,050 |
| Columbia Note 3 | \$74,700 | Low | \$26,150 | \$29,900 | \$33,650 | \$37,350 | \$40,350 | \$43,350 | \$46,350 | \$49,350 |
| | | Moderate | \$41,850 | \$47,800 | \$53,800 | \$59,750 | \$64,550 | \$69,350 | \$74,100 | \$78,900 |
| Coos | \$50,400 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Crook | \$49,900 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Curry | \$50,400 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Deschutes Note 2 | \$64,000 | Low | \$22,350 | \$25,550 | \$28,750 | \$31,900 | \$34,500 | \$37,050 | \$39,600 | \$42,150 |
| | | Moderate | \$35,750 | \$40,850 | \$45,950 | \$51,050 | \$55,150 | \$59,250 | \$63,350 | \$67,400 |
| Douglas | \$54,900 | Low | \$19,250 | \$22,000 | \$24,750 | \$27,450 | \$29,650 | \$31,850 | \$34,050 | \$36,250 |
| | | Moderate | \$30,750 | \$35,150 | \$39,550 | \$43,900 | \$47,450 | \$50,950 | \$54,450 | \$57,950 |
| Gilliam | \$61,400 | Low | \$21,500 | \$24,600 | \$27,650 | \$30,700 | \$33,200 | \$35,650 | \$38,100 | \$40,550 |
| | | Moderate | \$34,400 | \$39,300 | \$44,200 | \$49,100 | \$53,050 | \$57,000 | \$60,900 | \$64,850 |
| Grant | \$51,000 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Harney | \$40,400 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Hood River | \$65,800 | Low | \$23,050 | \$26,350 | \$29,650 | \$32,900 | \$35,550 | \$38,200 | \$40,800 | \$43,450 |
| | | Moderate | \$36,900 | \$42,150 | \$47,400 | \$52,650 | \$56,900 | \$61,100 | \$65,300 | \$69,500 |
| Jackson Note 2 | \$53,600 | Low | \$18,800 | \$21,450 | \$24,150 | \$26,800 | \$28,950 | \$31,100 | \$33,250 | \$35,400 |
| | | Moderate | \$30,050 | \$34,350 | \$38,650 | \$42,900 | \$46,350 | \$49,800 | \$53,200 | \$56,650 |
| Jefferson | \$50,600 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Josephine | \$46,500 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Klamath | \$48,700 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Lake | \$46,800 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Lane Note 2 | \$59,000 | Low | \$20,650 | \$23,600 | \$26,550 | \$29,500 | \$31,900 | \$34,250 | \$36,600 | \$38,950 |
| | | Moderate | \$33,050 | \$37,800 | \$42,500 | \$47,200 | \$51,000 | \$54,800 | \$58,550 | \$62,350 |

**Table D – 2017 Low and Moderate Income Limits
Effective April 14, 2017**

| County | Median Family Income estimate for 2017 | Income Level Note 1 | 1-Person Family | 2-Person Family | 3-Person Family | 4-Person Family | 5-Person Family | 6-Person Family | 7-Person Family | 8-Person Family |
|----------------|--|------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Lincoln | \$53,700 | Low | \$18,800 | \$21,500 | \$24,200 | \$26,850 | \$29,000 | \$31,150 | \$33,300 | \$35,450 |
| | | Moderate | \$30,100 | \$34,400 | \$38,700 | \$42,950 | \$46,400 | \$49,850 | \$53,300 | \$56,700 |
| Linn | \$55,100 | Low | \$19,300 | \$22,050 | \$24,800 | \$27,550 | \$29,800 | \$32,000 | \$34,200 | \$36,400 |
| | | Moderate | \$30,900 | \$35,300 | \$39,700 | \$44,100 | \$47,650 | \$51,200 | \$54,700 | \$58,250 |
| Malheur | \$49,500 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Marion Note 3 | \$58,400 | Low | \$20,450 | \$23,400 | \$26,300 | \$29,200 | \$31,550 | \$33,900 | \$36,250 | \$38,550 |
| | | Moderate | \$32,700 | \$37,400 | \$42,050 | \$46,700 | \$50,450 | \$54,200 | \$57,950 | \$61,650 |
| Morrow | \$55,400 | Low | \$19,400 | \$22,200 | \$24,950 | \$27,700 | \$29,950 | \$32,150 | \$34,350 | \$36,600 |
| | | Moderate | \$31,050 | \$35,450 | \$39,900 | \$44,300 | \$47,850 | \$51,400 | \$54,950 | \$58,500 |
| Polk Note 3 | \$58,400 | Low | \$20,450 | \$23,400 | \$26,300 | \$29,200 | \$31,550 | \$33,900 | \$36,250 | \$38,550 |
| | | Moderate | \$32,700 | \$37,400 | \$42,050 | \$46,700 | \$50,450 | \$54,200 | \$57,950 | \$61,650 |
| Sherman | \$64,100 | Low | \$21,950 | \$25,100 | \$28,250 | \$31,350 | \$33,900 | \$36,440 | \$38,900 | \$41,400 |
| | | Moderate | \$35,150 | \$40,150 | \$45,150 | \$50,150 | \$54,200 | \$58,200 | \$62,200 | \$66,200 |
| Tillamook | \$51,700 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Umatilla | \$58,100 | Low | \$20,350 | \$23,250 | \$26,150 | \$29,050 | \$31,400 | \$33,700 | \$36,050 | \$38,350 |
| | | Moderate | \$32,550 | \$37,200 | \$41,850 | \$46,500 | \$50,250 | \$53,950 | \$57,700 | \$61,400 |
| Union | \$53,300 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Wallowa | \$55,000 | Low | \$19,250 | \$22,000 | \$24,750 | \$27,500 | \$29,700 | \$31,900 | \$34,100 | \$36,300 |
| | | Moderate | \$30,800 | \$35,200 | \$39,600 | \$44,000 | \$47,550 | \$51,050 | \$54,600 | \$58,100 |
| Wasco | \$53,200 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Wheeler | \$51,000 | Low | \$18,700 | \$21,350 | \$24,000 | \$26,650 | \$28,800 | \$30,950 | \$33,050 | \$35,200 |
| | | Moderate | \$29,900 | \$34,150 | \$38,400 | \$42,650 | \$46,100 | \$49,500 | \$52,900 | \$56,300 |
| Yamhill Note 3 | \$74,700 | Low | \$26,150 | \$29,900 | \$33,650 | \$37,350 | \$40,350 | \$43,350 | \$46,350 | \$49,350 |
| | | Moderate | \$41,850 | \$47,800 | \$53,800 | \$59,750 | \$64,550 | \$69,350 | \$74,100 | \$78,900 |

Note 1: "Low income" and "Moderate Income" are defined in the federal Housing and Community Development Act of 1974, as amended. A Low-Income person is a member of a family with a gross income of no more than 50 percent of the area median income. A Moderate-Income person is a member of a family with a gross income of no more than 80 percent of the area median income. The "area" is either the county or the non-metropolitan portion of the state, whichever has the higher median income. The 2017 estimated median family income for non-metropolitan counties in Oregon is \$53,300.

Note 2: Benton County, Deschutes County, Lane County, Linn County, Jackson County and Josephine County are part of a Metropolitan Statistical Area (MSA). The income limits for an entire county are based upon the median family income for the MSA, even though the specific MSA area is ineligible to apply to the state-administered Community Development Block Grant program - specifically: Corvallis in Benton County, Bend in Deschutes County, Eugene and Springfield in Lane County, Albany in Linn County, Medford and Ashland in Jackson County and Grants Pass in Josephine County.

Note 3: This County is part of a Primary Metropolitan Statistical Area (PMSA). The income limits are based on the median family income for the entire PMSA including local governments that are not eligible for the state-administered CDBG program. For example, the median family income and income limits for Columbia and Yamhill counties are the same as those for the City of Portland, Clackamas County, Multnomah County, and Washington County. Those of Marion and Polk Counties are the same as Salem PMSA.

Source: U.S. Department of Housing and Urban Development (HUD).

Documentation of Facility Users

Community/public facilities projects and public service projects intending to meet the low- and moderate-income limited clientele national objective will be required to submit information with the application that documents the specific historical and proposed clientele in accordance with the 2017 Method of Distribution, and in a format similar to the tables below in point #5.

Instructions:

1. Only one program should be shown in each line of Table E. If the proposed facility will offer more programs/services than can be recorded on this form, prepare additional copies of the form until each program offered by the proposed facility is accounted for.
2. Attach a copy of Community Facility User Certification Form(s) (intake or client screening forms) containing the requisite family size and income limits for the clientele in each program.
3. Classifications of persons who are presumed LMI: abused children, battered spouses, elderly persons, adults meeting the Census definition of “severely disabled”, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers.
4. Prospective applicants are encouraged to consult with department staff at the earliest stages of project development concerning the documentation required for Limited Clientele Projects.

Note: Do not duplicate beneficiary reporting. Each user of the service can only be counted once per calendar year.

5. Identify the Race and Ethnicity of the total beneficiaries served by the facility during the reporting period:

| | White (non-Hispanic) | Hispanic | Total |
|--|---------------------------------|-----------------|--------------|
| White | | | |
| Black or African American | | | |
| American Indian/Alaskan Native | | | |
| Asian | | | |
| Native Hawaiian or Pacific Islander | | | |
| Two or More races | | | |
| Total (Must match total reported on Documentation of Facility Users Form) | | | |

Table E

| Program provided at proposed facility: (e.g. Senior Center, Head Start) | Low- and Moderate-income (LMI) Limited Clientele National Objective to be met by each program/activity (Check only one for each program) | Current Clientele (Served in prior 12 months) Data collected (mm/dd/yy): _____ to _____ | | Proposed Clientele (Estimated to be served during the first 12 months after project completion) | |
|---|---|--|-----------------------------|---|-----------------------------|
| | | Total Number of Persons | Total Number of LMI Persons | Total Number of Persons | Total Number of LMI Persons |
| | <input type="checkbox"/> Family size and income information are collected from all clientele and at least 51% are LMI. (2) <input type="checkbox"/> Clientele must be LMI to receive service. (2) <input type="checkbox"/> Clientele are presumed to be LMI. Classification _____. (3) <input type="checkbox"/> Clientele are LMI by Nature and Location of Facility. | | | | |
| | <input type="checkbox"/> Family size and income information are collected from all clientele and at least 51% are LMI. (2) <input type="checkbox"/> Clientele must be LMI to receive service. (2) <input type="checkbox"/> Clientele are presumed to be LMI. Classification _____. (3) <input type="checkbox"/> Clientele are LMI by Nature and Location of Facility. | | | | |
| | <input type="checkbox"/> Family size and income information are collected from all clientele and at least 51% are LMI. (2) <input type="checkbox"/> Clientele must be LMI to receive service. (2) <input type="checkbox"/> Clientele are presumed to be LMI. Classification _____. (3) <input type="checkbox"/> Clientele are LMI by Nature and Location of Facility. | | | | |
| | <input type="checkbox"/> Family size and income information are collected from all clientele and at least 51% are LMI. (2) <input type="checkbox"/> Clientele must be LMI to receive service. (2) <input type="checkbox"/> Clientele are presumed to be LMI. Classification _____. (3) <input type="checkbox"/> Clientele are LMI by Nature and Location of Facility. | | | | |
| TOTALS - | | | | | |
| PERCENTAGE (LMI users)/(total users) X 100 = % | | % LMI | | % LMI | |

COMMUNITY FACILITY USER CERTIFICATION FORM

The information below is being requested because the [recipient] received an Oregon Community Development Block Grant (CDBG) and, as part of the operation of a CDBG funded community facility, must provide the family size and income and ethnicity/race of the persons who use the __[insert name of facility]_____. Your answers will be treated confidentially.

FAMILY SIZE – The HUD definition of family is, all persons living in the same household who are related by blood, marriage or adoption, this includes any related dependent persons over 65 or working dependent children over 18.

***NOTE:** A family is not a household. A household is defined as all persons occupying the same housing unit regardless of their relationship to each other. If there is more than one family residing within the housing unit, each family must complete a separate Community Facility User Certification Form.*

Check the appropriate box for your family size:

- | | |
|--|--|
| <input type="checkbox"/> Single individual | <input type="checkbox"/> Family of 5 |
| <input type="checkbox"/> Family of 2 | <input type="checkbox"/> Family of 6 |
| <input type="checkbox"/> Family of 3 | <input type="checkbox"/> Family of 7 |
| <input type="checkbox"/> Family of 4 | <input type="checkbox"/> Family of 8 or more |

ANNUAL FAMILY INCOME – Annual family income is defined as, the total income earned before taxes by all family members, including job earnings (wages, salary, tips, bonuses, commissions), interest, dividends, child support, alimony, welfare, social security, disability, unemployment, retirement payments, net income from business activities, farms, rents, royalties, trusts, estates and any other income received regularly by all family members.

Check the appropriate box for your family’s annual total gross income before taxes for the most recent tax reporting year.

- | | | |
|---|---|---|
| <input type="checkbox"/> \$ 0 to 27,050 | <input type="checkbox"/> \$41,751 to 44,800 | ↔ |
| <input type="checkbox"/> \$27,051 to 30,900 | <input type="checkbox"/> \$44,801 to 47,900 | |
| <input type="checkbox"/> \$30,901 to 34,800 | <input type="checkbox"/> \$47,901 to 51,000 | |
| <input type="checkbox"/> \$34,801 to 38,650 | <input type="checkbox"/> \$51,001 or more | |
| <input type="checkbox"/> \$38,651 to 41,750 | | |

ETHNICITY AND RACE - As a person who uses a Community Facility funded by an Oregon Community Development Block Grant, you are asked to voluntarily respond to the Ethnicity and Race items below. If you do not provide responses, the operator of the community facility is required to supply responses based on their determination of your ethnicity and race.

Check the appropriate box of your *ethnicity*: Hispanic Not Hispanic.

Check the appropriate box of your *race*:

- White
- Black/African American
- Asian
- American Indian/Alaskan Native
- Native Hawaiian/Other Pacific Islander
- Two or more races
- Other

The family income figures must be updated for the county in which the project is to occur, using Table D.

SIGNATURES AND CERTIFICATIONS - This information is subject to verification by the grant recipient, Business Oregon or the U.S. Department of Housing and Urban Development officials.

- **Community Facility User** (Person that completed this form) - By my signature below on this Community Facility User Certification Form, I am certifying that the information provided is valid and accurate.

Signature

Date

- **Community Facility Organization** (Entity that collected the information from the user.) - The [_____]Insert the name of organization collecting family size and income information_____] has reviewed the supporting documentation provided by the community facility user and has determined that the user:
 - _____ **MEETS** the HUD requirements contained in the most current Method of Distribution.
 - _____ **DOES NOT** meet the HUD requirements contained in the most current Method of Distribution.

Signature

Date

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Chapter 4 Federal Requirements

Note: Refer to Chapter 7 for a description of the environmental and uniform relocation and real property assistance (URA) trigger guidance.

The Community Development Block Grant (CDBG) Program is subject to many federal requirements that cover a wide range of activities. Some of the requirements are briefly summarized below. More detailed information can be found in the Grant/Project Management Handbook and other resources available from Business Oregon (department). The CDBG Grant Management Handbook (2016 Edition) or most current edition, can be found on the department's web site: <http://www.orinfrastructure.org/Infrastructure-Programs/CDBG/Handbooks/BusinessOregon> encourages potential applicants to review the Grant Management Handbook prior to committing to submit an application in order to familiarize themselves with the wide array of program requirements.

Conflicts of Interest

Oregon Government Standards and Practices laws ORS Chapter 244 apply to procurement of supplies, equipment, construction and services to be paid for in whole or in part with CDBG funds. In addition, the provisions of the federal code of regulations (CFR), 24 CFR Subpart I, 570.489(h) also apply to the following activities assisted in whole or in part with CDBG funds: procurement of supplies, equipment, construction and services; acquisition and disposition of real property; and the provision of assistance to individuals, businesses and other private entities.

- **Persons Covered by the Conflict of Interest Requirements** – The conflict of interest provisions in this section apply to any person who is an employee, agent, consultant, officer, elected official or appointed official of the unit of general local government or of any designated public agencies that are receiving CDBG funds.
- **Conflicts Prohibited** – Generally, except for eligible administrative and personnel costs, none of the persons covered by the Conflict of Interest Requirements who exercise or have exercised any functions or responsibilities with respect to CDBG assisted activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity. Also, such persons may not have any interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.
- **Exceptions to the Conflict of Interest Requirements** – Business Oregon may grant an exception to the provisions of this section upon written request of the unit of general local government provided the state can fully document its determination in compliance with all federal requirements in 24 CFR Subpart I, 570.489 (h)(4) and (5).

Continued Use Requirement/Change of Use Requirements

Any change in use of a facility or disposition of property acquired or improved in whole or in part with CDBG funds within five years after closeout (*NOTE: Business Oregon's definition of closeout is administrative closeout*) of the grant project must be made in accordance with the standards provided in 24 CFR 570.489 (j). If the facility or real property cannot meet a national objective during the five year continued use period the grant must be repaid to the state. In the event of a possible change of use of the funded facility, the grant recipient must contact Business Oregon prior to taking any action. More specifically, the requirements are:

- All projects which have improved or acquired real property within the grant recipients direct control (including activities undertaken by sub-grantees) which was improved or acquired in whole or in part with CDBG funds in excess of \$100,000 must comply with the continued use requirements of 24 CFR subpart I, Section 570.489 (j).
- The grant recipient may not change the use or planned use of any such property (including the beneficiaries of such use) from that which the acquisition or improvement was made, unless they follow the requirements listed in Section 570.489 (j).

- **Direct Control** - Projects under the direct control of the grant recipient (publicly owned improvements) or eligible sub-grantee (nonprofit) must ensure the CDBG funded improvements remain in compliance with the federal national objective for which they originally qualified for funding.
- **Not Under the Direct Control** - Projects not under the direct control of the grant recipient or eligible sub recipient (private property owners for housing rehabilitation) do not have to comply with the continued use requirement. However, these projects must still meet the national objective requirements until the grant is closed out with the state.
- **Trust Deed** - In cases where the recipient is not and will not be the owner of the real property or facility being improved with CDBG funds, the recipient shall cause the owner of such real property or facility to duly execute and record a trust deed against the real property or facility in favor of the recipient. Said trust deed shall be in form and substance satisfactory to the state.

The state has prescribed language that must be included in any contract, which transfers the property from the recipient to another party. This language and more information regarding these requirements are contained in the Grant Management Handbook.

Environmental Review

Recipients are required to obtain appropriate environmental clearances for their project and to maintain an “environmental review record” for each project. More detail on how to comply with these requirements and the necessary forms are contained in the Grant Management Handbook.

The grant recipient shall not commit/obligate or expend funds on any project activity before completion of the appropriate level of environmental review and, when applicable, the approval by the state of a Request for Release of Funds (RROF). This restriction applies to all project funds, even non-CDBG funds in the project.

Excessive Force Policy

All city and county recipients must adopt and enforce a policy prohibiting excessive force by law enforcement agencies within their jurisdiction against any individuals engaged in non-violent civil rights demonstrations. Enforcement of all applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction also is required.

The excessive force policy is in the federal law for the Community Development Block Grant program. The effect of the law is that the state cannot legally award a grant to a city or county that does not adopt the policy.

In-Kind Value of Volunteer Labor

For the purpose of documenting local match, the department has established that volunteer labor is to be valued as follows:

- The time of a person who donates their professional skills shall be credited at their standard hourly fee. For example, an electrician that donates time to install wiring.
- The time of a person that provides labor for which they are not normally paid shall be credited at the state’s current minimum wage. For example, a teacher that volunteers to perform carpentry work.

Minority, Women and Emerging Small Businesses

The department encourages recipients to provide opportunities for minority, women and emerging small businesses. The Oregon Procurement Information Network (ORPIN) (<http://orpin.oregon.gov/open.dll/welcome>) or Business Oregon’s Office of Minority, Women and Emerging Small Business (<http://www.oregon4biz.com/How-We-Can-Help/OMWESB/>) can be used for advertising procurement contracts.

Non-Discrimination Against Persons with Handicaps

Federal law prohibits discrimination against any otherwise qualified individual from participating in or benefiting from a federally funded program solely on the basis of handicap. Community Development Block Grant recipients must comply with U.S. Department of Housing and Urban Development regulations which implement this federal law (Section 504 of the Rehabilitation Act of 1973). Cities and counties who are working toward compliance with the federal Americans with Disabilities Act (ADA) will easily meet the requirements of Section 504.

Other Requirements

The recipient shall comply and cause its agents, contractors and sub grantees to comply with 30 F.R. 12319 (1965) as amended by Executive Order No. 11375, 32 F.R. 14303 (1967), reprinted in 42 U.S.C. 2000e (1994), and the regulations promulgated pursuant thereto, 41 C.F.R. 60-1.1 to 60-999.1 (1997).

Recipient shall conduct and administer the department financing in conformity with the Civil Rights Act of 1964, 42 U.S.C. 2000a-2000e (1994).

Many more federal requirements are contained within the recipient's contract with the state and the Grant Management Handbook.

Federal Prevailing Wages and Federal Labor Standards Provisions and Bureau of Labor and Industries (BOLI) Prevailing Wage Requirements

Construction projects assisted in whole or in part with CDBG funds must be carried out in compliance with the federal Davis Bacon and Related Acts and the Oregon Bureau of Labor and Industries (BOLI) requirements. This means that both Oregon Prevailing Wage Rates and the federal prevailing wage rates and Federal Labor Standards provisions will apply, effective for all projects advertised for bid on or after January 1, 2006. Extensive labor standards requirements must be followed. More detailed information can be found in the current Grant Management Handbook.

Program Income

Program Income includes, but is not limited to, the following:

- Payments of principal and interest on loans made from CDBG funds;
- Proceeds from the lease or disposition of real property and equipment acquired with CDBG funds;
- Interest earned on CDBG funds held in a revolving fund account; and
- Interest earned on any program income pending disposition of such income.

Funds derived from CDBG funded activities are considered Program Income except when:

- The total amount of funds, which does not exceed \$35,000 received in a single year from activities, other than revolving loan funds that is retained by a unit of general local government and its sub-grantees (all funds received from revolving loan funds are considered program income, regardless of amount);

Note: Oregon defines a single year as (July 1 to June 30).

Note: All income received from any closed housing rehabilitation grant that is not utilizing the authority of 105(a)(15) of the HCDA and is still being tracked for program income by Business Oregon is considered program income. The miscellaneous income rule does not apply to these prior housing rehabilitation grants, effective May 23, 2012.

- The funds are generated by housing rehabilitation revolving loan fund activities eligible under Section 105(a)(15) of the Housing and Community Development Act and carried out by an entity under the authority of section 105(a)(15) of the Act. Such entities are limited to public nonprofit organizations which (1) meet the Internal Revenue Service requirements for nonprofit status; (2) are serving the development needs of non-entitlement areas; and (3) carry out community economic development, neighborhood revitalization and/or energy conservation projects. Such projects can include management of revolving funds for the purpose of housing rehabilitation and economic development.

The full definition of program income and federal rules governing its use are found in 24 CFR 570.489(e) and the preamble to the final rule and guidelines published by the U.S. Department of Housing and Urban Development in the Federal Register on May 23, 2012.

All requirements of 24 CFR 570 Subpart I apply to the use of program income retained by a unit of general local government. Failure to use program income as required may result in sanctions against the recipient. Recipients shall not expend any income anticipated to be less than \$35,000 until after the end of the applicable annual period unless it is spent in compliance with CDBG rules.

Program income shall be paid to the state except where the income is to be used by the recipient to continue the activity from which such income is derived. For example, an older housing rehabilitation grant where the grant funds are loaned by the grantee to private property owners, the loans repaid to the grantee can be used to conduct more housing rehabilitation work.

Housing rehabilitation grants awarded under the authority of 105(a)(15) of the HCDA exemplify the exception to program income rules if all the following conditions exist: 1) the state's grant to the city or county must be subgranted to an eligible nonprofit, 2) the nonprofit must loan funds directly to income-eligible homeowners, and 3) loan repayments made by those homeowners must be dedicated to CDBG-eligible activities such as housing rehabilitation for subsequent eligible homeowners, community economic development, neighborhood revitalization and/or energy conservation projects.

Property Acquisition, Relocation and Tenant Assistance Requirements

All temporary construction easements and real property acquisition, including the acquisition of permanent easements for construction projects assisted in whole or in part with CDBG funds, must be carried out in compliance with the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA or Uniform Act) and Section 104(d) of the Housing and Community Development Act of 1974. The federal rules apply even if CDBG funds will not be used to pay for the acquisition.

If tenant displacement has occurred, the recipient must have documentation that the notices were received by the tenant when the grant application is submitted to the state, by means of certified mail return receipt or the tenant signed for the notice. Tenants who did not receive their notices at the project application stage may be entitled to relocation benefits under federal law. There are many notices, depending upon the details of the situation, therefore, rather than include all types of notification in the Method of Distribution, the applicant is encouraged to use the numerous examples of notices (“guide form notices”) in *HUD Handbook 1378*. These may be accessed for download at <http://www.hud.gov/offices/cpd/library/relocation/policyandguidance/handbook1378.cfm>. A wide range of samples for different situations are found in the appendices.

If an owner or tenant did not receive their notice, a complaint can be filed either by contacting the HUD Region X office or by filing a complaint online at the following link.

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/online-complaint

Due to the specialty calculations and detailed requirements for relocation activities, any applicant with a proposed project that involves relocation will be required by Business Oregon to hire a specialist acceptable to Business Oregon to complete the required URA relocation process.

Note: Refer to the “Note” in Chapter 7 for a brief description of the environmental and uniform relocation and real property assistance (URA) trigger guidance. More detailed information can be found in the current Grant Management Handbook.

Proportional Funding

Proportional funding for any project is not allowed.

Record Keeping

Recipients must maintain records that are complete and cover program and financial use of the CDBG funds for monitoring by the department. Records retention requirements for the CDBG program is three years from the date the state’s grant is closed with the U.S. Department of Housing and Urban Development (HUD) as required by 24

CFR Subpart I, 570.490. The department will provide technical assistance and a Grant Management Handbook, which contains detailed record keeping information and information covering other aspects of the program's requirements.

Residential Antidisplacement and Relocation Plan

Recipients must comply with the State of Oregon's "Residential Antidisplacement and Relocation Plan".

Title I

These grants and any sub-grants of these federal grants are subject to Title I of the Housing and Community Development Act of 1974, and any regulations promulgated pursuant thereto and as may be amended from time to time.

Volunteers or Prison Inmates

Applicants planning to use volunteer or prison inmates for a project must consult with the department and receive department approval prior to submitting an application. Donated labor can help reduce the cost of the project. However, the use of volunteers also may result in coordination problems with contractors, quality of work issues, and potential local government liability for personal injury and property damage. Applicants should consider both the benefits and the drawbacks of volunteer labor before finalizing any project budget.

Volunteers

In general the following rules apply to volunteers:

- A person cannot be a volunteer if the person is otherwise employed at any time on the project activity in the construction or maintenance work for which the person volunteers.
- Volunteers cannot be paid to provide materials or supplies unless the recipient has obtained the materials/supplies through a competitive process under the appropriate procurement rules.
- Persons providing work subject to the Davis-Bacon Act (laborers and mechanics in the construction trades) must be paid the applicable federal prevailing wage unless they meet the requirements for volunteers contained in 24 CFR Part 70.3 entitled "Use of Volunteers on Projects Subject to Davis-Bacon and HUD-Determined Wage Rates". This rule is available, upon request, from the department.

Prison Inmates

There is no prohibition against the use of prison inmate labor on CDBG funded construction work. Prisoners are generally not considered volunteers because they have no choice in the matter, so they must be paid Davis-Bacon wage rates. In rare situations, prisoners may be participating in a voluntary program and they are truly volunteering their services to the local government.

Chapter 5 Program Policies and Definitions

Note: Refer to Chapter 7 for a description of the environmental and uniform relocation and real property assistance (URA) trigger guidance.

POLICIES

Eligible/Ineligible Costs

Activity Delivery Costs

Activity delivery costs are expenses directly related to carrying out eligible activities such as property acquisition. These costs are not considered CDBG grant/project administration expenses. Professional appraiser’s fees and attorney charges necessary to complete the acquisition of property are eligible as part of the acquisition activity cost.

Audit Cost

Community Development Block Grant (CDBG) funds can pay for A-133 audit costs in proportion to the federal CDBG funds received by the city or county. The eligible share of the A-133 audit cost cannot exceed the ratio of these federal grant funds received to the recipient’s total annual expenditures and incurred obligations – times – the cost of the audit. For example:

| | |
|---|--------------|
| CDBG receipts | \$ 100,000 |
| Total Expenditures and Incurred Obligations | \$ 1,000,000 |

Ratio:

$$\frac{\text{(CDBG Receipts)}}{\text{(Total Expenditures and Incurred Obligations)}} \\ (\$100,000)/(\$1,000,000)=0.1 \qquad 0.1$$

| | |
|---------------------------|----------|
| Total Cost of A-133 Audit | \$ 5,000 |
|---------------------------|----------|

Eligible CDBG reimbursable portion of the audit cost

$$\text{(Total Audit Cost) x (Ratio)} \\ (\$5,000) \times (0.1) = \$500 \qquad \$ 500$$

Equipment

Grant funds may be used to buy equipment for grant/project administration purposes. Examples include computers, file cabinets and other office equipment. These expenses are included in the maximum amount allowed for grant/project administration.

Entertainment/Refreshments – The cost of food, beverages, snacks and any related expenses for utensils etc., are not eligible for reimbursement under the program.

Grant (Project) Administration/ Environmental Review/ Labor Standard Compliance/Program Management Services

For all categories that allow grant administration as an eligible activity, up to 10 percent of the grant award, but not more than \$35,000 (\$25,000 for housing rehabilitation projects) may be used to pay for grant/project administration costs, including overall project management, coordination, monitoring, and evaluation. Recipients may use some of the grant/project administration allowance to conduct activities to further Fair Housing in their communities. Grant administration is not an eligible activity under the Microenterprise Assistance category.

In addition to the grant administration allowance the following limitations apply:

- **Federal Labor Standards Compliance** - Up to a maximum of \$20,000 per project is allowed if needed. Any amount of funds in excess of the \$20,000 must be paid for with local or non-CDBG funds. The cost associated with Bureau of Labor and Industry (BOLI) labor standards compliance must be paid for with local or non-CDBG funds.
- **Environmental Review** – Up to a maximum of \$20,000 per project is allowed to prepare and complete a full environmental review record including any associated wetlands delineations, 8-step floodplain/wetlands processes, biological assessments, pedestrian survey’s, SHPO/THPO communication etc., to meet all the requirements of the most current Grant Management Handbook and approved by Business Oregon, if needed. The complete record must be ready for public comment. Any amount of funds in excess of the \$20,000 must be paid for with local or non-CDBG funds.
- **Legal Fees** - There is no maximum limit on costs associated with attorney fees.
- **Audit** – See Page 5-1 for details.
- **Property Appraisal Fees** – There is no maximum limit on costs associated with property appraisal fees related to property acquisition as long as the fee is reasonable and consistent with fees charged for projects with a similar scope of work in the local market.
- **Limited English Proficiency (LEP) Translation Services** – Up to a maximum of \$3,000 per project is allowed to translate documents into other language(s), to meet the LEP requirements. The documents which are translated must be directly needed for the successful completion of the CDBG funded project, such as procurement notices, CDBG public meeting notices, etc.
- **Cultural Resource Monitoring** – Cultural resource monitoring required by Tribes in the completion of the environmental review record and during construction is an allowable expense. There is no maximum limit on the cost associated with cultural resource monitoring to satisfy Tribal compliance as long as the fee is reasonable and consistent with fees charged for projects with a similar scope of work.
- **Funding Application Preparation** – Up to a maximum of \$7,500 per project is allowed under the Public Works, Public Water and Sewer System category to prepare funding applications to the department or other state and federal agency(s) for the next phase of the project.
- **Program Management Services** (Only applies to housing rehabilitation projects.) – Up to 20 percent of the grant award may be used for the combined costs associated with grant administration and program management. Of this amount no more than \$25,000 may be used for grant administration costs. Program management costs are expenses directly related to carrying out eligible program activities such as working with low and moderate income eligible clients. These costs are not considered to be grant/project administration costs because they provide a direct service to clients eligible under the low and moderate income national objective.

Recipients that are subject to the 20 percent cap on grant administration and program management, will be allowed an additional \$20,000 on top of the 20 percent cap for grant administration and program management, allowing a maximum of \$25,000 for grant administration expenses.

Refer to Table F for identification of the eligible grant administration, environmental review, labor standards compliance review, attorney fees, appraisal costs, program management costs and other costs.

| ACTIVITY | ALLOWANCE |
|--|---|
| Grant Administration for Public Works and Community Facility projects only | 10% up to a maximum of \$35,000 |
| Grant Administration for Housing Rehabilitation projects only | 10% up to a maximum of \$25,000 |
| Federal Labor Standards Compliance | Up to a maximum of \$20,000 per project |

| | |
|---|---|
| Environmental Review | Up to a maximum of \$20,000 per project |
| Legal Fees | There is no maximum limit |
| Audit Costs | Refer to Page 5-1 for details |
| Limited English Proficiency Translation Services | Up to a maximum of \$3,000 per project |
| Cultural Resource Monitoring | There is no maximum limit |
| Funding Application Preparation (Public Works Water and Sewer only) | Up to a maximum of \$7,500 per project |
| Property Appraisal Fees | There is no maximum limit |
| Construction Contingency | Capped at 10% of the estimated construction cost |
| Architectural | 12 percent of project construction and construction contingency costs combined |
| Engineering | 20 percent of project construction and construction contingency costs combined |
| Program Management (Only applies to housing rehabilitation projects) | Up to 20% of the requested grant, plus \$20,000. This includes the \$25,000 allowance for grant administration. |
| Under rare circumstances, for projects involving biological assessments, archeological surveys or other required environmental studies, the department may allow the recipient to use a portion of the grant administration allowance to complete these activities. The costs must be required and reasonable, approved by Business Oregon and are limited by the amount of funds available in the recipient's grant award. | |

Refer to Table F on page 5-11 for more details.

Indirect Costs

Indirect costs are not allowed under the state program.

Ineligible Activities

CDBG funds cannot be used for any debt financing or takeout, fines, fees or penalties. System development charges (including construction excise taxes), hook-up fees, and connection charges are also not eligible for reimbursement under the federal regulations for the CDBG program. Bureau of Labor and Industry (BOLI) fees are ineligible under the program. The use of a Construction Manager/General Contractor (CMGC) also known as the design/build construction technique is prohibited under the program.

Limitations on Architectural and Engineering Costs

The department will not approve, without explanation, grant awards that include budgets that contain more than the following percentages for architectural and engineering work regardless of whether the item is paid for with grant funds or other funding resources:

- Architectural** – 12 percent of project construction and construction contingency costs; and,
- Engineering** – 20 percent of project construction and construction contingency costs.

Proposed amounts in excess of the above percentages are generally not allowed and must be fully explained in the application. Approval to exceed the percentages can be granted on a case by case basis by Business Oregon. The work included in these percentages generally includes: project design, surveying, preparation of bid and contract documents, review of bids, project/construction oversight, preparation of as-built drawings and operation and maintenance plans. Professional services contracted out by the engineering/architectural firm for project geotechnical evaluation, surveying, core samples, or other extra services are not generally included in the above stated limit for engineering and architectural costs. For further assistance contact the department's staff.

Preliminary engineering/planning documents, final design engineering documents and construction oversight in projects funded in full or in part with CDBG funds must be prepared and stamped or conducted by a registered professional engineer or architect licensed to do work within the State of Oregon.

Limits on Construction Contingencies

Construction contingencies are limited to a maximum of 10 percent of the projected construction line item cost.

Pre-Award Costs

Costs incurred prior to award of the grant are not eligible for reimbursement in any project assisted in whole or in part with CDBG funds.

Pre-Agreement Costs

In any project assisted in whole or in part with CDBG funds, costs incurred after a grant award has been made but prior to execution of a grant contract are not eligible for reimbursement unless there are provisions in the grant contract allowing for payment of specific pre-agreement costs. The activities must also be eligible and undertaken in accordance with the requirements of the Community Development Block Grant program/future contract requirements and the federal environmental review rules at 24 CFR Part 58. Consult with department staff during project development for pre-agreement cost activities.

If pre-agreement costs are to be requested, the applicant must provide a written letter with the application, requesting pre-agreement costs that clearly explains and identifies:

- The amount of funds needed, by budget line item.
- An explanation as to why pre-agreement costs are necessary for the completion of the project.
- The timeline in which the funds will be expended.
- Documentation the federal environmental review rules at 24 CFR Part 58 have been met.

The application must describe the pre-agreement costs within the project description and show the costs in the project budget.

Grant Contract Execution

Grant contracts must be signed by the highest elected official of the recipient and returned to the department.

Grant Contract Amendments

The department must approve and process a formal written grant contract amendment if any of the following changes occur on a project: change in cost, scope of work, location, objectives, time frame, budget, or budget line items of the approved activities, program beneficiaries or project completion dates. The recipient's failure to obtain an approved grant contract amendment from the department when necessary may result in sanctions. Failure to gain prior approval, when needed, could result in the recipient having to pay for the costs associated with the amendment. The grant recipient must request, in writing, an amendment from the department and the documentation must contain the reasons why the amendment is needed and identify the proposed revisions to the budget, timeframes, scope of work etc.

- **Project Completion Date** – Project completion date extension requests must be submitted, in writing, to the department by the recipient. The written request must contain:
 - 1) The reason(s) for the extension including identification and justification of the reasons beyond the recipients control that caused the delay;
 - 2) The actions taken by the recipient to overcome the reasons for the delay; and,
 - 3) Propose a date when all grant activities will be completed. (i.e. the extension request cannot be more than six months and must include a timeline/work plan showing that the grant can be administratively closed within the six months).
- **Budget** – A formal written grant contract amendment is required to draw funds differently than authorized in the approved CDBG grant contract budget. However, if at the time of the last/final disbursement request, the recipient needs to vary from the approved budget the following procedure can be used, only for the final disbursement request:
 2. The amounts being changed and a brief explanation justifying the need to change or move line item amounts must be documented, with notations on the final disbursement request. The documentation can either be filed under the grant contract amendment tab or with the disbursement request in the Business Oregon project file;

3. The final changes must be in conformance with the grant administration, engineering, environmental, program management etc. allowances identified on page's 5-2 to 5-4 of this MOD;
4. The costs are eligible under the CDBG program; and,
5. There is written communication from the Regional Project Manager to the grant recipient in the project file, attached to the final disbursement request that "*Business Oregon agrees to waive the requirements in [insert precise sections in both the contract to follow the approved budget] in this instance.*" The documentation can either be filed under the grant contract amendment tab or with the disbursement request.

The Department Director or Assistant Director has the authority to designate/assign grant contract amendment approval authority.

Mixed Use Facilities

A community/public facility that contains activities both eligible under the Method of Distribution and activities ineligible under the Method of Distribution is a mixed use facility. These types of facilities are not eligible for funding under the program.

“Pass Through” Grants

The city or county grant recipient is fully responsible for the grant-funded project and compliance with all applicable federal and state requirements. Recipients may not “pass through” any of the grant funds to another entity to undertake the project activities, except for regional housing rehabilitation revolving loan fund activities where the department has reviewed and/or approved a sub-grant agreement. **However, the original grant recipient remains responsible for compliance with the federal and state program requirements.**

Procurement

When procuring property or services to be paid for in whole or in part with CDBG funds, city and county recipients shall comply with the requirements of Oregon Revised Statutes (ORS) Chapter 279 and Oregon Administrative Rules (OAR) Chapter 137, as applicable. If the grant recipient has professional engineers, architects or other consultants already under contract, the recipient must provide documentation from their legal counsel showing that the procurement met state law and the procurement requirements for each grant. If necessary, all such contracts must be amended to include the required federal clauses.

Project Period (Project Completion Date)

All grants must be administratively closed within the time frame specified in Table 8-1 found in Chapter 8, unless formally amended. The project completion period begins the date the grant contract is fully executed. Projects that are not completed within the specified project period may be terminated and any unexpended grant funds may be recaptured by the state.

Publicly Owned Improvements/Facilities

All categories:

When a project requires public ownership, the improvements/facility to be constructed must be owned by the applicant or the applicant has a minimum 50-year long-term lease on the improvements/facility. *Note: The eligible applicant must have no intention of turning over/selling the improvements or facility to another entity within 50 years.*

Public infrastructure improvements must be constructed on land owned by or where proper long-term easements have been obtained by the applicant.

Public/Community facilities can be owned or operated by a non-profit if there is a trust deed or recorded agreement covering the five-year restriction on change of use/continued use requirements.

***Note:** All temporary construction easements and real property acquisition, (including long-term leases of 50 years or more) including the acquisition of permanent easements for construction projects assisted in whole or in part with CDBG funds, must be carried out in compliance with the requirements of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA or Uniform Act) and Section 104(d) of the Housing and*

Community Development Act of 1974. The federal rules apply even if CDBG funds will not be used to pay for the acquisition.

Readiness to Proceed

All projects must meet the following readiness to proceed criteria:

Financial Readiness to Proceed:

- All other funds needed to complete the project are available and committed to the proposed project at the time of application for CDBG funds. Applications must contain clear and convincing documentation that funds are secured and readily available for the project. (i.e. Commitment letter or, for Business Oregon internal funding programs, a signed staff recommendation).
- If any necessary other funds are not committed, but the applicant has received a conditional commitment from a funder, the applicant must request a waiver to Business Oregon prior to submitting an application. The following process should be followed when submitting a request for a waiver:
 - Applicant must submit a written request and submit it to the CDBG RPM. The request should include source of funds, status of funding request and circumstances surrounding the inability to obtain a commitment from the funder.
 - Upon receipt of the request, the CDBG Regional Project Manager (RPM) will work with the Regional Development Officer (RDO), CDBG Program and Policy Coordinator (PPC) and Finance Officer to review the request. Within 10-days of receipt of the request, Business Oregon will determine if a waiver will be granted.
 - If granted, written waiver documentation will be provided to the applicant.
 - The applicant must include the written waiver documentation with the application.

(Note: The expected date of funding determination is not considered a “commitment” as there is no guarantee that a project will be funded.) If all project funds are not committed, and the funds are anticipated to come from a private funding source, the applicant must provide a back-up financing plan.

Project Readiness to Proceed:

- Business Oregon expects all awarded projects will start drawing funds four (4) months following the date of grant contract execution. Applications must clearly and concisely document how this will be achieved. (Final design and construction public water/sewer or public/community facility grants must be administratively closed within 36 months of grant execution. Design only projects and Housing Rehabilitation projects must be administratively closed within 24 months of grant execution. Microenterprise assistance projects must be administratively closed within 12 months of grant execution.)
- If the project overlaps municipal boundaries, attach an executed copy of an intergovernmental cooperation agreement that lays out the duties and obligations of each entity.
- If the applicant will own the facility and another nonprofit or other entity will operate the facility, attach a draft of the operating agreement between the parties.
- If applicable, all land use approvals needed for the project have been secured; documentation must be included with the application.

Note: If the project is not able to proceed within four months following the date of grant contract execution, the state may terminate the grant and re-obligate the funds.

Sanctions

The state may bar a recipient from applying for CDBG funds, withhold unallocated funds, require return of unexpended funds or require return of program income, if during the grant period, the state finds that:

- The recipient has not signed the grant contract and returned it to the department within 120 days of receipt of contract from Business Oregon.

- None of the grant activities have commenced within 4 months after execution of the grant contract and no funds have been drawn down on the project.
- Federal or state regulations have not been met.
- There is significant deviation from the grant contract-funded activities.
- There has been a monitoring finding that significant corrective actions are necessary to protect the integrity of the project funds, and those corrective actions are not, or will not be implemented within 30 days.

No sanction will be issued by the state until the recipient has been notified in writing and has been given 30 days to appeal the decision and to correct the deficiencies. Only the local government (grant recipient) has standing to submit an appeal. During this 30-day period, the grant recipient can submit documentation to Business Oregon disputing the appropriateness of the proposed sanction determination by the state. After the 30-day period is concluded and assuming Business Oregon is not persuaded to rescind the potential sanction, Business Oregon will issue a letter to the grant recipient formally issuing the sanction. Once the formal sanction letter is issued, it will not be rescinded by Business Oregon.

Unexpended Grant Funds

Grant funds not used for activities as shown in the approved contract budget will be recaptured by the state and made available to other communities in accordance with the rules contained within this Method of Distribution.

Use of CDBG Funds for Facilities Owned and/or Maintained by a State or Federal Agency

Grants will not be awarded for facilities owned and maintained by another state or federal agency. CDBG funds cannot be used to offset locally budgeted funds or to replace state or federal funds. All CDBG projects must comply with OMB Circular A-87 “Cost Principles for State and Local Governments”. In addition 24 CFR 570.489(d) requires that CDBG funds are not used for general expenses required to carry out other responsibilities of state and local governments. Maintenance and upgrades to roadways or property of the Oregon Department of Transportation (ODOT) and federally owned property (or maintenance agreements) is not eligible under the CDBG program.

Waivers

The Director of Business Oregon, or his or her designee, may waive non-statutory program requirements. A request for a waiver will be approved only when it is determined necessary to further the objectives of the Community Development Block Grant (CDBG) program and the mission of the department.

The Director of Business Oregon cannot waive an Oregon CDBG program requirement if the requested waiver conflicts with the Housing and Community Development Act statutes, the HUD regulations, or the state’s community development objectives.

Waivers requested by the grant recipient or applicant must be requested in writing. The written request must contain: 1) the reason(s) for the waiver including justification of the reasons beyond the recipients control to warrant a waiver; 2) the actions taken by the recipient to overcome the problem(s); 3) the specific CDBG requirements that are proposed to be waived; and, 4) identification of the plan to complete the project. The written request must be submitted to the departments Regional Project Manager. Waivers must be prepared by the CDBG Program and Policy Coordinator and approved by Business Oregon management prior to the action needing the waiver is completed.

Waivers initiated by Business Oregon must contain written supporting documentation identifying: the reason(s) that warrant a waiver; 2) the actions taken to overcome the problem(s); 3) the specific CDBG requirements that are proposed to be waived; and, 4) identification of the plan to complete the project/activity. Waivers must be prepared by the CDBG Program and Policy Coordinator and approved by Business Oregon management prior to the action needing the waiver is completed.

Work Performed by Staff of the City or County Recipient (Force Account)

Applicants should be aware that federal law governing the program states, “It is the intent of Congress that the Federal assistance made available under this title may not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance” (Public Law 93-383.101(c)).

This means that if the applicant intends to use existing budgeted staff to administer the grant or to work on other grant activities (such as construction), Community Development Block Grant funds cannot be used to pay for that staff. Grant funds should only be used to increase local community development activities.

*Note: Cities and counties planning to pay their own staff with grant funds for administration and/or force account work including, but not limited to, engineering, design and inspection services, construction labor and operation of locally owned equipment must consult with department staff and receive department approval **prior** to submitting an application.*

DEFINITIONS

Combination Facility

A combination facility is a building in which all activities offered are eligible under the CDBG Method of Distribution. Please refer to Chapter 11, page 11-1 for more information on combination facilities.

Family

All persons living in the same household who are related by blood, marriage or adoption, this includes any related dependent persons over 65 or working dependent children over 18.

Financial Review

When required by the specific funding category applicable to each project type, applications will undergo a financial review to determine that the grant, if awarded, is the minimum amount necessary, when combined with other resources, to ensure the completion of the project. Refer to the specific project type chapters for more details of the financial review required for each type of project.

Household

All persons occupying the same housing unit regardless of their relationship to each other.

Income

Annual Family Income – The total income earned before taxes by all family members, including job earnings (wages, salary, tips, bonuses, commissions), interest, dividends, child support, alimony, welfare, social security, disability, unemployment, retirement payments, net income from business activities, farms, rents, royalties, trusts, estates and any other income received regularly by all family members.

Annual Household Income – The total income earned before taxes for everyone that lives within the residence whether they are related or not including job earnings (wages, salary, tips, bonuses, commissions), interest, dividends, child support, alimony, welfare, social security, disability, unemployment, retirement payments, net income from business activities, farms, rents, royalties, trusts, estates and any other income received regularly by all household members.

Low and Moderate Income

“Low income” means income equal to or less than 50 percent of the area median (adjusted by family size). “Moderate income” means income equal to or less than 80 percent of the area median (adjusted by family size). Applicable income limits are determined by HUD on an annual basis for all Oregon counties and metropolitan statistical areas.

Permanent Resident

A person that resides within a residential dwelling unit for six months or more out of the year.

TABLE F
Guide for Grant Administration/Activity Delivery Costs/Program Management Costs

| Activity | Grant Administration Cost (yes/no) | Activity Delivery Cost (yes/no) | Program Management Cost (yes/no) | Maximum amount allowed |
|--|---|--|---|---|
| Preparing budgets, schedules, contract amendments | Yes | No | No | 10% of the grant award but not more than \$35,000. For Housing Rehabilitation Projects Only: 10% of the grant award but not more than \$25,000. |
| Drafting Requests for Proposals and agreements with consultants for grant administration or other consulting work (Architect and Engineer) | Yes | No | No | |
| Setting up systems to assure compliance with state and federal program requirements. For example: labor standards files and a grant accounting system. | Yes | No | No | |
| Monitoring project progress against the grant contract scope of work and budget and reporting to elected officials. | Yes | No | No | |
| Preparing disbursements/cash requests, reports, and other documents for submission to the Department. | Yes | No | No | |
| Participating in Department monitoring visits and responding to monitoring findings and concerns. | Yes | No | No | |
| Preparing a project completion report, assisting an auditor with required grant information. | Yes | No | No | |
| Costs of publishing the Fair Housing Resolution. | Yes | No | No | |
| Purchase of capital equipment, such as computers and file cabinets for grant administration. | Yes | No | No | |
| Training on CDBG grant administration requirements. | Yes | No | No | |
| Limited English Proficiency translation services to translate documents directly needed for the CDBG project. | No | Yes | No | Maximum \$3,000 per project. |
| Cultural Resource Monitoring | No | Yes | No | No maximum – reasonable and necessary to complete the activity. |
| Preparation of the environmental assessment or other environmental documents and publishing required notices. | No | Yes | No | Maximum \$20,000 per project. |
| Federal Labor Standards Compliance work related to conducting on-site employee interviews, verifying payroll data, reviewing payrolls, attending pre-construction conferences, and obtaining compliance with these requirements. | No | Yes | No | Maximum \$20,000 per project. |
| Attorney fees for preparing or reviewing contract documents or property acquisition activities. | No | Yes | No | No maximum – reasonable and necessary to complete the activity. |
| Audit Costs. | No | Yes | No | Refer to page 5-1 for details |
| Funding application preparation to ensure the planned Public Water or Wastewater project is designed and constructed. | No | Yes | No | Maximum \$7,500 per project |
| Professional appraiser fees related to property acquisition. | No | Yes | No | No maximum – reasonable and necessary to complete the activity. |
| Construction Contingency | No | Yes | No | 10% of the estimated construction cost |

| | | | | |
|---|----|-----|-----|---|
| Architectural | No | Yes | No | 12% of project construction and construction contingency costs combined |
| Engineering | No | Yes | No | 20% of project construction and construction contingency costs combined |
| Marketing Grant Activities to clients. | No | No | Yes | Up to 20% of the grant award, plus \$20,000 for the combined costs associated with grant administration and program management. Grant administration is limited to \$25,000. Refer to Chapter 5 for more information. |
| Collecting client applications, verifying application to determine eligibility. | No | No | Yes | |
| Making referrals for products or services. | No | No | Yes | |
| Providing education or counseling to clients. | No | No | Yes | |
| Site-specific environmental review, on-site inspections, bid preparation, contracting, client/contractor troubleshooting, compiling cost data on individual rehabilitation homes. | No | No | Yes | |

Chapter 6 Citizen Participation Plan

Every applicant and recipient of State of Oregon Community Development Block Grant (CDBG) funds must comply with the citizen participation requirements provided in federal law and described in this chapter. Some of the requirements will be checked by the Business Oregon during application review; others will be verified when grant projects are monitored.

Applications from jurisdictions that fail to comply with the citizen participation requirements will not be accepted.

Applicants must use the required first public notice included in this chapter. The first public hearing notice must be advertised or posted at least 7 full days in advance of the time the public hearing is to be held by the local government.

Requirements

Every applicant must provide evidence and certify in the application and, if funded, in the grant agreement that it is following a citizen participation plan which includes at least the seven elements required in 24 CFR Part 570.486. These seven elements are presented below. Each is followed by the state standard that will be used to determine if the applicant is complying with federal requirements.

1. **Low and Moderate income Citizen Participation** - The local government must provide for and encourage citizen participation, particularly by low- and moderate-income persons who reside within the city or county in which the grant funds are proposed to be used.

State standard: Applicants must inform low- and moderate-income residents, and/or groups which represent them, of the opportunity to apply for CDBG funds. The purpose of this effort is to involve the residents in the identification of community development and housing needs including the needs of low-income and moderate-income families. The information shall include the following, at a minimum:

- a. The amount of funds available for proposed community development and housing activities;
- b. The range of activities that may be undertaken; and
- c. The location of additional information about the Oregon Community Development Block Grant program.

The department encourages the grant recipient to invite at least one organization that represents low- and moderate-income persons to the public hearing. Department staff should be contacted for suggestions if a city or county cannot identify an appropriate organization for its area.

2. **Access To Information** - The local government must ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the local government's proposed and actual use of CDBG funds.

State standard: The Oregon Public Meetings law (ORS 192.610 to 192.690) will be used by the state and local governments to assure that citizens have reasonable notice of public meetings and access to records of those meetings. The grant application must include copies of public notices and minutes from meetings about the local community development program. Local governments must provide citizens with access to information and records about their community development program and any proposed application in accordance with the Oregon Public Records law (ORS 192.001 to 192.505).

3. **Required Information** - The local government must furnish citizens information, including, but not limited to:
 - a. The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
 - b. The range of activities that may be undertaken with the grant funds;
 - c. The estimated amount of grant funds proposed to be used for activities that will meet the national objective of benefit to low- and moderate-income persons; and
 - d. The proposed activities likely to result in displacement and the local government's anti-displacement and relocation plans required under 24 CFR Part 570.488, Part 570.606, and Part 42.

State Standard: The "Public Notice and Notice of Public Hearing" included within this chapter must be used for this first hearing and for meeting this federal regulation. **The first public hearing notice must be advertised or posted at least 7 full days in advance of the time the public hearing is to be held by the local government.**

NOTE: Applications must provide documentation that items a-d, referenced above, were included in the public hearing notice and articulated to the citizens attending the public hearing. Failure to include this information will result in the application not moving forward in the scoring process.

Some detail in the required notice will need to be inserted by the applicant (e.g., amount of grant funds proposed to be used). Information in the notice about the amount of CDBG funds available and the range of activities that may be undertaken may vary during the program year.

The final approved meeting minutes must record/document that items a-d above were addressed during the public meeting. Final approved meeting minutes may be submitted in an audio recording format. If submitting final approved meeting minutes in this manner, the applicant must provide documentation certifying the meeting minutes were approved and the location or counter information on the audio recording of the CDBG portion of the public hearing. This will allow staff to efficiently review the minutes. The audio recording format should be in a format that can be easily retrieved and does not require any unusual or additional technological equipment. Otherwise the final approved meeting minutes must be submitted in writing.

- 4. Technical Assistance** - The local government must provide technical assistance to groups representing persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the department. Such assistance need not include providing funds to such groups. The level and type of assistance can be determined by the jurisdiction.

State standard: The applicant must also describe in the application how it has responded to requests for technical assistance from groups representing low- and moderate-income persons, such as community action agencies. The level of assistance provided can be determined based on the applicant's staff and budget limitations.

- 5. Public Hearings** - The local government must provide for a minimum of two public hearings, each at a different stage of the project, for the purpose of obtaining citizen's views and responding to proposals and questions. Together, the hearings must cover community development and housing needs, development of proposed activities and a review of program performance.

The public hearing to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of hearings and they must be held at times and locations convenient to potential and actual beneficiaries, with accommodations for the handicapped. To meet the reasonable notice requirement **the first public hearing notice must be advertised or posted at least 7 full days in advance of the time the public hearing is to be held by the local government.** Public notices and hearings shall be presented and conducted in a manner to meet the needs of non-English speaking residents who can reasonably be expected to participate.

State standard: The governing body of the applicant (city council or county board of commissioners) must provide for a minimum of two public hearings at different stages of the grant project. Together, the hearings must cover community development and housing needs, development of proposed activities and a review of program performance.

Hearing #1 - The purpose of the first hearing is for the city council or county board of commissioners to take comments from citizens about **both** community development needs and the project proposed for grant funding prior to submitting an application to the department.

The notice form included in this chapter must be used for the first hearing. **The first public hearing notice must be advertised or posted at least 7 full days in advance of the time the public hearing is to be held by the local government.** The first public hearing must be no more than 12 months old and preferably conducted during the same program year using the appropriate notice contained within this Method of Distribution. The final approved

meeting minutes must be submitted with the application. Meeting minutes may be submitted in audio recording format. If submitting final approved meeting minutes in this manner, the applicant must provide documentation certifying the meeting minutes were approved and the location or counter information on the audio recording of the CDBG portion of the public hearing. The audio recording format should be in a format that can be easily retrieved and does not require any unusual or additional technological equipment. Otherwise the final approved meeting minutes must be submitted in writing.

Hearing #2 - The purpose of the second hearing is for the city council or county board of commissioners to review the results of the project with citizens and to take comments about the local government's performance as part of the grant closeout process. A model notice for the second hearing is included in the Grant Management handbook.

Each hearing must be held with enough advance notice to ensure adequate opportunity for interested citizens and groups to participate. Public hearing notices must be **advertised or posted at least 7 full days in advance of the time the public hearing is to be held by the local government**. Applicants must provide copies of the public notice, affidavit of publication or certification of posting, and final approved copy of the hearing minutes from the first public hearing with the grant application and the second hearing prior to project completion. The final draft of the application must be made available to the public once it is submitted, if not before.

Note: Meeting minutes may be submitted in audio recording format. If submitting final approved meeting minutes in this manner, the applicant must provide documentation certifying the meeting minutes were approved and the location or counter information on the audio recording of the CDBG portion of the public hearing. The audio recording format should be in a format that can be easily retrieved and does not require any unusual or additional technological equipment. Otherwise the final approved meeting minutes must be submitted in writing.

In the grant application, the city or county must describe how it determined whether or not non-English speaking residents were expected to participate. This information can be accessed on the American Fact Finder web site. The information includes statistics about the languages spoken at home, ability to speak English, and linguistic isolation of persons living in each city and county. If any non-English language population constitutes five percent (5%) or more of the population, then the public hearing notices are required to be published or posted in those languages.

The Spanish language version of the first required public hearing notice is included in this chapter. Applicants needing assistance in reaching other language groups should contact department staff for advice.

Note: Refer to the "Note" in Chapter 7 for a description of the environmental and uniform relocation and real property assistance (URA) trigger guidance. More detailed information can be found in the current Grant Management Handbook.

- 6. Opportunity to Comment on Proposed and Actual Activities** - The local government shall provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the local government's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.

State standard: The public must be provided the opportunity to comment on a proposed application at the public hearing held for that purpose ("first" hearing) and/or to submit written comments in accordance with instructions provided in the hearing notice.

Recipients must provide a similar opportunity for the public to comment on significant changes in an approved project. Generally, this means that if the grant recipient seeks to move grant funds to an activity that was not part of the approved project budget in the grant contract, a public hearing must be held with appropriate notice. Department staff will help the recipient determine when a proposed change is significant enough to require a hearing.

- 7. Timely Response to Complaints** - The local government shall provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within fifteen (15) working days when practical.

State standard: If awarded a grant, the local government will be monitored by department staff for compliance with all applicable federal and state regulations. Part of this monitoring will include checking to see that the grant recipient provides a prompt, written response to all written complaints concerning the community development program and grant project.

Required Notice For Public Hearing #1

*Note: The notice on the next page is for the first required public hearing. The purpose of the hearing is to take comments from citizens on **both** the community development and housing needs in the city or county and the project proposed for grant funding. The final approved meeting minutes must record/document that this requirement was met.*

Meeting minutes may be submitted in audio recording format. If submitting final approved meeting minutes in this manner, the applicant must provide documentation certifying the meeting minutes were approved and the location or counter information on the audio recording of the CDBG portion of the public hearing. The audio recording format should be in a format that can be easily retrieved and does not require any unusual or additional technological equipment. Otherwise the final approved meeting minutes must be submitted in writing.

The notice must be published or posted by the applicant at least 7 full days in advance of the time the public hearing is to be held by the local government.

Public Notice and Notice of Public Hearing

The (city/county) is eligible to apply for a 2017 Community Development Block Grant from the Business Oregon. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes.

Approximately \$12 million will be awarded to Oregon non-metropolitan cities and counties in 2017. The maximum grant that a city or county can receive is \$2,500,000.

The (city/county) is preparing an application for a 2017 Community Development Block Grant from the Business Oregon for (name of project, location, and purpose). It is estimated that the proposed project will benefit at least (number) persons, of whom (percentage) will be low or moderate income.

A public hearing will be held by the (city council/board of commissioners) at (time) on (day) at the (location). The purpose of this hearing is for the (city council/board of commissioners) to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate-income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed project.

Written comments are also welcome and must be received by (date) at (address). Both oral and written comments will be considered by the (city council/board of commissioners) in deciding whether to apply.

The location of the hearing is accessible to persons with disabilities. Please contact (name of contact person/office) at (telephone number) if you will need any special accommodations to attend or participate in the meeting.

More information about Oregon Community Development Block Grants, the proposed project, and records about the (city/county's) past use of Community Development Block Grant funds is available for public review at (location) during regular office hours. Advance notice is requested. If special accommodations are needed, please notify (name of contact person/office) at (telephone number) so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate-income housing which is demolished or converted to another use will be replaced.

Aviso Público y Noticia de Audiencia Pública

La (ciudad/condado) es elegible para aplicar a un Subsidio en 2017 del Community Development Block Grant que a su vez viene del Business Oregon.

Los Subsidios del Community Development Block Grant (Bloque Subsidiario para el Desarrollo Comunitario) vienen desde el U.S. Department of Housing and Urban Development (Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos). Los subsidios pueden ser usados para instalaciones públicas y remodelación de casas, primariamente por personas con ingresos moderados o bajos.

Aproximadamente \$12 millones serán otorgados en 2017 a ciudades y condados no-metropolitanos de Oregon. El máximo de subsidios que la ciudad o el condado puede recibir es \$2,500,000.

La (ciudad/condado) está preparando una aplicación en 2017 para el subsidio del Community Development Block Grant que viene del Business Oregon para (nombre del proyecto, ubicación y propósito). Está estimado que el proyecto propuesto beneficiará a por lo menos (número) personas, de los cuales (porcentaje) serán de ingresos moderados o bajos.

Una audiencia pública se llevará a cabo por el (consejo de la ciudad/junta de comisionados) a las (tiempo) del (día) en la (ubicación).

El propósito de esta audiencia es para que el (consejo de la ciudad/junta de comisionados) obtenga puntos de vista de los ciudadanos y para responder preguntas acerca de:

Desarrollo comunitario y necesidades de vivienda, especialmente las necesidades de personas con ingresos moderados y bajos, así como también otras necesidades en la comunidad que podrían ser asistidas con un subsidio del proyecto Community Development Block Grant; and El proyecto propuesto.

Los comentarios escritos son también bienvenidos y deben ser recibidos el (día) en la (dirección). Ambos comentarios, escritos y orales serán considerados por el (consejo de la ciudad/junta de comisionados) en decidir si aplican.

La ubicación de la audiencia es accesible para personas con incapacidades. Por favor dejar (nombre de la persona de contacto/oficina) el (número de teléfono) para saber si usted necesitará cualquier tipo de acomodaciones especiales para asistir o participar en la reunión.

Más información sobre el Oregon Community Development Block Grants, el proyecto propuesto y los pasados registros sobre la (ciudad/condados) en el uso de los subsidios del Community Development Block Grant están disponibles para la revisión pública en la (ubicación) durante las horas regulares de oficina. Se requiere del aviso anticipado. Si las acomodaciones especiales son necesitadas, por favor notifíquelo (nombre de la persona de contacto/oficina) el (número de teléfono) de modo que la asistencia apropiada pueda proveerse.

La desalojamiento involuntaria permanente de personas o negocios no es esperada como un resultado del proyecto propuesto. Si la desalojamiento llegara a ser necesaria, serán examinadas alternativas para minimizar la desalojamiento y proveer beneficios requeridos/razonables para aquellos removidos. Calquier casa de ingreso moderado y bajo la cual sea demolida o convertida en otro uso será reemplazada.

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Chapter 7 CDBG Application Procedures

These procedures apply to CDBG applications submitted to Business Oregon. These procedures do not apply to the following types of CDBG projects:

- Community Capacity/Technical Assistance Projects; and
- Emergency Grant Projects.

DEADLINE(s): Applications will be accepted year round on a quarterly basis. Applications will be rated and ranked and awards announced in accordance with the following schedule. The department will not conduct a quarterly round if remaining CDBG funds are insufficient. Notice of insufficient funds for quarterly rounds will be provided to all known eligible applicants via website postings, e-newsletters and listserv distributions.

| 2017 TIMELINE | ACTION |
|--|--|
| FIRST QUARTER January 1 – March 31 | Applications will be accepted. |
| May 2017 | Awards announced for applications submitted between January 1 – March 31 |
| SECOND QUARTER April 1 – June 30 | Applications will be accepted. |
| August 2017 | Awards announced for applications submitted between April 1 – June 30 |
| THIRD QUARTER July 1 – September 30 | Applications will be accepted. |
| November 2017 | Awards announced for applications submitted between July 1 – September 30 |
| FOURTH QUARTER October 1 – December 31 | Applications will be accepted. |
| February 2018 | Awards announced for applications submitted between October 1 – December 31 (<i>Note: Applications will be scored, if necessary, under the 2017 Method of Distribution</i>) |

In general, the application and award process for CDBG funding consideration shall follow the established application policies and practices established by Business Oregon, for its funding programs, as modified for the CDBG program below:

STEP 1 – Initial Business Oregon Contact/Pre-Project Development

The project proponent contacts the department prior to being invited to submit an application. The project proponent contacts the respective Regional Development Officer (RDO) serving their region to review the proposed project concept and to obtain pre-project development assistance. Contact information for the RDO's can be found on the Departments web site at: <http://www.orinfrastructure.org/>

The RDO and the Community Development Block Grant Regional Project Manager (CDBG RPM) will work with the proponent to provide pre-project development information, including the following:

- There is every reasonable likelihood that the proposed project will meet a federal national objective;
- The applicant is not otherwise ineligible to apply under the program, refer to Chapter 2 for more information;
- The proposed sub-grantee's for housing rehabilitation and microenterprise assistance grants are a certified non-profit meeting the requirements found in the respective chapters of this 2017 Method of Distribution;
- The proposed matching funds, if any, will be secured and readily available at time of application; and

- A preliminary financial review of any proposed water and wastewater final design and/or construction project show that the project is eligible for funding and the monthly user rates are at or will exceed the Threshold Rate Criteria at construction completion of the proposed project. Refer to Chapter 10 for more details.

The proposed project will go through an initial preliminary review by the Project Development Team (PDT) for program eligibility, financial feasibility and readiness to proceed. Once the PDT provides written determination that the project appears ready to proceed, the project can proceed to Step 2, Project Notification and Intake Form (PNIF). The Project Development Team will be comprised of, at a minimum, the RDO, the CDBG RPM, CDBG PPC and Finance Officer. Projects may be reviewed before or after a “One Stop” meeting.

A “One Stop” meeting may be scheduled, if warranted, or upon request by the proponent. The “One Stop” meeting will provide broad funding perspective and multiple program eligibility considerations and may include several federal and state agencies. “One Stop” meetings are generally held after the project proponent has completed a master plan or facilities plan and/or has estimated costs for final design and construction of the desired improvements.

STEP 2 – Project Notification and Intake Form (PNIF)

Once the project has been reviewed by the PDT and appears ready to proceed and complies with the CDBG program eligibility requirements, the RDO/RPM will prepare a Project Notification and Intake Form (PNIF) with information supplied by the potential applicant. The project proponent must provide sufficient information for the RDO/RPM to complete the form.

***Note:** Contact the CDBG RPM for assistance. Refer to the current Grant Management Handbook for more detailed information. An abbreviated summary of the requirements are identified below:*

Environmental: *According to the NEPA (40 CFR 1500-1508) and Part 58, the responsible entity (RE) (grant recipient) is required to ensure that environmental information is available before decisions are made and before actions are taken. In order to achieve this objective, Part 58 prohibits the commitment or expenditure of CDBG funds until the environmental review process have been completed and if required, receives a Release of Funds from Business Oregon.*

The RE is advised to begin the environmental review process as soon as they determine the projected use of HUD assistance (58.30(b)). Therefore, the date on which a project becomes subject to the environmental review requirements is the date the potential applicant commences with STEP 2 of the required application process identified within the Method of Distribution or: 1) the initial indication of the Recipient’s approval of a specific site for assistance under the program. For other actions that will trigger the environmental review requirements, please refer to the Grant Management Handbook.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION REQUIREMENTS (URA):

In accordance with 49 CFR 24.2(a)(22) URA requirements apply to any project where federal financial assistance is received or anticipated in any phase. Therefore, the date on which a project becomes subject to the environmental review requirements is the date the potential applicant commences with STEP 2 of the required application process identified within the Method of Distribution. From this point forward all the federal and state CDBG program requirements apply to the project.

In accordance with HUD Handbook 1378, Chapter 1-4-I-2, please note that other actions will also trigger the URA requirements and need for General Information Notices (GIN), which are explained in more detail in the Grant Management Handbook.

STEP 3 – Invitation to Apply for Funding Consideration

The RDO/RPM will route the PNIF form for internal agency review and comment. After internal comment, if the proposed project is determined to qualify for CDBG funding, the proposed eligible applicant will be invited, in writing, by the RDO/RPM to submit a complete application for CDBG funding consideration. All

applicants must have been invited to apply for CDBG funding at least 3 weeks prior to the application deadline.

If the PNIF is not approved, the project proponent may be asked to improve the project information, or be considered for other Business Oregon programs or referred to other agencies' programs for potential funding consideration.

STEP 4 – Application Review and Rating

One signed original and two complete copies (3-total) of the application must be received by the department no later than 5:00 pm on the application deadline. The application must be signed by the applicant's highest elected official. Applications transmitted electronically or by fax will not be accepted.

Once an application is received, Business Oregon staff will date stamp the application and provide copies to the Application Review and Rating Team (ARRT) comprised of the CDBG RPM, the CDBG PPC and a Finance Officer which will bring more in-depth assessment of the project given the function of each member of the ARRT.

During the review process, the state will determine that the applicant is an eligible recipient in accordance with OMB circular A-133 and Section 0.102 of Oregon Accounting Manual 04 03 00.P0 (effective June 1, 1998) and any relevant superseding regulation. If a recipient accepts a CDBG award from the state they agree to monitor any local government or nonprofit organization sub-grantee to whom it may pass the funds to.

The ARRT will review the application to determine if the application contains all the required information, and that the proposed project meets the CDBG threshold requirements, including but not limited to:

- All parts of the application have been properly completed and all attachments were provided;
- Requested amounts are within the program limits i.e. max grant limit, grant administration, engineering/architectural, environmental review, labor standards, construction contingency etc.;
- Applicant is eligible;
- Outcome and performance data was provided;
- National objective and readiness to proceed data was provided;
- Financial viability of the project, and
- All activities are eligible under the CDBG program.

The ARRT will simultaneously but individually complete the initial application review within seven (7) calendar days from the department's application deadline. Following the initial review, the ARRT will convene to complete the review and determine if the application is complete or if additional information or clarification is needed. The ARRT has an additional seven (7) calendar days to complete the final review.

If the application is found to be:

- Complete - If the application is determined by the ARRT to be complete, the CDBG RPM will mail the applicant a "complete application letter." The application will be rated (scored) and provided to the Application Ranking Committee for processing.
- Incomplete - If the application is determined to be incomplete, based on the review by the ARRT, the CDBG RPM will provide written notification to the applicant that they have fifteen (15) calendar days to submit any necessary information to make the application complete.
- Upon receipt of additional information to Business Oregon, if the application is found to be:
 - Complete - If the application is determined to be complete, based on the additional information provided, the CDBG RPM will mail the applicant a "complete application letter". The application will be rated (scored) by the ARRT and the application will be provided to the Application Ranking Committee for processing.

- **Incomplete** – If the application is determined to be incomplete, based on the additional information provided, the application will be **returned** to the applicant for re-submittal during a future quarterly application cycle. The CDBG RPM will mail the applicant a letter with the returned application that identifies the incomplete status. The CDBG RPM will provide project development assistance to the applicant with the missing parts/information so the application can be resubmitted in a future quarterly application cycle.

If, at any point during the application reviewing or rating process, it is determined the project does not meet the requirements or that it needs further development (i.e. to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act or the Federal Environmental Review requirements), a recommendation will be made to the Assistant Director to suspend the reviewing and rating process. The respective team will document areas where further development is needed. The CDBG RPM will provide project development technical assistance to the applicant and work with the potential applicant on possible submission in a future competitive application round. The Assistant Director has the final decision to suspend reviewing and rating and to return the project application to the applicant

STEP 5 – Application Ranking

The Application Ranking Team (ART) will rank all complete applications in accordance with the criteria contained in the 2017 Method of Distribution. The ART will include at least one CDBG PPC, and at least two other internal staff and/or management personnel.

In the event, that demand exceeds available funding, the ranking recommendation may include a backup funding list and may include, for each category, a recommended award “cutoff” line, below which the staff recommends that awards not be made. The “cutoff” line for a particular category will be accompanied by written findings prepared by the Committee to support the recommendation.

STEP 6 – Senior Management, Association of Oregon Counties (AOC) and League of Oregon Cities (LOC) Review

Funding recommendations prepared by the Application Ranking Team (ART) will be forwarded to the Program Services Manager and Assistant Director for review. Once the recommendations are finalized the ART will forward the recommendations to representatives of the League of Oregon Cities (LOC) and Association of Oregon Counties (AOC) for concurrence.

- A summary of the approved funding awards will be presented to the Infrastructure Finance Authority (IFA) Board for their information. The IFA Board has delegated their decision making authority to the Assistant Director, AOC and LOC representatives, and senior management review process described in this step.
- All funding decisions made through the Board delegated process are final. The department reserves the right to not fund any application which it deems not eligible, properly developed, not ready to proceed or supported by the available program resources.
- Business Oregon may award a CDBG grant amount that is different from the amount requested by the applicant. Applicants are not penalized for requesting the maximum grant amount but the department reserves the right to award a grant amount it deems appropriate to complete the project.

STEP 7 – Notice of Decision

The department will notify applicants in writing of their funding status approximately 60 days after the deadline for applications. The award letter for each project will be signed by the CDBG RPM or RDO.

RATING AND RANKING CRITERIA

Applications from one category will not compete with applications from another category. For example: Public works applications will only compete against other public works applications not against housing rehabilitation applications.

Project Need and Solution: Maximum point scores will be determined in part by 1) the severity of the identified problem compared to those of other applications received within that funding category; and 2) an analysis of the need for the project i.e. the severity of identified impact of the problem and the proposed solution. A strong application will show that the proposed use of funds will address the identified need(s) and that the applicant has anticipated and planned for the many factors that can affect successful completion of the project. To view maximum points possible, please refer to the Needs and Solution table on the following page. Applications should clearly and fully address the items identified below:

| Application Should Clearly Address the following: | Public Works | Community Facility | Micro-Enterprise | Housing Rehabilitation |
|---|--------------|--------------------|------------------|------------------------|
| The reasonable likelihood the proposed project will meet a national objective: provide principal benefit to low and moderate income persons; or address a situation of particular urgency that poses a threat to community health and welfare. | ✓ | ✓ | ✓ | ✓ |
| The proposed project is the best available solution, based upon an analysis of other alternatives. Application should provide the details of the analysis. | ✓ | ✓ | ✓ | ✓ |
| Applicant needs to provide an analysis and determination of the projects cost reasonableness. | ✓ | ✓ | ✓ | ✓ |
| The facility will be of adequate size to provide the proposed level of service. (CF only) | | ✓ | | |
| The facility will not duplicate other services provided in the area. (CF only) | | ✓ | | |
| The Applicant provide a detailed project budget that is adequate and reasonable to complete the project and appropriately following Program Policies and Definitions in Chapter 5 of the Method of Distribution | ✓ | ✓ | ✓ | ✓ |
| Applicant provides a project work plan to achieve completion of the project. Work plan is reasonable and realistic to successfully complete. Application provides details of the identified steps, reflecting how the project will be completed within the project completion time line. | ✓ | ✓ | ✓ | ✓ |
| Applications for construction and final engineering (architectural services) will be evaluated on the overall project and engineering feasibility. Engineering feasibility reports, final engineering designs, and project cost estimates will be reviewed by the Committee ART and, if needed, a professional engineer’s opinion will be obtained. | ✓ | ✓ | | |
| Applicants for housing rehabilitation funds must provide a list of potential homeowners to support the need within the sub-grantees jurisdiction, which must include the following: addresses, primary items of repair, date of most recent contact from the proposed non-profit sub-grantee, estimated amount to be requested from the housing rehabilitation fund, a description of any preliminary eligibility work performed and the total estimated dollar amount of the rehabilitation loans or grants on the list. | | | | ✓ |

For example:

- **Community Facility:** An application for assistance and/or shelter needed for victims of life threatening situations such as domestic violence and homelessness will score higher than applications submitted which serve the community as a whole or specific groups such as community centers or senior centers.
- **Public Utility:** An application submitted to bring a water or wastewater system into compliance with the Safe Drinking Water Act or Clean Water Act will score higher than an application submitted for a water or wastewater system without non-compliance issues.

| | Public Works | | | Community Facilities | | | Micro-Enterprise | | |
|--|--------------|-----------|----------------------|------------------------------|--------------------------|-------------------------------|-------------------|-----------------|---------------|
| | Compliance | Rationing | Health & Reliability | Homelessness/ Hunger/ Safety | Essential Comm. Services | Other – Libraries, Comm. Ctr. | Three Communities | Two Communities | One Community |
| The reasonable likelihood the proposed project will meet a national objective: provide principal benefit to low and moderate income persons; or address a situation of particular urgency that poses a threat to community health and welfare. | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| The proposed project is the best available solution, based upon an analysis of other alternatives. Application should provide the details of the analysis. | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| The Applicant provide a detailed project budget that is adequate and reasonable to complete the project and appropriately following Program Policies and Definitions in Chapter 5 of the Method of Distribution | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Applicant provides a project work plan to achieve completion of the project. Work plan is reasonable and realistic to successfully complete. Application provides details of the identified steps, reflecting how the project will be completed within the project completion time line. | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Applicant needs to provide an analysis and determination of the projects cost reasonableness. | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 |
| Applications for construction and final engineering (architectural services) will be evaluated on the overall project and engineering feasibility. Engineering feasibility reports, final engineering designs, and project cost estimates will be reviewed by the Application Ranking Team and, if needed, a professional engineer’s opinion will be obtained. | 5 | 5 | 5 | 5 | 5 | 5 | | | |
| Rate schedule is updated and ready for adoption or revised rate schedule has been adopted. (PW only) | 5 | 5 | 5 | | | | | | |
| The facility will be of adequate size to provide the proposed level of service. (CF only) | | | | 5 | 5 | 5 | | | |
| The facility will not duplicate other services provided in the area. (CF only) | | | | 5 | 5 | 5 | | | |
| Core Points (max) | 45 | 35 | 25 | 40 | 20 | 5 | 55 | 30 | 5 |
| TOTAL | 80 | 70 | 60 | 80 | 60 | 45 | 80 | 55 | 30 |

Need and Solution Project Type (“Maximum Points Possible” column correlates to the “Need and Solution Points” Table above):

| PUBLIC WORKS | | |
|-------------------------|---|--------------------------------|
| Project Category | Project Type | Maximum Points Possible |
| Water and Wastewater | Projects necessary to bring the system into compliance with the Safe Drinking Water Act (SDWA) or Clean Water Act (CWA) requirements and to provide safe, healthy drinking water and wastewater services to the entire community | 80 |
| Water System | Waters system planning, design and construction projects necessary to eliminate water rationing. The applicant must demonstrate past (within the last 2 years) and/or consistent water rationing events due to insufficient drinking water quality or supply. | 70 |
| Water and Wastewater | Projects necessary for the provision of safe, healthy, reliable drinking water and proper sanitary wastewater service to the entire community | 60 |

| PUBLIC/COMMUNITY FACILITIES | | |
|--|--|--------------------------------|
| Project Category | Project Type | Maximum Points Possible |
| Projects that reduce homelessness and hunger or pertain to life threatening situations | Homeless Shelters, Food Banks, Shelters for victims of domestic violence | 80 |
| Essential community services | Shelters/workshops for people with disabilities, Health Clinics, Mental Health treatment centers, Drug and Alcohol treatment facilities, Fire Stations, Senior Centers, Head Start facilities | 60 |
| Other community projects | Libraries, Community Centers, Family Resource Centers | 45 |
| Note: | <p><i>Combination facility will not be considered two separate projects and the applicant will only be eligible for the maximum grant associated with the highest use of the facility. Applications will be rated and ranked based upon the highest use of the facility. Use is defined as “clients served”. If the number of clients served by each type of facility included in the combination facility are equal, the highest use will be determined by the facility type that most closely meets HUD’s priority of ending chronic homelessness and hunger.</i></p> <p><i>For a combination Senior Center/Food Bank facility, up to 10 additional points may be granted, based on the ratio of use of the facility, for a maximum of 70 points. Financial need will remain at 20 points.</i></p> | |

| MICROENTERPRISE ASSISTANCE PUBLIC SERVICES | | |
|---|---|--------------------------------|
| Project Category | Project Type | Maximum Points Possible |
| Microenterprise Assistance | 3 communities participating in microenterprise assistance project | 80 |

| | | |
|----------------------------|---|----|
| Microenterprise Assistance | 2 communities participating in microenterprise assistance project | 55 |
| Microenterprise Assistance | 1 community participating in microenterprise assistance project | 30 |

| HOUSING REHABILITATION | | |
|-------------------------------------|--|--------------------------------|
| Project Category | Project Type | Maximum Points Possible |
| Housing Rehabilitation | Priority #1 – Eligible health and safety activities including lead-based paint abatement/removal, septic tanks, private sewer lines and drainfields, private water lines and wells and asbestos tests, inspections and assessments. Improvements necessary to fulfill reasonable accommodation requests. | 56 – 80 |
| Housing Rehabilitation | Priority #2 – Construction, rehabilitation, reconstruction, or the installation of improvements to upgrade substandard electrical, plumbing, roofing, siding, insulation, weatherization, heating systems; hot water heaters and dry rot repairs | 31 – 55 |
| Housing Rehabilitation | Priority #3 – Purchase and installation of equipment that is an integral structural fixture. (Items not normally removed from the home, light fixtures and built-in appliances). | 0 - 30 |
| Housing Rehabilitation Bonus Points | Applicants for housing rehabilitation grants to construct private water or wastewater service laterals, in conjunction with a public works or wastewater grant will receive bonus points. | 25 |
| NOTE: | <i>Applications with a combination of priority projects reflected on the wait list will be scored on a percentage basis. For example: Based on a 25-person wait list, 10 projects fall under Priority #1 representing 40% of the total list and the remaining fall under Priority #2, representing 60%. Therefore 40% of the maximum 80 points allowable under Priority #1 would equal 32; 60% of 55 points possible would be 33 for a combined total of 65.</i> | |

Financial Need – 20 Points: To document financial review, refer to the applicable chapter of this MOD for details: Chapter 9 Microenterprise; Chapter 10 Public Works; Chapter 11 Community Facilities; and Chapter 12 Housing Rehabilitation. The Team and the Public Finance Officer complete this review. Below is some general guidance on the documents needed, and review requirements:

- If direct and clear evidence is obtained by the department that the grant funds are not needed and that the project can or will be carried out by the applicant whether or not the grant is awarded, the application will not be recommended for funding.
- If an applicant is the owner and operator of the facility, the applicant's financial records will be analyzed for ability to service debt.
- If an applicant is applying on behalf of a nonprofit or other public entity and the nonprofit or other public entity will be the owner and operator of the facility and the applicant has no responsibility for providing said service, then that nonprofit's or other public entity's financial records will be analyzed for the ability to service debt.
- If an applicant is responsible for providing said service (such as mental health), whether or not the applicant is contracting out the operation of the facility to a nonprofit or another public entity, the applicant's financial records will be analyzed for the ability to service debt.

- Water and wastewater final design and construction grant applicants undergo a financial review to ensure that the monthly user rate at construction completion of the proposed project meets the threshold rate criteria.
- Housing rehabilitation projects will be evaluated by the gap identified between the non-profit’s balance of available funds consisting of cash on-hand (including any prior open CDBG grants) and any other funds readily available to carry-out the proposed owner occupied housing rehabilitation program and the grant request to meet the identified need.
- The regional housing rehabilitation programs will also be evaluated by the number of open CDBG grants the sub-grantee (non-profit) is currently managing and the total unexpended balance. Applications for regions with unexpended CDBG funds will not compete as well as applications for regions with no unexpended CDBG funds.

Financial Readiness to Proceed – 30 points

To document financial readiness to proceed:

| Financial Readiness to Proceed | Maximum Possible Points |
|--|--------------------------------|
| All other funds needed to complete the project are available and committed. Application must contain clear and convincing documentation that funds are secured and readily available for the project. (i.e. Commitment letter or, for Business Oregon internal funding programs, a signed staff recommendation). | 30 points |
| Applicant has conditional commitment and received a waiver exception from Business Oregon <i>prior to application</i> , as outlined in Chapter 5 of this Method of Distribution. | 15 points |
| Applicant is requesting CDBG funds only. | 5 points |

NOTE: The waiver exception, referenced above, must be requested and approved by Business Oregon prior to application submission. Applications submitted without the approved waiver exception, will not move forward in the application scoring process. (See Chapter 5 of this Method of Distribution for the process to submit a request for a waiver.

(The expected date of funding determination is not considered a “commitment” as there is no guarantee that a project will be funded.) If all of the funds are not committed, and the funds are anticipated to come from a private funding source, the applicant must provide a back-up financing plan.

Project Readiness to Proceed – 20 Points

To document project readiness to proceed:

- Business Oregon expects all awarded projects will start drawing funds four (4) months following the date of grant contract execution. The application must clearly and concisely document how this will be achieved. (Final design and construction public water/sewer or public/community facility grants must be administratively closed within 36 months of grant execution. Design only projects and Housing Rehabilitation projects must be administratively closed within 24 months of grant execution. Microenterprise assistance projects must be administratively closed within 12 months of grant execution.)
- If the project overlaps municipal boundaries, attach an executed copy of an intergovernmental cooperation agreement which sets out the duties and obligations of each entity.
- If the applicant will own the facility and another nonprofit or other entity will operate the facility, attach a draft of the operating agreement between the parties.
- If applicable, all land use approvals needed for the project have been secured; documentation must be included with the application.

Bonus points depends on project type

| Project Readiness to Proceed Bonus Criteria | Bonus Points | PW | CF | HR | Micro-E |
|---|---------------------|-----------|-----------|-----------|----------------|
| Applicant or the related governing body attended either an asset management training or effective utility management training in the past 12 months | 2 points | ✓ | | | |

| | | | | | |
|--|----------|-----------|-----------|-----------|-----------|
| Complete an Business Oregon reviewed Section 3 Plan | 2 points | ✓ | ✓ | ✓ | ✓ |
| Complete an Business Oregon reviewed Limited English Proficiency Plan | 2 points | ✓ | ✓ | ✓ | ✓ |
| Adopted a Fair Housing Resolution | 2 points | ✓ | ✓ | ✓ | ✓ |
| ERR level is identified | 2 points | ✓ | ✓ | ✓ | ✓ |
| Architectural design(CF) or System improvement design work done approved by regulatory agency (PW) | 5 points | ✓ | ✓ | | |
| ERR is completed per CDBG requirements (ready to publish) | 5 points | ✓ | ✓ | ✓ | ✓ |
| Property/ easements acquired | 5 points | ✓ | ✓ | | |
| Total Maximum bonus | | 25 | 23 | 13 | 13 |

To receive credit for any or all bonus points, clear documentation must be included in the application.

Leveraged Funds – 30 points

Applicants will receive points based upon the percentage of the committed/secured leveraged funds in the project, compared to the CDBG grant requested.

For example:

| | |
|---|-------------|
| Total Project Cost: | \$1,200,000 |
| Less Requested CDBG Grant: | \$800,000 |
| Committed Matching Funds: | \$400,000 |
| $\$400,000 / \$800,000 \times 100 = 50\%$ This project would be assigned 20 points. | |

| Percent Leveraged Funds in the Project | Maximum Possible Points |
|--|-------------------------|
| 75-100% | 30 points |
| 51-75% | 25 points |
| 26-50% | 20 points |
| 1-25% | 15 points |
| 0% | 0 points |

Total amount of CDBG Funds Requested – 10 points

| Total dollar amount of CDBG funds requested | Maximum Possible Points |
|---|-------------------------|
| \$2,500,000 or more | 0 points |
| \$2,000,000 - \$2,499,999 | 2 points |
| \$1,500,000 - \$1,999,999 | 4 points |
| \$1,000,000 - \$1,499,999 | 6 points |
| \$500,000 - \$999,999 | 8 points |
| \$499,999 or less | 10 points |

Percent of Low to Moderate Income (LMI) population to be served – 25 points

| Non Housing Rehab Projects | |
|----------------------------|------------|
| % LMI of Target Population | Max Points |
| 90% - 100% | 25 |
| 80% - 89% | 20 |
| 70% - 79% | 15 |

| | |
|--|----|
| 60% - 69% | 10 |
| 51% - 59% | 5 |
| Project does not meet the low and moderate income national objective | 0 |

Low to Moderate Income Persons to be served by the facility/project

Points will be assigned for the number of unduplicated individuals the proposed facility can reasonably be expected to serve during the first year after project completion. Projects which are available to all the residents of a particular area (area wide benefit projects) will be ranked separately from projects that serve a limited clientele.

Existing Limited Clientele Facilities

Projects which involve expansion or improvement of an existing facility will provide actual use records for a period of no less than 12 months. A justified number of new users may then be added to the actual number of users based on additional services or capacity resulting from the project. The numbers cannot include family members of individual clients or counts of repeated visits or use by the same person.

New Facilities

For projects that will create a new facility, the estimate must be based upon available and verifiable data that documents the need for, and capacity of, the facility, such as the number of persons on waiting lists for existing services or referrals of potential clients to facilities in other locations. The numbers cannot include family members of individual clients or counts of repeated visits or use by the same person.

Senior Centers

The measurement of use will be the number of meals served per week to unduplicated individuals. In other words, the applicant must provide information that shows how many persons per week will eat at least one meal at the facility. Individuals receiving home-delivered meals prepared at the facility may also be counted (once each).

Housing Rehabilitation – Housing rehabilitation projects will be scored by the total number of proposed owner occupied housing rehabilitation units, which are reasonably expected to be rehabilitated as follows:

| Housing Rehabilitation Projects | |
|--|-----------------------|
| # Units | Maximum Points |
| 40 or more | 25 |
| 30 – 39 | 20 |
| 20 – 29 | 15 |
| 10 – 19 | 10 |
| 0-9 | 5 |

Capacity – 20 points

| Capacity | Maximum points |
|--|-----------------------|
| Experienced applicant's staff with CDBG program administration in the past three (3) years and the applicant is intending to procure assistance from an experienced Administrator with successful CDBG track record. | 20 points |
| Applicant is not experienced in CDBG project administration in the past three (3) years but is intending to procure assistance from an experienced Administrator with successful CDBG track record | 15 points |
| Applicant staff has no experience in administering CDBG projects and is intending to administer the project. | 0 points |

A maximum of 20 points is available to applicants with a grant administration plan and history that demonstrates that the grant award and project will be managed effectively. The application should document and/or clearly show:

- Applicant is currently administering other CDBG grant(s) within the allotted time frames.
- Applicant has demonstrated successful completion and closeout procedures with prior CDBG projects. This includes an analysis of the applicants CDBG program history and past programmatic performance.
- Applicant has experienced staff in grant administration or will secure a grant administrator with successful grant administration experience of CDBG projects.

Sub-Grantee (non-profit) Capacity – 20 points – Housing Rehabilitation Only

In addition to applicant capacity, each housing rehabilitation applicant must provide a list of all the open CDBG funded housing rehabilitation CDBG grants within the non-profit's region where the non-profit is the sub-grantee responsible for carrying out the grant activities. This list MUST include the following for each open grant: the name of the grant recipient, the project number and the total award amount.

Total Number of Open Grants – 10 points

| Total Number of open grants | Maximum Points |
|-----------------------------|----------------|
| 2 | 4 |
| 1 | 6 |
| 0 | 10 |

Points for no recent CDBG awards - 10 points

The applications are reviewed for geographic distribution and the number of awards the applicant has received from the program. Ten points will be received by any applicant that has not had a grant from the CDBG program since 2011 or earlier. For housing rehabilitation projects, the points will be based on applicant or geographic location.

| Recent CDBG Awards | Maximum Points |
|--|----------------|
| No awards from Business Oregon since 2011 or earlier | 10 points |
| No awards from Business Oregon since 2012 or earlier | 7 points |
| No awards from Business Oregon since 2013 or earlier | 4 points |
| No awards from Business Oregon since 2014 or earlier | 2 points |
| Applicant has received awards from Business Oregon in 2015 | 0 points |

SUMMARY OF MAXIMUM RATING AND RANKING POINTS

| Scoring Category | PW | CF | Micro-E | HR |
|--|------------|------------|------------|------------|
| Project Need and Solution | 80 | 80 | 80 | 80 |
| Financial Need | 20 | 20 | 20 | 20 |
| Financial Readiness to Proceed | 30 | 30 | 30 | 30 |
| Project Readiness to Proceed | 20 | 20 | 20 | 20 |
| Leveraged Funds | 30 | 30 | 30 | 30 |
| Total amount CDBG Funds Requested | 10 | 10 | 10 | 10 |
| Percent LMI population to be served (non-housing rehab) | 25 | 25 | 25 | 25 |
| Number of units to be rehabilitated (Housing Rehab Only) | 25 | 25 | 25 | 25 |
| Capacity | 20 | 20 | 20 | 20 |
| Sub-grantee Capacity (Housing Rehabilitation Only) | | | | 20 |
| Total Open Grants | 10 | 10 | 10 | 10 |
| Points for no recent CDBG awards | 10 | 10 | 10 | 10 |
| Total Points | 280 | 280 | 280 | 300 |
| Bonus Points | 25 | 23 | 13 | 13 |

| SUMMARY OF CDBG APPLICATION PROCESS | | | |
|--|---|--|--|
| Step # | Step – Title | Timeline | Lead |
| Step 1 | Initial Business Oregon Contact/Pre-Project Development | No defined timeline | Project Proponent and RDO/CDBG RPM are the lead, Project Development Team meeting lead by RDO/RPM. |
| Step 2 | Project Notification and Intake Form | No defined timeline | RDO/CDBG RPM and project proponent |
| Step 3 | Invitation to Apply for CDBG Funding | No defined timeline | RDO/CDBG RPM - Sends invitation to apply and application forms to project proponent Applicant (project proponent)- completes the application forms and submits to Business Oregon by application deadline |
| Step 4 | Application Review and Rating Team (ARRT) | 7 calendar days + 7 calendar days | RDO/CDBG RPM is lead. Initial review simultaneously and independently conducted by ARRT (7 days); Following initial review, ARRT convenes for application rating (7 days). |
| | Incomplete applications – applicant provision of additional information | 15 calendar days | Applicant |
| | Second threshold review to review applicants revised submission | 5 calendar days | ARRT |
| Step 5 | Application Ranking – Ranking Team | 18-35 days | Application Ranking Team, consulting as needed with PSM and Assistant Director |
| Step 6 | Funding Recommendations Developed and Approved | | Application Ranking Team, Assistant Director, PSM, AOC and LOC |
| STEP 7 | Notice of Decision | Awards announced within 60 days after application is received in Step 4 above. | RDO/CDBG RPM |

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Chapter 8

Table 8-1- Requirement/Summary Table Maximum Grant/Project Completion/ Financial Review/Allowed National Objective

| Grant Category | Project Type | Maximum Grant | Project Completion Period (From date of execution of contract with the State) | Financial Review Required | Applications Accepted | Allowed National Objective |
|---|---|--|--|---------------------------|--|--|
| Microenterprise Assistance | N/A | \$100,000 | 12 months | No | QAP | LMI – Limited Clientele |
| Public Works | Water/Wastewater preliminary engineering/planning – Phase 1 | Total all three phases over a five-year period cannot exceed \$2,500,000. There is a cap on the preliminary/engineering planning grant of \$150,000. | 24 months | No | QAP | LMI – Area Wide |
| | Water/Wastewater final design – Phase 2 | | 24 months | Yes | QAP | LMI – Area Wide |
| | Water/Wastewater construction - Phase 3 | | 24 months | Yes | QAP | LMI – Area Wide |
| | Water/Wastewater (Combined design & construction award) | | 36 months | Yes | QAP | LMI – Area Wide |
| Public/ Community Facilities | Combined design & construction award | \$1,500,000 | 36 months | Yes | QAP | LMI - Area wide LMI - Limited Clientele |
| Housing Rehabilitation | Regional Rehabilitation Revolving Loan Funds | \$400,000 | 24 months (The original grant must be loaned/granted within 24 months or unused funds <u>will</u> be recaptured by the state.) | No | QAP | LMI - Housing – direct benefit |
| | Emergency Home Repair Grant Program | | | | | |
| Community Capacity/Technical Assistance | Community Technical Assistance | No Limit | 12 months | No | Year round | Dependent upon project type. |
| Emergency Grants | N/A | \$500,000 | 24 months | Yes | Year round – Must be received within 12 months of the event that created the emergency | Urgent Need |

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Chapter 9 Microenterprise Assistance (Public Services)

Oregon Community Development Block Grant funds are used by non-entitlement cities and counties to implement the Microenterprise Assistance Services Program to provide recruitment, screening and classroom training to microenterprise owners and persons developing microenterprises. This program enables low- and moderate-income owners of microenterprises and persons developing microenterprises access to information and resources for their individual circumstances.

The non-entitlement city or county grant recipient will secure the services of a statewide or local microenterprise support organization to provide microenterprise assistance within the grant recipient's jurisdiction by either subgranting the funds to a nonprofit or by procuring a for-profit entity.

Maximum Grant

The maximum grant in this category is \$100,000.

Definition

Microenterprise means a commercial enterprise that has five (5) or fewer FTE, including one (1) or more who owns the enterprise.

Work Plan

Each application must contain a work plan that provides for a minimum performance measure of assisting at least one (1) microenterprise for every \$2,500 awarded to the applicant. If at project completion, this performance measure is not attained, the department will recapture a sufficient amount of the grant awarded in order for the project to meet the minimum performance measure.

National Objective

Public services for microenterprise assistance must meet the federal national objective of benefiting low- to moderate-income persons based on family size and income, 24 CFR 570.483(b)(2)(ii)(B). National objective compliance is based on the actual number of persons served by the microenterprise assistance provider. Each grant must serve at least 51 percent or more low- to moderate-income persons who are owners of, or are developing, a qualifying microenterprise consisting of 5 or fewer employees including one or more persons who own the microenterprise. Refer to Chapter 3 for details.

Statewide Microenterprise Support Organization

A statewide microenterprise support organization is a community development corporation, a nonprofit development organization, a nonprofit social services organization or another nonprofit entity that serves as an intermediary between the department and local microenterprise support organizations.

Local Microenterprise Support Organization

A local microenterprise support organization is a community development corporation, a nonprofit development organization, a nonprofit social services organization or another locally operated nonprofit entity or a for profit entity that provides services to disadvantaged entrepreneurs.

Area of Use

The services provided by the microenterprise grant are restricted in use within the grant recipient's jurisdiction or with the jurisdictions participating in the regional microenterprise assistance project. The residential address for each potential microenterprise owner or person developing a microenterprise must be used for this determination and documented in the recipient's file(s).

Eligible Projects

- Provide general classroom training in business strategy, planning a business, marketing plans, business plans, needs assessments, financial education and access to markets to owners of microenterprises and persons developing microenterprises.

Eligible Activities

The permitted activities of providing general classroom training and support to microenterprises, as allowed under Section 105(a)(8) of the HCDA, includes:

- Limited one-on-one assistance directly associated with the initial recruitment and screening to evaluate entrepreneurial readiness and to determine degree of business feasibility or if a student has questions for the instructor immediately following the general classroom training session.
- The **direct** costs associated with the provision of general classroom training to microenterprise (5 or fewer employees, including one or more who own the microenterprise) of which 51% must be documented to be low and moderate income, as allowed under Section 105(a) of the HCDA.
- Limited English Proficiency Translation Services – Refer to Chapter 5 for details.

General Classroom Training:

- **Business Strategy Training** - Core trainings and assistance focused on developing and refining business feasibility and the creation of a business plan (strategy) that will guide the business venture. Develop demand based trainings and technical assistance including group trainings, based upon participant needs.
- **Planning a Business Training** - Developing a marketing plan, understanding financial statements and customer service.

Specific Training - Developing a business plan, access to capital, access to markets and financing. Technical assistance shall also help micro-entrepreneurs develop specific information needed to implement their business plan and better understand their business, including the following:

- Needs Assessment - Provide training that includes Financial Fitness, Introduction to Entrepreneurship, Internet marketing and specific training in their specific industry.
- Provide business and financial education classes to groups of low/mod income rural high school students.
- Provide business and financial education classes to adults.
- **Market Research Training** - Conduct market research to determine target markets and identify ways to penetrate each market, to assist microentrepreneurs in shaping their unique “message” and determine most effective means to deliver their message.

Ineligible Costs

- Indirect costs. Refer to Chapter 5 for details.
- Assistance to small businesses that do not meet the definition of a microenterprise on page 9-1.
- Assistance to microenterprises that are relocating or who have relocated. To maintain compliance with the federal anti-pirating rule, the state’s CDBG program will not allow or assist with any business/microenterprise relocation.
- Assistance to microenterprise owners or persons developing a microenterprise that reside within an Entitlement area.
- Direct one-on-one assistance/mentoring in excess of the initial recruitment and screening, or if a student has questions for the instructor immediately following the general classroom training session.
- Pre-award costs. Refer to Chapter 5 for details.
- Unauthorized pre-agreement costs. Refer to Chapter 5 for details.
- The use of CDBG funds to replace any already budgeted federal, state, local or community college funds. Refer to Chapter 5 for details.
- The use of CDBG funds to pay for already budgeted full-time staff of the Small Business Development Centers or community colleges. Refer to Chapter 5 for details.
- The cost of food, beverages, snacks or related equipment and eating utensils.
- Grant administration and/or program management costs. Refer to Chapter 5 for details.

Entitlement Area Review

State Community Development Block Grant resources cannot be used to benefit entitlement counties and cities. If the service area of the Microenterprise Assistance Support Organization contains an entitlement area, screening policies and procedures along with documentation of percent of the entitlement versus non-entitlement residents/beneficiaries that will be served is required. The 2017 CDBG Method of Distribution lists the entitlement areas in Chapter 2.

Matching Funds Requirement

There is no minimum match requirement. Any matching funds necessary to complete the proposed CDBG project must be available and committed at the time the application is received by the department. Funds necessary to complete the project must be in the form of cash. No in-kind services or costs are allowed as match.

Financial Review

Microenterprise assistance project applications are not subject to financial review.

Outcome and Performance Measures

Each applicant must address how their project meets the objective(s), outcome(s), indicators and performance measures identified below:

| Objective | Outcome | Indicators | Performance Measures | State Measurement |
|---------------------------------|--|---|---|--|
| Creating Economic Opportunities | Sustainability/ Promoting Livable or Viable Communities | Number of persons assisted: <ul style="list-style-type: none"> • With new access to a service. • With improved access to a service. • Where the project is used to meet a quality standard or measurably improve quality, report the number of households that no longer only have access to a substandard facility or infrastructure (as defined by the local community). | Amount of money leveraged from other federal, state, local and private resources. | The amount of money leveraged from all other funding sources. |
| | | | Number of persons assisted. | Number of persons having access to more microenterprise assistance services including the percentage of low and moderate income persons which benefit. |
| | | | Number of communities assisted. | Number of persons benefiting from new microenterprise services including the percentage of low and moderate income persons which benefit. |
| | | | Race, ethnicity, disability (current categories for beneficiary reporting still apply). | |

Minimum Information needed with application:

- A draft sub-grantee agreement between the city/county grant recipient and the microenterprise service provider.
- A copy of the written agreement between all participating communities, signed by all parties involved.
- A clear and concise description of the items to be paid for in whole or in part with CDBG funds, and the amount of CDBG funds budgeted for each activity.
- The written procedures identifying how the low and moderate income national objective will be complied with, monitored and maintained throughout the project, which must include procedures for identifying how each potential microenterprise owner or person developing a microenterprise will be screened for:
 - a. Meeting the definition of a microenterprise contained on page 9-1;
 - b. Residing within the defined service area;
 - c. Are not residing within an Entitlement area; and

- d. Are not relocating or have not relocated their microenterprise.
- A draft of the family size and income forms that include the data collection necessary to meet the requirements of a-d listed above.

Chapter 10 Public Works

The Business Oregon will finance, or help finance, publicly owned, public works projects using Community Development Block Grants (CDBG) and other sources of funds. Publicly owned water and wastewater system improvement projects are necessary for the health and economic well being of every community. Federal laws, the Clean Water and Safe Drinking Water Acts in particular, require municipalities to make extensive improvements to existing systems to comply with the national standards. The funding sources and grant amounts for each project will depend on the type of facility and other circumstances of the project.

The CDBG program will only fund the planning, design and or construction of comprehensive system wide improvements addressing a 20 year time frame. All design and construction projects must be in accordance with a regulatory agency approved water master plan or wastewater facilities plan and be comprehensive system improvement projects meeting the needs of the community for the next 20 years.

Public Water and Sewer Systems – necessary for the health and economic well being of every community. Maximum grant amount \$2,500,000.

Business Oregon Water Meter and User Rate Policy

Business Oregon encourages water utilities to conserve water. It is our policy to require the installation of water meters within the project area as part of an infrastructure improvement project funded by our agency. Once the project is completed, the utility must routinely read the meters installed with the project and bill those customers, in part, according to their water consumption. Business Oregon encourages the water utility to adopt an ascending rate water fee structure.

Matching Funds Requirement

There is no minimum match requirement. Any matching funds necessary to complete the proposed CDBG project, must be in the form of cash or debt service. All project funds necessary to complete the proposed project must be available and committed at the time the application is received by the department. Refer to the “Readiness to Proceed” definition in Chapter 5 for more details.

Financial Review

All applications for public works projects, except water and wastewater preliminary engineering/planning; asset management plans; and water management and conservation planning grants will undergo a financial review. The grant, if awarded must be the minimum necessary, in combination with other resources, to ensure the completion of the project. Any project determined by the department to not be financially feasible will not be funded.

- **If an applicant (city or county) is the owner and operator** of the facility, the applicant’s financial records will be analyzed for ability to service debt.
- **If an applicant (city or county) is applying on behalf of a nonprofit or other public entity (water or wastewater district)** and the nonprofit or other public entity will be the owner and operator of the facility and the applicant has no responsibility for providing said service, then the nonprofit’s or other public entity’s financial records will be analyzed for the ability to service debt, if any is a part of the project.
- The financial review must determine that the operating entity of the proposed facility, whether it be a non-profit, other government entity or the city/county applicant has adequate and consistent annual revenue projections to cover the annual operation and maintenance expenses associated with the facility, throughout the five year continued use period.
- **If, during staff review of the application, direct and clear evidence is obtained by the department that the grant funds are not needed and that the project can or will be carried out by the applicant whether or not the grant is awarded, the application will not be processed.**
- All financial information in the application must be prepared for the proposed activity, unless another funding source (e.g., USDA Rural Utilities Service) has already reviewed similar

financial information and made a funding commitment based upon their review. In such cases, the financial feasibility analysis of the other funding source shall be submitted with the application in lieu of the requested documentation.

Water and wastewater final design - In addition to the financial review described above, ALL, water and sewer applications for final design and construction will undergo a financial review to ensure that the monthly user rate at construction completion of the proposed project meets the threshold rate criteria.

Threshold Rate Criteria - The projected annual utility rate for the respective system (water or wastewater), with the requested CDBG assistance, at construction completion of the proposed project must be at or exceed the current percentage (1.25%) of the current Median Household Income (MHI) as defined by the most recent American Community Survey 5 year estimate. The user rate must provide adequate operations, maintenance and debt service. If the proposed project annual utility rate meets this figure, the project will be eligible for funding.

The annual (water/sewer) rate is 12 times the monthly fee that the system would need to charge its residential service connections, on average per connection for usage up to 7,500 gallons of water consumption and similar wastewater disposal per month, as calculated by the applicant and verified by the department after taking into account the projected operations, maintenance, debt repayment and capital outlay for 10 years or less assets, and all other reasonable system expenses, including the funded project.

As applicable, this annual user rate will incorporate fee-equivalents derived from other local funding sources that are or will be used to pay specifically for the system/facility that is being upgraded/constructed with this project. This could include special levies on taxable property within the system's service area being used to pay for the system. The figure does not include system development charges.

The median household income is based on the most recent American Community Survey (ACS) 5 year estimate corresponding for the city or a more appropriate census statistical unit (e.g., census tract) that contains and is representative of the system's residential users, as approved by the department. The recipient should consult with the department if the ACS figure significantly overstates the relative level of current household income in the local area. In such cases, a special survey that either exists already or is newly commissioned, consistent with the department's usual procedures may be used to establish a comparable, up-to-date median household income figure, which is then not inflated by the department's customary practice.

***NOTE:** If the user rate actually needed, and projected by the project proponent, to adequately cover operation, maintenance and replacement (OM&R) at construction completion is higher than the department's threshold rate, the higher rate shall apply to the project and will be required within any grant contract issued for this project.*

Public Water and Sewer Systems

Business Oregon is committed to helping Oregon communities make the necessary improvements to their water and sewer systems by providing state and federal funds according to financial need.

Land Use Information

Construction of new water and sewer facilities in areas outside urban growth boundaries is subject to the State Planning Goal 11: Public Facilities and Services, as amended on July 16, 1998, and the Department of Land Conservation and Development requirements in the Oregon Administrative Rules Chapter 660, Division 11 (Public Facilities Planning), Chapter 660, Division 4 (Interpretation of Goal 2 Exception Process) and Chapter 660, Division 22 (Unincorporated Communities). Projects outside urban growth boundaries must access funding through a city or county and must include verification from the appropriate county that the proposed activities are allowed under current state law.

Maximum Grant

Grants can be made for each of the three phases (preliminary engineering/planning, final design and construction) of an applicant's single water system or sewer system project. The maximum grant available for a single water or sewer system project is \$2,500,000. The \$2,500,000 per project limitation covers all aspects of the single project for a period of five years.

\$20,000 Maximum Grant Amount Per Residential Connection

The maximum grant per project also is subject to an additional limit of not more than \$20,000 per permanent residential connection to be served by the water or sewer improvement project. This means that at construction completion there must be a minimum of 125 residential connections served by the water or sewer system project in order for the applicant to be considered for the maximum grant of \$2,500,000. Water or sewer systems currently serving, or at construction completion will be serving less than 125 residential connections may only be awarded a maximum of \$20,000 per available residential connection, subject to the other program requirements.

Maximum Award During a Five-Year Period

The \$2,500,000 per project limitation covers all components of a major capital improvement project for a period of five years. The five-year period is commensurate with a current regulatory agency approved/accepted water system planning document or wastewater facilities plan. A city or county may not separate a project into phases, such as collection system improvements in one phase and treatment system improvements in another, in order to apply for more than \$2,500,000 in grant funds within a five-year period. The department’s financing goal is to award the minimum amount of grant funds necessary to complete the project activity successfully.

For example: Greentree applied for a \$500,000 (amount used as an example, only) design grant for their Phase I water system design improvements on March 31, 2016. Greentree is not eligible for an additional \$2,500,000 grant because they have already received \$500,000 in prior grants for their water system design improvements (Phase I) over the last five years. They would not be eligible for another \$2,500,000 for their water system improvements until 2021. However, after March 31, 2016, they could apply for \$2,000,000 from the program for the construction of the water system improvements. This would assume they have a project meeting the eligibility requirements for construction phase of the project.

Example Schedule of Events

| 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|--|------|------------------------------|------|---|------|---|
| Phase I Design | | Phase II Construction | | | | |
| Design | | Construction | | Final Design or Construction | | |
| Awarded 3-31-2016 \$500,000 | | Awarded 8-8-2017 | | Application received 3-31-2020 \$2,500,000 | | Eligible for another \$2,000,000 (in 2022) |
| | | \$2,000,000 | | NOT ELIGIBLE But would be eligible for \$500,000 | | |

Maximum Grant Exception for Water and Wastewater Projects

It is the department’s sole discretion to exceed the maximum grant amount if the projected monthly user rate at construction completion will exceed 150 percent of the CDBG threshold rate. In making these determinations the department will consider: CDBG fund availability; the status of committed matching funds; whether increased grant funding will buy down the monthly user rate; and any other information the department considers relevant. This review will be conducted during the CDBG quarterly competitive application process. Under no circumstances shall any increased grant award from the department exceed \$3,000,000 per project. The request for consideration of maximum grant exception should be reflected within the cover letter of the application along with the justification for the exception request and other supporting documentation.

Understanding the maximum grant exception is at the sole discretion of the department, the project budget within the application must be based on the maximum allowable grant amount (or the requested amount if less than the maximum allowed) for each project type and should not be based on the amount of the requested exception.

National Objective

All projects must meet a national objective of the Community Development Block Grant Program regardless if CDBG funds will or will not be used in the future phases of the same project. The low- and moderate-income area benefit national objective is the only one that is available to applicants for public water and sewer system improvements.

In order to document that the area served by the system is providing area wide LMI national objective benefit everyone served by the system must be physically connected to the water or wastewater system and being served by the system that was assisted in whole or in part with CDBG funds to meet the national objective, by construction completion.

Capacity

Federal Community Development Block Grant rules limit program assistance to activities that are necessary to benefit current residents in a primarily residential area. This means that if the main reason for doing the project is to provide capacity for population and economic growth, other funding sources must be sought. Community Development Block Grant funds are intended to solve problems faced by current residents, such as poor drinking water quality or inadequate sewage treatment. Community Development Block Grant funds may be used for projects needed to benefit current residents (e.g., water treatment improvements to comply with Safe Drinking Water Act requirements) but which will be built with capacity for future development. In these cases, the Community Development Block Grant participation will be limited to that portion of the project cost that is necessary to serve the current population.

Applicants must complete and submit the following tables to the department for a project eligibility/capacity review determination. It is recommended that this eligibility/capacity review determination be made prior to the submission of a PNIF or prior to conducting a one stop during project development.

Population projections must be consistent with the local County Planning Department’s allocated population projections that have been approved by the Department of Land Conservation and Development for the service area within the defined boundary of the project.

| USE | Current | | Future (20-year projected capacity) | |
|-----------------------|---------|------|-------------------------------------|------|
| | EDU’s | Flow | EDU’s | Flow |
| Residential Permanent | | | | |
| Commercial & Business | | | | |
| Industrial | | | | |
| Other | | | | |
| Total | | | | |
| Percent Residential | % | % | % | % |

EDU – Equivalent Dwelling Unit (EDU)

These numbers can be found in the water system master plan or wastewater facilities plan.

Capacity Building - Total Current (EDU’s x 2):

Is it more than the Total Future EDU’s? Yes _____ No _____

Capacity Building - Total Current (Flow x 2)

Is it more than the Total Future Flow? Yes _____ No _____

Percent Residential - (Residential/Total) x 100%

Is the residential component more than 51%? Yes _____ No _____

| | Population at date of income qualification (2000 census or other approved survey) | Current Population Estimate | Future Population Estimate |
|---------------|---|-----------------------------|----------------------------|
| Total Persons | | | |

After completing the tables above the project will be eligible for funding if it meets the following four criteria:

- The project must serve an area that is comprised of more than 51 percent permanent residents (both currently and in the future) i.e. permanent residents must reside within their residence 6 months or more out of the year;
- The permanent residents must be comprised of more than 51 percent low- and moderate-income persons;
- The facility must serve primarily permanent residential needs as determined by flow (both currently and in the future); and
- The facility is not needed primarily for capacity building purposes (over 100 percent growth as determined by population or flow over the 20 year planning period).

Eligible projects include

- Projects necessary to bring municipal water and sewer systems into compliance with the requirements of the Safe Drinking Water Act or the Clean Water Act administered by the Oregon Health Authority – Drinking Water Program (OHA-DWP) and the Oregon Department of Environmental Quality (DEQ);
- Projects where the municipal system has not been issued a notice of non-compliance from the Oregon Health Authority-Drinking Water Program, Safe Drinking Water Program or the Department of Environmental Quality, but the department determines that a project is eligible for assistance upon finding that; a recent letter, within the previous twelve months, from the appropriate regulatory authority (OHA-DWP, DEQ) or their contracted agent, indicating a high probability that within two years the system will be notified of non-compliance, and department staff deems it reasonable and prudent that program funding will assist in bringing the water or sewer system into compliance with current regulations or requirements proposed to take effect within the next two years.
- Water system planning, design and construction projects necessary to eliminate water rationing. The applicant must demonstrate past (within last 2 years) and/or consistent water rationing events due to insufficient drinking water quality or supply.
- Planning, design and construction projects necessary for the provision of dependable and efficient water storage, treatment and/or transmission to meet domestic drinking water needs;
- Planning, design and construction projects necessary for the provision of dependable and efficient wastewater collection, treatment and disposal/re-use, and
- The preparation of water management and conservation plans as required by the Oregon Water Resources Department through permitting processes. These may be combined with projects for the preparation of Water System Master plans required by Oregon Health Authority – Drinking Water Program, Safe Drinking Water Program.

Ineligible Projects

- Projects primarily needed for capacity building purposes. (Explained in more detail on Page 10-4);
- Projects that are needed solely to drill/develop wells. However, projects where well drilling/development is only a component of a much larger project and not the primary purpose will be eligible for funding. For example, a project that consists of distribution, treatment and well drilling improvements all in one phase would be eligible for funding;
- Deferred maintenance and/or and operational expenses.
- Work on private property.
- Projects primarily needed for fire suppression.

Eligible Activities

- Wastewater treatment facilities including all facilities necessary for collecting, pumping, treating and disposing of sanitary sewage. Included is correction of infiltration and inflow (I&I) through replacement of lines or slip lining;
- Separation of storm drainage from sanitary sewers, if necessary to meet federal or state water quality statutes, rules, orders or permits;
- Domestic water systems including all facilities necessary for supply development, storage, filtration, treatment, transmission and metering;

- Equipment that is an integral and permanent part of a water or wastewater facility. Purchase or lease of other equipment, including vehicles is not eligible;
- The acquisition of real property, including permanent easements, necessary for the proposed water or wastewater project;
- Television inspection and internal grouting of wastewater collection lines if approved in advance by the department. Since this work also can be a method of maintaining the lines, case-by-case determinations must be made because operation and maintenance expenses are considered not eligible under federal regulations for the Community Development Block Grant program;
- Preliminary planning (wastewater facilities plans, asset management plans, water system master plans and water management and conservation plans) and preliminary and final engineering, surveying, architectural and other support activities necessary to the construction of a water or wastewater project;
- Administrative costs necessary to ensure that federal requirements for the grant project are met. Refer to Chapter 5 for more information; and
- Construction contingencies. Refer to Chapter 5 for more information.
- Refer to Chapter 5 for additional information on eligible and ineligible costs under the program.

Coordinated Solutions

To the greatest extent possible, public works funds will be awarded to projects that will result in coordinated solutions to water quality management problems.

Water Meter Requirement

Projects for water supply, storage and/or treatment facility improvements will be considered only if the service connections are metered, or the project will include installation of active meters. Projects including the installation of new water lines also must include installation of water meters at all active service connections to those lines. The water meter requirement provides the applicant or system-operating entity a useful tool for operating and maintaining the community water system. Meters are used for fair and accurate billing, water-use monitoring, conservation purposes and as a means of problem detection.

Water Quality Limited Streams

Additional review will be done for applications involving sewage treatment facilities that discharge into “water quality limited” streams for which the Oregon Department of Environmental Quality (DEQ) has not yet established TMDLs (Total Maximum Daily Loads). Consultation with DEQ will take place to determine if the project can or should be designed and constructed without established TMDLs. The applicant will be kept informed as this review takes place. The consultation will consider the following:

- DEQ’s anticipated schedule for completion of the TMDL study for the affected stream;
- Specific water quality standards being violated in the affected stream and how this information may affect the nature and extent of work needed for the treatment system;
- If the project is designed and constructed prior to establishment of TMDLs, whether it is likely the community will face another design and construction project soon after completion of the grant-funded improvements; and
- If funding the design and construction of the proposed project prior to establishment of TMDLs for the affected stream is a wise investment of public funds.

Limitations on Engineering Costs

Applicants may select their engineering consultant prior to award of grant funds if they carry out a competitive selection process in accordance with state statutes and obtain department approval of the scope of work and draft contract. However, Community Development Block Grant funds cannot be used to pay for engineering costs incurred prior to the grant award or prior to clearance of the environmental review requirements. Communities will have to use their own funds to cover all engineering costs associated with the project if these conditions are violated. Refer to Chapter 5 for more information.

Engineering Requirements

For Applications – All applicants must provide the following documents prepared, stamped and signed by a registered professional engineer licensed to do work within the State of Oregon.

- **Preliminary Engineering and Planning Grants** – A scope of work and a detailed cost estimate of the project to be funded. The scopes of work must be prepared in accordance with either the “Guidelines for the Preparation of Planning Documents for Developing Community Water System Projects” or the Guidelines for “Preparing Wastewater Planning Documents and Environmental Reports for Public Utilities”.
- **Final Design Only** – A water system master plan or wastewater facilities plan reviewed and approved by the appropriate regulatory agency and a detailed cost estimate, and diagram that identifies the improvements of the project to be funded.
- **Construction Only** – Plans, specifications and bid and contract documents reviewed and approved by the appropriate regulatory agency and a detailed cost estimate of the project to be funded. *Note: Construction only grant applicants must also submit a complete environmental review record prepared in accordance with Chapter 3 of the Grant Management Handbook. Publication of environmental notices should not take place before a funding decision is made on the application.*
- **Final Design and Construction** - A water system master plan or wastewater facilities plan reviewed and approved by the appropriate regulatory agency and a detailed cost estimate and diagram that identifies the improvements of the project to be funded.

For Funded Projects - Final design engineering documents and construction oversight in projects funded in full or in part with CDBG funds must be prepared, stamped and signed or conducted by a registered professional engineer licensed to do work within the State of Oregon.

Note: Using the preliminary engineering/planning grant category does not obligate the grant recipient to construct the project if it is determined to not be feasible. Using any one of three public works funding categories does not obligate the department to fund any other portion of the project.

Table N

| Oregon Community Development Block Grant Program Public Works Improvements Activities Eligibility, Project Activity Type, and Maximum Grant Awards | | | |
|--|--|---|---|
| | Final Engineering | | Construction |
| Grant Maximum | The only limitation to the size of these grants is the limit of \$2,500,000 (including all Community Development Block Grant awards for preliminary engineering & planning, final engineering, and construction) within a five-year period. * | | |
| Project Activities to be Funded | <ul style="list-style-type: none"> • Final engineering designs, bid specifications, and updated cost estimates • Project financial feasibility information • Environmental review of project (does not include publishing of notices for public comment) • Preparation of application for construction financing to department or other agencies for construction funding • Grant administration and audit • Rate Studies • Land Appraisals • Legal fees • LEP Translation Services | | <ul style="list-style-type: none"> • Construction • Construction engineering • Acquisition of property, including easements • Grant administration and audit • Legal fees • Cultural Monitoring • LEP Translation Services • Federal Labor Standards compliance |
| Project Period | All activities must be completed and the Project Completion Report submitted to the department, within this time from contract execution with the department: | | |
| | 24 months | 24 months | 24 months |
| | | 36 months if these two phases are combined in one grant | |
| *Community Development Block Grants awarded prior to 2012 do not count against the \$2,500,000 limit. | | | |

Note: Contracts with recipients combining final design and construction into one grant will have a contract condition prohibiting the department from releasing construction funds until the recipient provides evidence that all necessary construction funding, to complete the activity, has been secured and, if applicable, regulatory agency approvals have been received. These grants are not considered (design/build) grants.

Preliminary Engineering and Planning Grants

Note: The grant contract will require that the completed planning/engineering document must contain a complete rate study for the system. For CDBG projects, the rate study is defined as follows: “a thorough evaluation to assist the community in evaluating the existing water/sewer rates and provide recommendations that would help in the community’s decision making process to adequately fund water/sewer utility operations, capital costs and all other reserves needed for replacement and maintenance.

These grants will help communities pay for water system master plans, wastewater facilities plans, capital improvement plans, asset management plans and problem identification studies (e.g., sanitary surveys, value engineering, inflow and infiltration studies). Funding for the future project may come from other sources, but the future project must meet a national objective.

Funds may be requested for preliminary engineering and planning that will result in a comprehensive assessment of a community’s entire water or sewer system and that can reasonably be expected to result in a construction project within two years of the grant award for preliminary engineering and planning. The maximum grant for preliminary engineering and planning is \$150,000 given that the community has not exceeded the \$2,500,000 per project limitation of Community Development Block Grant assistance for a community’s overall project within a five-year period. Based upon the five year project limitation the community may not be eligible for the maximum grant of \$150,000.

The applicant must demonstrate that the specific future construction project will meet the Community Development Block Grant low- and moderate-income area-wide national objective. This rule applies even if the applicant does not intend to use CDBG funds for future phases of the same project.

Examples of preliminary engineering and planning work include, but may not be limited to:

- The facilities plan for a wastewater system required by the Oregon Department of Environmental Quality prior to its funding of a capital construction project;
- The preliminary engineering report and other information required by USDA-Rural Development prior to issuance of a Letter of Conditions by that agency for a water or sewer system project;
- The master plan or feasibility plan for municipal drinking water system required by the regulatory agency (Oregon Health Authority - Drinking Water Program [OHA] or Department of Environmental Quality [DEQ]);
- Water Management Plans or Conservation Plans required by the Oregon Water Resources Department;
- Planning projects necessary for the provision of dependable and efficient water and wastewater needs;
- Rate Studies;
- Environmental reports;
- Legal fees;
- Design and/or construction funding application preparation for the department or other funding agencies; and
- Asset Management Plans.

Preliminary engineering and planning grants for comprehensive system assessments must result in a plan with at least a 20-year time frame addressing the public facility (wastewater or water) needs of the jurisdiction and matching the costs of future improvements to anticipated revenues. Applicants must contact department staff about the contents that must be included in the specific scope of work in all circumstances. Applicants are required to develop scopes of work that follow the “Guidelines for the Preparation of Planning Documents for Developing Community Water System Projects” and the Guidelines for “Preparing Wastewater Planning Documents and Environmental Reports for Public Utilities” available from department staff. Plans resulting from these grants must be coordinated with the local planning and budget processes. They must include a timetable for completing future improvements with a determination of project priorities, project timing, cost estimates and consideration of methods of financing.

For each project, the scope of work and final product description will be determined on a case-by-case basis by the recipient or its representative, Business Oregon and the appropriate state or federal regulatory agency.

The grant contract will require recipients of preliminary engineering and planning grants to obtain a review of draft reports and documents by the appropriate regulatory agencies. The regulatory agency(s) comments must be obtained before the recipient accepts a final product. If the preliminary engineering and planning grant is for a wastewater facilities plan or a water system master plan, the draft must be accepted by the regulatory agency. The department will not make the final disbursement of grant funds for these projects until the above approvals/acceptance have been received from the appropriate regulatory agency.

Some of the preliminary engineering and planning grant may be used to pay for:

- The preparation of a funding application to the department or other state or federal agency for the next phase of the project. Refer to Chapter 5 for details; and
- Grant Administration/Audit. Refer to Chapter 5 for more information.

Final Engineering Grants

Grant funds are available to help the applicant obtain the products listed below which will be required elements of a construction application. The only limit to the size of these grants is the limit of no more than \$2,500,000 in Community Development Block Grant assistance for a community's overall project within a five-year period. A single grant may be awarded for both final engineering and construction. Eligible projects must be in accordance with a regulatory agency approved water system master plan, wastewater facilities plan or other regulatory approved planning document. A copy of the planning document and the subsequent regulatory agency approval must be submitted with the application.

The most common eligible activities include but are not limited to:

- Project description, including an explanation of the basis for the size and/or capacity of the proposed facility;
- Pre-design reports, final engineering design and bid specifications. Refer to Chapter 5 for more information on the limits of engineering costs;
- Detailed cost estimates, including all items necessary to complete the project;
- Identification of all permits and approvals necessary to construct the project with a schedule showing a realistic review and approval process for each;
- Financial feasibility information, including information regarding the applicant's or utility system's financial situation. For projects where a financial review was prepared by another funding source (e.g., USDA Rural Development) a copy must be provided to the department for review with the application;
- Maps showing the general location of the project, tax lots or parcels in the project area and the specific location of the project, including, if applicable, line sizes, road widths, etc.;
- Environmental review of the proposed project that complies with the National Environmental Policy Act (NEPA), other applicable federal authorities and the implementing regulations of the U.S. Department of Housing and Urban Development. The review would not include issuance of a Finding of No Significant Impact or publishing of a Request for Release of Funds, since these are not appropriate until construction financing is obtained. For applicable situations, publishing flood plain notices as part of the "8 step" process must be done as part of the final engineering grant project. Refer to Chapter 5 for details;
- Grant Administration/Audit. Refer to Chapter 5 for more information;
- Constuction funding application preparation to the department or other funding agencies. Refer to Chapter 5 for details;
- Rate studies;
- Legal fees;
- LEP Translation Services. Refer to Chapter 5 for details;
- Land appraisals; and
- Refer to Chapter 5 for additional information on eligible and ineligible costs under the program.

In addition to the above products, the applicant may use some of the final engineering grant to pay for preparation of a construction application or an application to another federal or state program for construction financing.

Final engineering projects may not include the use of grant funds to pay for the actual acquisition of property, whether sites or easements. Costs for activities leading up to acquisition, such as appraisals, are allowable. Grant recipients for final engineering only must have regulatory agency approval of final plans and specifications before the grant is administratively closed and before a Community Development Block Grant construction application is submitted.

***Note:** An applicant may apply for a final engineering grant without having been awarded a grant for preliminary engineering and planning. Applicants who already have completed the work involved in what these rules term a preliminary engineering and planning project may apply directly for a final engineering grant. The department may determine upon review of the application that an award for a preliminary engineering and planning grant is necessary to obtain information to justify a final engineering award.*

Construction Grants

Maximum Grant

\$2,500,000, minus any prior CDBG award for preliminary engineering and planning or final engineering grants that have been awarded to the applicant within the five-year period for the same project. This is also subject to the maximum overall limit calculated at \$20,000 of CDBG funds per residential connection within the water or sewer system. Grants will be awarded for the minimum amount considered necessary to provide the improvements needed to benefit current residents. A single grant may be awarded for both final engineering and construction. Eligible projects must be in accordance with regulatory agency approved final design documents and plans. A copy of the final design documents and plans and the regulatory agency approval must be submitted with the application.

Eligible Activities

Community Development Block Grants for construction may be used to pay for:

- Preparation of the environmental review. Refer to Chapter 5 for details;
- Bid process;
- Construction of improvements;
- Engineering oversight and construction management. Refer to Chapter 5 for more information;
- Construction contingencies. Refer to Chapter 5 for more information;
- Federal Labor Standards Compliance. Conducting on-site employee interview/verifying certified payroll report data. Refer to Chapter 5 for details;
- Appraisal and acquisition of real property including permanent easements, preparation of as-built drawings, operation and maintenance manuals;
- Grant administration/audit. Refer to Chapter 5 for more information;
- Cultural Monitoring;
- LEP Translation Services;
- Legal Fees; and
- Refer to Chapter 5 for additional information on eligible and ineligible costs under the program.

Applicants may apply for a construction grant without having been awarded a preliminary engineering and planning or a final engineering grant from the Community Development Block Grant program. Applicants who have completed the work involved, described by the rules as preliminary engineering and planning and final engineering projects, may apply for a construction grant. Following review of the application, the department may determine an award for preliminary engineering and planning or final engineering is necessary to obtain information to justify a construction award.

Outcome and Performance Measures

Each applicant must address how their project meets the objective(s), outcome(s), indicators and performance measures identified below:

Public Works Water and Wastewater Projects

| Objective | Outcome (Pick One) | Indicators | Performance Measures | State Measurement |
|-----------------------------|--|--|--|---|
| Suitable Living Environment | <ul style="list-style-type: none"> • Availability/ Accessibility • Sustainability/ Promoting Livable or Viable Communities | Number of households assisted with: <ul style="list-style-type: none"> • New access to service or benefit • Improved access to service or benefit • Where the project is used to meet a quality standard or measurably improve quality, report the number of households that no longer only have access to a substandard facility or infrastructure (as defined by the local community) | Amount of money leveraged from other federal, state, local and private resources | The amount of money leveraged from all other funding sources |
| | | | Number of persons, households or units assisted (pick the one most appropriate to your project – pick only one) | Number of persons having access to more affordable facilities and services including the percentage of low- and moderate-income persons who benefit from the improvements |
| | | | Number of low- and moderate-income persons served by the project. | Number of systems brought up to environmental/safety standards or upgraded |
| | | | Number of communities assisted Race, ethnicity, disability (current categories for beneficiary reporting still apply) | Number of persons benefiting from new or improved facilities including the percentage of low- and moderate-income persons who benefit from the improvements |

Chapter 11 Public Community Facilities

Oregon Community Development Block Grant (CDBG) funds can be used for the acquisition, rehabilitation and construction of facilities needed to provide shelter or deliver services to persons with special needs.

Maximum Grant Amount

The maximum grant amount for a single community facility project is \$1,500,000. The \$1,500,000 per project limitation covers both final design and construction necessary to complete community facility projects. A city or county may not separate a single project into phases, such as building one portion of the facility now, and then building the remaining portion later, in order to exceed the grant limit per project.

Combination Facilities

Under special circumstances the department may consider funding combination facilities. An applicant must demonstrate the following to be considered for such funding:

- The applicant has successfully administered prior CDBG projects (e.g. complied with federal and state program requirements, few monitoring findings and concerns and no unresolved findings or concerns).
- The combination facility must **only** house eligible community facility projects, listed on page 11-2, and eligible activities identified within this 2017 Method of Distribution.

A combination facility will not be considered two separate projects and the applicant will only be eligible for the maximum single community facility award of \$1,500,000. Applications will be rated and ranked, if necessary based upon the highest use of the facility. Use is defined as “clients served.” If the number of clients served by each type of facility included in the combination facility are equal, the highest use will be determined by the facility type that most closely meets HUD’s priority of ending chronic homelessness and hunger.

Grants for combination facilities will only be awarded at the department’s discretion.

National Objective

All public/community facility projects must meet one of the three National Objectives. All proposed projects are expected to meet the national objective of providing “principal benefit to low- and moderate-income persons”. When using the low- and moderate-income national objective, applicants must submit the supportive documentation identified in Chapter 3.

Maximum Grants of \$1,500,000 are available only for the facilities contained within the list below.

| Facility/Project Type | National Objective the Project must qualify under |
|--|---|
| Shelters for Victims of Domestic Violence | Low and Moderate Income – Limited Clientele |
| Homeless Shelters | Low and Moderate Income – Limited Clientele |
| Head Start Centers | Low and Moderate Income – Limited Clientele Low and Moderate Income – Nature and Location |
| Shelters or workshops for people with disabilities | Low and Moderate Income – Limited Clientele |
| Health clinic operated by a nonprofit organization | Low and Moderate Income – Area Wide Benefit |
| Mental Health Treatment centers | Low and Moderate Income – Limited Clientele |
| Drug and Alcohol Treatment facilities | Low and Moderate Income – Limited Clientele |
| Full Service Senior Centers (Includes kitchen and minimum meal service five days/week) The senior center must exclusively serve persons 60 years of age and older. | Low and Moderate Income – Limited Clientele Or Low and Moderate Income – Nature and Location |
| Community Centers - (Only cities are eligible to apply for community center projects. These facilities are open to the entire population of a defined area and contain kitchen facilities for serving meals. The facility must be owned by the applicant city and constructed on land owned by the applicant city. Refer to Chapter 5 for a definition of publicly owned.) | Low and Moderate Income – Area Wide Benefit |
| Family Resource Centers – These multi-service centers must operate as a community center in that they must be open to the entire population of a defined service area that is comprised of 51% or more LMI persons. | Low and Moderate Income – Area Wide Benefit |
| Food Banks – Food Banks collect, sort, store and distribute surplus food products and edible but unmarketable food that has been acquired from growers, grocers and other sources in food boxes to food pantries and low and moderate income persons for free. | Low and Moderate Income – Nature and Location |
| Fire Stations | Low and Moderate Income – Area Wide Benefit |
| Libraries | Low and Moderate Income – Area Wide Benefit |

Definitions

- Head Start Programs - Persons 0-5 years of age.
- Child – Persons 6-12 years of age.
- Youth – Persons from 6-18 years of age.
- Adult – Persons 18 years of age and older.
- Senior/Elderly – Persons 60 years of age and older.

Eligible Activities

CDBG funds may be used for the following activities. Refer to Chapter 5 for more details about the eligible costs under the program:

- Property acquisition (including appraisal costs), clearance and disposition by the city or county grant recipient;
- Construction, rehabilitation, reconstruction or installation of improvements;
- Purchase and installation of equipment that is a fixed and integral structure to the building;
- Architectural and Engineering services. Refer to Chapter 5 for limits;
- Environmental Review Record Preparation;
- Relocation assistance to meet federal requirements. [Due the specialty calculations and detailed requirements for relocation activities, any applicant with a proposed project that involves relocation will be required by Business Oregon to hire a specialist acceptable to Business Oregon to complete the required URA relocation process.;
- Federal labor standards compliance. Conducting on-site employee interviews/verifying certified payroll report data;
- Administrative services needed to ensure federal requirements for the grant project are met. Refer to Chapter 5 for more information;
- Legal/Audit;

- Cultural Monitoring;
- LEP Translation Services; and
- Construction contingencies. Refer to Chapter 5 for more information.

Note: Any preliminary engineering/planning documents, construction engineering documents (plans and specifications) and construction oversight in projects funded in full or in part with CDBG funds must be prepared and stamped or conducted by a registered professional architect or engineer licensed to do work within the State of Oregon.

Entitlement Area Review

State Community Development Block Grant resources cannot be used to benefit entitlement counties and cities. If the service area of the Community Facility contains an entitlement area, screening policies and procedures along with documentation of percent of the entitlement versus non-entitlement residents/beneficiaries that will be served is required. The 2017 CDBG Method of Distribution lists the entitlement areas in Chapter 2.

Matching Funds Requirement

There is no minimum match requirement. Any matching funds necessary to complete the proposed CDBG project must be in the form of cash or debt service. All project funds necessary to complete the proposed project must be available and committed at the time the application is received by the department. Refer to the “Readiness to Proceed” definition in Chapter 5 for more details.

Financial Review

All applications will undergo a financial review. All financial reviews will be conducted to determine the funding package to be offered. The grant, if awarded must be the minimum necessary, in combination with other resources, to ensure the completion of the project. Any project determined by the department to not be financially feasible will not be funded.

If an applicant (county or city) is the owner and operator of the facility, the applicant’s financial records will be analyzed for ability to service debt and ability to operate and maintain the facility.

If an applicant (county or city) is applying on behalf of a nonprofit or other entity and the nonprofit or other entity will be the owner and operator of the facility and the applicant has no responsibility for providing said service, then that nonprofit’s or other entity’s financial records will be analyzed for the ability to service debt and ability to operate and maintain the facility.

If an applicant (county or city) is responsible for providing said service (such as mental health), whether or not the applicant is contracting out the operation of the facility to a nonprofit or another entity, the applicant’s financial records will be analyzed for the ability to service debt and ability to operate and maintain the facility.

The financial review must determine that the operating entity of the proposed facility, whether it be a non-profit, other government entity or the city/county applicant has adequate and consistent annual revenue projections to cover the annual operation and maintenance expenses associated with the facility, throughout the five year continued use period.

If, during staff review of the application, direct and clear evidence is obtained by the Department that the grant funds are not needed and that the project can or will be carried out by the applicant whether or not the grant is awarded, the application will not be processed.

All financial information in the application must be prepared for the proposed activity, unless another funding source (e.g., USDA Rural Utilities Service) has already reviewed similar financial information and made a funding commitment based upon their review. In such cases, the financial feasibility analysis of the other funding source shall be submitted with the application in lieu of the requested documentation.

Table O

| Public/Community Facilities Activities Eligibility, Activity Type, and Maximum Grant Awards | |
|--|--|
| Final Design and/or Construction | |
| Grant Maximum | The only limitation to the size of these grants is the limit of \$1,500,000 (Includes all prior Community Development Block Grant awards for final design and construction for the same project.) |
| Project Activities to be Funded | Final Engineering/Architectural designs, bid specifications and updated cost estimates Financial Feasibility Information Environmental Review of project Construction and Construction contingencies Construction engineering/architectural services Acquisition of property/permanent easements Grant administration and audit Legal fees Cultural Monitoring LEP Translation Services Federal Labor Standards Compliance |
| Project Completion Period | All activities must be completed and the Project Completion Report submitted within 36 months from contract execution with the department. |
| <i>Note: Contracts with recipients who are combining final design and construction grants into one award will have a contract condition prohibiting the department from releasing construction funds until the recipient provides evidence that all necessary construction funding to complete the project has been secured and, if applicable, regulatory agency approvals have been received. These grants are not considered (design/build) grants.</i> | |

Architectural/Engineering Requirements

Preliminary engineering/planning documents, final design engineering documents and construction oversight in projects must be prepared and stamped or conducted by a registered professional engineer or architect licensed to do work within the State of Oregon.

Final Design and/or Construction Grants

(These grants are not considered design/build grants.)

Grant funds are available to help the applicant prepare the final design and to construct the proposed public/community facility project. Grants will be awarded for the minimum amount considered necessary to provide the improvements needed.

The most common activities for design and construction grants are:

- Project description, including an explanation of the basis for the size and or capacity of the proposed facility;
- Final Engineering/Architectural design and bid specifications. Refer to Chapter 5 for more information;
- Detailed cost estimates;
- Identification of permits and approvals necessary to construct the project, including a schedule with a realistic review and approval process for each;
- Financial Feasibility Information;
- Maps showing both the general and specific location of the project and tax lots or parcels in the project area;
- Environmental review of the proposed project, compliance with the National Environmental Policy Act (NEPA) and other applicable federal authorities. Implementation of the U.S. Department of Housing and Urban Development regulations;
- Grant Administration/Audit. Refer to Chapter 5 for more information;
- Construction;
- Bid Process;
- Engineering/Architectural construction management. Refer to Chapter 5 for more information;
- Construction Contingencies. Refer to Chapter 5 for more information;
- Acquisition of real property or permanent easements, appraisals;

- Preparation of as-built drawings;
- Legal fees; and
- Preparation of operation and maintenance manuals.

Outcome and Performance Measures:

Each applicant must address how their project meets the objective(s), outcome(s), indicators and performance measures identified below:

Public/Community Facility Projects

| Objective (Pick One) | Outcome (Pick One) | Indicators | Performance Measures | State Measurement |
|---|---|---|---|---|
| <ul style="list-style-type: none"> • Decent Housing • Suitable Living Environment | <ul style="list-style-type: none"> • Availability/Accessibility • Affordability | Number of households assisted with: <ul style="list-style-type: none"> • New access to service or benefit • Improved access to service or benefit • Where the project is used to meet a quality standard or measurably improve quality, report the number of households that no longer only have access to a substandard facility or infrastructure (as defined by the local community) Homeless Shelter activities: <ul style="list-style-type: none"> • Number of homeless persons given overnight shelter • Number of beds created in overnight shelter | Amount of money leveraged from other federal, state, local and private resources | The amount of money leveraged from all other funding sources |
| | | | Number of persons, households or units assisted (pick the one most appropriate to your project – pick only one) | Number of persons having access to more affordable facilities and services including the percentage of low- and moderate-income persons who benefit from the improvements |
| | | | Number of low- and moderate-income persons served by the project | Number of systems brought up to environmental/safety standards or upgraded |
| | | | Number of communities assisted | Number of persons benefiting from new or improved facilities including the percentage of low- and moderate-income persons who benefit from the improvements |
| | | | Race, ethnicity, disability (current categories for beneficiary reporting still apply) | |

Chapter 12 Housing Rehabilitation

Business Oregon will finance low and moderate income, owner occupied, single family housing rehabilitation projects through awards granted to city/county applicants. The applicant will sub-grant the funds to eligible non-profits who serve a locally determined regional service area. The department offers two types of housing rehabilitation assistance:

Type 1 – Regional Housing Rehabilitation Revolving Loan Fund – A regional revolving loan fund that provides loans to low and moderate income homeowners to repair their owner-occupied homes, using construction contractors licensed by the Oregon Construction Contractors Board (CCB) and the Oregon Corporate Division.

Type 2 – Regional Housing Rehabilitation Grant Fund – A fund that provides grants to low and moderate income homeowners to repair their owner-occupied homes, using construction contractors licensed by the Oregon Construction Contractors Board (CCB) and the Oregon Corporate Division.

Note: A sole proprietor does not have to be registered with the Oregon Corporate Division's Business Registry unless they are using an assumed business name.

General Description

City/County applicants must sub-grant the funds to a 501(c)(3) or (c)(4) nonprofit organization that is eligible under 105(a)(15) of the Housing and Community Development Act (HCDA) to carry-out housing rehabilitation activities.

Under Type 1- The original eligible non-profit that receives the CDBG sub-grant from the local government must own and administer all the loan repayments and interest earnings, associated with the CDBG funded housing rehabilitation revolving loan fund program. Income generated by the CDBG loans originated from the award (repayments and interest earnings) must be repaid to the same original eligible non-profit which met the requirements of 105(a)(15) of the HCDA. The generated income must be used for the continuance of the housing rehabilitation activities or other eligible neighborhood revitalization, community economic development, or energy conservation projects in accordance with 105(a)(15) of the HCDA.

Under Type 2 – There will be no income generated to be monitored by Business Oregon since the funding assistance to the low and moderate income homeowners will be in the form of a grant, not a loan.

Joint Projects

A combination of cities and counties can be involved in a regional or joint project. However, only one jurisdiction can be the applicant in the given CDBG program year. The jurisdiction that applies and receives an award incurs the responsibility for the CDBG funds. Joint applications submitted for review in which two or more units of local government are equally responsible will not be accepted. Either jurisdiction may take the lead and still allow the funds to be used in all jurisdictions as outlined in the Intergovernmental Agreement (IGA) or other Business Oregon approved form of local government agreement for the region.

Intergovernmental Agreement (IGA)

The service area of the proposed housing rehabilitation project must be clearly defined and acknowledged by all the participating jurisdictions through an IGA or other Business Oregon approved form of local government agreement. The IGA must be signed by all participating jurisdictions.

At a minimum the applicant must partner with at least two other city/county jurisdictions to form a regional housing rehabilitation program. At a minimum the agreement must clearly define:

- 1) The lead applicant;
- 2) The participating city/county jurisdictions;
- 3) The eligible 105(a)(15) non-profit organization that will be carrying-out the housing rehabilitation program on behalf of the lead applicant; and
- 4) A clear description of the area to be served with the requested grant. All activities funded with CDBG funds must be within the defined service area contained in the IGA.

NOTE: The IGA does not apply to any income (repayments and interest earnings) generated by the loans under the Type 1 grants.

Maximum Grant Amount

The maximum CDBG grant in this category is \$400,000. A regional housing rehabilitation program area may only apply for one Type 1 or Type 2 award once per year.

Project Timeline

All the initial loans/grants from the CDBG funded housing rehabilitation award must be made within 24 months after execution of the funding contract with Business Oregon. Any unobligated funds, in the CDBG award will be recaptured by the state after 24 months.

Matching Funds Requirement

There is no minimum match requirement. Any matching funds necessary to complete the proposed CDBG project, must be in the form of cash or debt service. All project funds necessary to complete the proposed project must be available and committed at the time the application is received by the department. Refer to the “Readiness to Proceed” definition in Chapter 5 for more details.

National Objective

All housing rehabilitation projects must meet the housing/direct benefit federal national objective as identified in 24 CFR 570.483(b)(3). One-hundred percent (100%) of the benefitted owner occupied household occupants must have incomes below the federal low- and moderate-income limit (80% of the median family income as adjusted by family size). Refer to Chapter 3 for more information.

Financial Review

During staff review of the application, if direct and clear evidence is obtained by the department that the CDBG funds are not needed and that the project can or will be carried out by the applicant or non-profit sub-grantee, whether or not the funding is awarded, the application will not be rated and ranked or recommended for an award.

Program Structure

Community Development Block Grant funds are regulated by 24 CFR Part 570.489(e)(2)(ii). The city/county grant recipient is required to:

- Enter into a sub-grant agreement with an eligible nonprofit organization meeting the requirements of the Housing and Community Development Act 105 (a) (15) to carry out the housing rehabilitation activities.
- The (sub-grantee) eligible non-profit organization must carry out the housing rehabilitation activities on behalf of the grant recipient. The city/county grant recipient retains ultimate responsibility for compliance with all state and federal program requirements and must ensure the (sub-grantee) eligible non-profit adheres to these requirements.
- The eligible non-profit is in control of all decisions regarding the Community Development Block Grant funds. The nonprofit may undertake all activities or may utilize a professional services agreement to accomplish grant administration and limited program management work.
- **Type 1** - The original (sub-grantee) eligible non-profit organization must be the owner and lender of all loans against the property title, responsible for all loan and program decisions and must comply with all federal and state rules and statutes. All loan repayments must be received and re-conveyed by the original (sub-grantee) eligible non-profit certified under 105(a)(15) of the HCDA. The (sub-grantee) eligible non-profit will use the funds to support housing needs in accordance with the requirements of 105(a)(15) of the HCDA for continuance of the housing rehabilitation activities or neighborhood revitalization, community economic development, or energy conservation projects.
- **Type 2** – The (sub-grantee) eligible non-profit must award all funds in the form of grants to qualified homeowners.

Eligible Homes

All of the single family, owner occupied housing units must have had a HUD, Section 8, housing quality standards evaluation that resulted in substandard conditions.

Under the Type 2 Regional Housing Rehabilitation Grant Fund, the (sub-grantee) eligible non-profit may award grant funds to low and moderate income homeowners who own their manufactured home and reside in mobile home parks (except as noted below for pre-1977 mobile homes).

HUD prohibits the use of CDBG funds to repair or rehabilitate any manufactured home made before June 15, 1976. Therefore, the state CDBG program prohibits the expenditure of any CDBG funds to rehabilitate a pre-1977 manufactured home. While replacement or substantial reconstruction of a pre-1977 mobile home is allowed by regulation, it will not be allowed as an eligible activity under the state’s CDBG program due to the cost prohibitive nature and complexity of the program. De-federalized funds from previous housing rehabilitation revolving loan fund awards could be used for this purpose.

Eligible Activities

The following table summarizes the eligible activities, the maximum amount allowed for each activity in the original grant from Business Oregon, and the requirements for future loan repayments.

| Eligible Activities | Maximum Allowed in Original Grant from Business Oregon | Maximum based on \$400,000 grant request | “De-Federalized” Loan Re-payments Requirements (Type 1 projects) |
|---|---|--|--|
| Grant Administration: Work related to overall grant management, coordination, monitoring and evaluation. Meeting the grant contract requirements and federal requirements. Refer to Chapter 5 for more details. | Maximum allowed 10% of the requested grant, but no more than \$25,000. | \$25,000 | No federal requirements. |
| Program Management*: Work related to carrying out housing rehabilitation activities, working directly with the LMI clients. Such as: screening applicants, processing loans/grants, and loan servicing. Program management is considered direct service to clients. Refer to Chapter 5 for more details. | Up to 20% of the award, plus an additional \$10,000 can be used for the combined costs of program management and grant administration. Of this amount no more than \$25,000 can be for grant administration, the remainder must be used for program management. | <p><i>\$65,000</i></p> <p><i>Calculated as follows:</i></p> <p><i>20% x \$400,000 = \$80,000</i></p> <p><i>\$80,000 + \$10,000 = \$90,000</i></p> <p><i>\$90,000 - \$25,000 = \$65,000</i></p> | <i>A maximum of 20% of the annual loan repayments and interest earnings.</i> |
| Environmental Review - Refer to Chapter 3 of the Grant Management Handbook for more details. | Up to \$15,000 per project | \$15,000 | No federal requirements. |
| LEP Translation Services - Refer to Chapter 5 for details. | Up to \$3,000 per project | \$3,000 | No federal requirements. |
| Legal | There is no maximum limit | There is no maximum limit | None |
| Audit | Refer to page 5-1 for details | Refer to page 5-1 for details | No federal requirements. |
| <p>Activities</p> <ul style="list-style-type: none"> • Eligible health and safety activities including lead, septic tanks and private sewer lines and drainfields, private water lines and wells and asbestos tests, inspections and assessments. • Improvements necessary to fulfill reasonable accommodation requests. • Construction, rehabilitation, reconstruction, or the installations of improvements to upgrade substandard electrical, plumbing, roofing, siding, insulation, weatherization, heating systems, hot water heaters and dry rot repairs. • Purchase and installation of equipment that is an integral structural fixture. (Items not normally removed from the home, light fixtures and built-in appliances.) | Maximum Grant \$400,000 less the items listed above. | \$295,000, less costs for legal, audit, and LEP | The loan repayments and interest earnings less the allowance for program management can be used for either continuing the HRRLF or they can be used for other community economic development, energy conservation and/or neighborhood revitalization projects, as allowed by 105(a)(15) of the HCDA. |

***Program management services are performed by the sub-grantee for the city or county grant recipient. Sub-grantees typically develop or prepare such items as: application procedures, process applications, verification of program eligibility, notices of loan approvals, filing of trust deeds, construction oversight, owners certification that improvements were accepted and other necessary documents.**

Ineligible Activities

- No indirect costs are allowed under the program;
- Costs associated with providing Regional Housing Center services;
- Any equipment that is not fixed and structurally integral to the residence such as: washing machines, clothes dryers, freezers and window mounted air conditioners;
- Fees, which are considered part of the program management costs already reimbursed with CDBG funds:
 - Application fee
 - Credit Report fee
 - Loan origination fee
 - Loan Servicing fee
 - Grant Processing fee
 - Homeowner training class fees
 - General home inspection fee's by the eligible sub-grantee
 - Miscellaneous fees that are undefined or are considered program management activities already being paid for with CDBG funds. Consult the department's RPM about the eligibility of these fees.
 - All fees need to be reviewed and approved by Business Oregon's RPM for an eligibility determination with the CDBG program requirements and for compliance with the amended program income requirements enacted on May 23, 2012.

Sub-Grant

The city or county grant recipient enters into a sub-grant agreement with an **eligible nonprofit organization** to implement and **carryout** the housing rehabilitation activities. All federal CDBG compliance requirements assigned to the (sub-grantee) eligible non-profit remain the obligation of the original city/county funding recipient until administrative closeout of the CDBG grant with the state. No formal procurement process is necessary by the city or county when the funding recipient sub-grants the funds to an eligible non-profit.

Eligible Nonprofit (sub-grantee)

The nonprofit must meet the following requirements of a sub-grantee by the department:

- Documentation from the Internal Revenue Service (IRS) that certifies the nonprofit organization is organized under 501(c)(3) or (c)4 of the IRS Code.
- Documentation that the organization must have as one of its primary purposes (as outlined in its bylaws, article of incorporation or charter) to provide affordable housing that is decent, safe and sanitary for low and moderate income Oregonians.
- Documentation that the organization serves the development needs of the communities in the non-entitlement areas of the state and is carrying out a neighborhood revitalization, community economic development, or energy conservation project in accordance with 105(a)(15) of the HCDA.
- Provide a copy of their reasonable accommodation policies.
- The sub-granted nonprofit must comply with all CDBG requirements.
- The eligible nonprofit must approve all loans and be named as the lender of the loans against property titles or be the grantor of all grants and owner of all the grant agreements/contracts.
- All loan repayments must be received and reconveyed by the original eligible non-profit.

Carry-Out (Program Implementation)

The original eligible non-profit must carry-out the housing rehabilitation project.

- The eligible nonprofit is responsible for carrying out (implementing) the housing rehabilitation activities and will be the owner of all program policies and procedures.
- The eligible non-profit will be responsible for these minimum activities:
 - All final loan/grant decisions, owner of all loan portfolios, owner of all grant agreements/contracts, compliance with all CDBG requirements, owner of future loans and repayments, and final accountability for all CDBG funds.
 - Lender of all the loans and grantor of all grants.
 - **Type 1 only** - All loan repayments must be received and owned by the original eligible non-profit. Loans made by the eligible non-profit cannot be sold or transferred.

- **Type 1 only** - The subsequent loan repayments are not subject to the program income requirements as long as the eligible non-profit uses the funds to continue the housing rehabilitation revolving loan fund program or uses them for other community economic development, energy conservation and/or neighborhood revitalization projects, as allowed by 105(a)(15) of the HCDA.
- The grants and initial loans must be used for activities that will meet the CDBG low and moderate housing direct national objective CFR 570.483(b)(3).

Non-Competition with Local Financing Institutions

Each sub-grantee's (eligible non-profit) Housing Rehabilitation Revolving Loan Fund (HRRLF) policies must have requirements that loan/grant funds provide gap financing, and will work with local financing institutions to complete the financing package, require letters of rejection from financing institutions, and/or otherwise demonstrate that the loan/grant amount requested is not available from any conventional banking source of funds.

Reasonable Accommodation Policies

As federally required, each sub-grantee (eligible non-profit) must have reasonable accommodation policies. A copy of their reasonable accommodation policies must be submitted with the application.

Lead-Based Paint

All applicants must demonstrate how the rehabilitation work will be conducted in accordance with the Lead Based Paint Poisoning Prevention Act and HUD implementing regulations at 24 CFR 570.487(c) and any subsequent amendments. Effective September 15, 2000 revisions to the Lead Based Paint regulations 24 CFR Part 35 were implemented. More information about these requirements can be found in the Grant Management Handbook.

Entitlement Area Review

State Community Development Block Grant resources cannot be used to benefit entitlement counties and cities. If the geographic area served by the non-profit's (sub-grantee's) Housing Rehabilitation Program contains an entitlement county or city (entitlements include: the counties of; Multnomah, Washington and Clackamas, and the cities of: Albany, Ashland, Beaverton, Bend, Corvallis, Eugene, Grants Pass, Gresham, Hillsboro, Medford, Portland, Redmond, Salem and Springfield) within their service area that applicant must provide documentation to satisfy the following with the application:

1. Documentation of the screening procedures, forms and policies used to determine if the beneficiaries of the Housing Rehabilitation activities are entitlement or non-entitlement residents.
2. Documentation that ensures that CDBG funds are only benefitting non-entitlement residents.

TYPE 1 - Additional Requirements

Eligible Non-Profit Asset Reversion

If for some reason the original eligible non-profit dissolves or is re-organized under state law and an asset reversion occurs contact Business Oregon for assistance. An asset reversion could change the federal identity of these funds.

De-Federalization of Loan Repayments

The housing rehabilitation revolving loan fund category is designed under 105(a)(15) of the HCDA so the loan repayments lose their federal identity (de-federalized) as long as the income generated by the loan repayments and interest earnings continue to be used by the original eligible non-profit to continue housing rehabilitation activities, provide neighborhood revitalization, community economic development, or energy conservation projects.

This section is meant as a guide to assist applicants and eligible non-profits in pursuing this outcome. By not following this guide an entity risks failing to de-federalize their repaid funds resulting in the retroactive application of HUD rules on all expenditure of these repaid funds.

- A city/county grant recipient must sub-grant the CDBG funds to a 105(a)(15) HCDA eligible nonprofit entity.

- The eligible non-profit (sub-grantee) entity will carry-out the program with its own staff or, will contract for professional staff (enter into a **professional services agreement**), or a combination of the two.
- A **professional services agreement** between the eligible non-profit (sub-grantee) and the professional services provider for grant administration and limited program management is acceptable to Business Oregon, and must be entered into for any contracted staff. This contract must:
 - ✓ Pay for eligible CDBG expenses on a reimbursement basis. This basis may be by the hour, by the number of successfully completed rehabilitation projects, or lump sum,
 - ✓ Clearly define the roles and responsibilities of the professional services covered by the agreement,
 - ✓ Direct the contracted staff to follow the policies and procedures set by the eligible non-profit (sub-grantee),
 - ✓ Clearly define the eligible non-profit (sub-grantee) as the final authority for all decisions pertaining to the housing rehabilitation activities.
- The eligible non-profit (sub-grantee) must retain control of the funds, manage the bank accounts and disbursements through its Secretary/Treasurer, even if it has no employed staff. The non-profit Board must retain approval authority for all expenditures.
- The composition of the eligible non-profit (sub-grantee) Board must be established as outlined in the By-laws and Articles of Incorporation of the eligible non-profit entity, cannot be comprised substantially of individuals of any one government agency to where it contains a quorum of any one government entity and must be independent and void of any conflict of interest with any government agency.
- The eligible non-profit (sub-grantee) cannot relinquish its responsibility for the oversight and management of the CDBG funds.
- Contracts/agreements must be approved by Business Oregon to determine that the eligible non-profit (sub-grantee) entity is maintaining control and will carry out the activities as the active and responsible party of the CDBG funds.

Loan Portfolio Requirements

The state is requiring that loan portfolios will not be sold or transferred and that all loans must be repaid to the original eligible non-profit under 105(a)(15) of the Housing and Community Development Act.

Defaults

Business Oregon encourages the eligible non-profit (sub-grantee) to set-aside 10 percent of the loan receivables to cover legal remedies in pursuit of default collection.

Outcome and Performance Measures for BOTH Type 1 and Type 2 projects:

Decent affordable housing as a housing program that meets individual family needs is our objective. Sustainability as a project that promotes livability by improving neighborhoods is our desired outcome. The amount of money leveraged from other sources is also a factor. Each applicant must address how their project meets the objective(s), outcome(s), indicators and performance measures identified below:

| Objective | Outcome (Pick One) | Indicators | Performance Measures |
|---------------------------|--|--|---|
| Decent Affordable Housing | Sustainability/ Promoting Livable or Viable Communities | Number of owner occupied units rehabilitated or improved: <ul style="list-style-type: none"> • Number using lead safe working practices (Pre-1978 units, where \$5,000 or more of rehab work is to be completed and any lead safe practices were used.) • Number subsidized by federal, state, or local program • Number occupied by elderly (head of household or spouse age 60 or older) • Number of units made handicapped accessible | Amount of money leveraged from other federal, state, local and private resources) |
| | | | Number of persons, households or units assisted (pick the one most appropriate to your project – pick only one) |
| | | | Number of low and moderate-income persons served by the project. |
| | | | Number of communities assisted, |
| | | | Race, ethnicity, disability (current categories for beneficiary reporting still apply) |
| | | | Number of units rehabilitated |

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Chapter 13 Community Capacity/Technical Assistance

Community Development Block Grant (CDBG) 1 percent funds will be used to make grants for the development of local capacity and to provide technical assistance to units of general local government and nonprofits (IRS documentation of 501c(3) or c (4) status) and to fund state administration of the program.

Maximum Grant

The maximum grant cannot exceed the state's annual allocation for this category.

Project Eligibility

All funds will be used for projects that comply with HUD Community Planning and Development Notice CPD 99-09. The state has used and will continue to use un-obligated prior year One-Percent (1%) funds for local capacity development and technical assistance projects in accordance with the requirements of CPD 99-09.

Beginning in Fiscal Year (FY) 2004, states may spend up to \$100,000 + 3 percent of their annual HUD allocation on state administrative costs and spend \$0 on Technical Assistance, or they could spend up to 3 percent of the annual allocation on technical assistance and \$0 on state administration costs beyond the \$100,000 automatic allowance. The department will reserve the right to use all flexibility provided by the program and to focus the funding on priority training for the state's program.

Eligible Activities

Eligible activities for these funds include:

- Giving workshops on applying for and implementing CDBG programs;
 - Writing technical assistance handbooks or developing assistance in other media;
 - Compiling infrastructure needs of the non-entitlement jurisdictions;
 - The purchase of appropriate materials and equipment including computers and software for units of general local government to aid in developing and sustaining increased capacity;
 - Funding attendance by units of general local government and nonprofit personnel at workshops and academic courses that will enable the attendees to improve their capacity to implement a CDBG project;
- In general the department will strive to equitably fund each workshop using the following:
- \$3,000 for each full day
 - The workshop sponsor can demonstrate the topics/content will improve local capacity to implement a CDBG project.
- State staff time provided for technical assistance sessions to assist potential applicants for state CDBG funds learning the application process;
 - Training of state staff to provide technical assistance on specific aspects of the CDBG program;
 - Assistance to further fair housing;
 - Plan and implement community revitalization strategies;
 - Development and implementation of a community development certified practitioner certification program; and
 - State administration.

Ineligible Activities

Ineligible activities include:

- Local administration expenses not related to community development; and
- Any activity that cannot be documented as meeting a technical assistance need.
- CDBG 1 percent funds cannot be used to fund any activity that is otherwise already eligible for funding under this MOD.

Matching Funds Requirement

There is no minimum match requirement. Any matching funds necessary to complete the proposed CDBG project, must be in the form of cash or debt service. All project funds necessary to complete the proposed project must be available and committed at the time the application is received by the department. Refer to the "Readiness to Proceed" definition in Chapter 5 for more details.

Financial Review

No financial review is conducted for these projects.

Applications Accepted

Applications are accepted year round - contact a regional development officer for assistance and more information.

Step 1 - (Initial Contact/Project Concept)

The project proponent must contact the department prior to submitting an application. One of Business Oregon's CDBG Program and Policy Coordinators (PPC) will be assigned to work with the project proponent to develop and review the proposed concept. The potential applicant must submit a written proposal explaining the need and the technical assistance to be provided. This proposal must identify how the funds will be used, a scope of work, the deliverables, a detailed budget, time lines for completion etc. The Project Notification and Intake Form can be used for this purpose, but is not required.

Step 2 – (Review)

The CDBG Program and Policy Coordinators will review the information from the proponent to ensure it meets the following eligibility requirements:

- The project is eligible under CPD 99-09 and this MOD;
- The costs are eligible under the CDBG program;
- The applicant is unable to finance the activity on its own;
- Other sources of funds are not available to carryout the activity; and
- The project is ready to proceed.

Step 3 – (Processing)

Concepts will be reviewed the PPC for completeness and preparation of the initial staff recommendation. The initial staff recommendation will be reviewed by the Program Services Manager and the CDBG Program and Policy Coordinator for development of a funding recommendation.

Step 4 – (Decision)

The funding recommendation will be forwarded to the Assistant Director for review and approval.

The department reserves the right to not fund any proposal, which it deems not eligible, properly developed or not ready to proceed. All funding decisions made by the department's Assistant Director and/or if applicable, department Director are final.

Step 5 – (Notification)

The department shall notify project proponents, in writing, of their funding status approximately 60 days after receipt of a compete concept for funding.

Chapter 14 Emergency Projects

The state may use CDBG funds at any time during the program year to provide grants to eligible applicants for projects arising from bona fide emergencies. To be considered a bona fide emergency the situation must be:

- Officially declared by the Governor as a “State of Emergency” needing immediate action; and/or
- A Presidential declared federal disaster declaration has been issued for the event.

CDBG Emergency project funds may only be used to repair or mitigate damages that were a direct result of the qualifying disaster.

Note: An applicant for a CDBG award is considered a recipient under the Environmental Review and URA requirements starting with the date of submission of a CDBG application. An “Applicant” is one who submits an application, request, plan or statement required to be approved by an official as a condition of eligibility for federal financial assistance.

The federal program regulations, under Part 58-Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities, Subpart C, 58.22(a), specifies that neither a recipient nor any participant in a HUD CDBG funded project may commit HUD assistance on an activity or project until HUD or the state has approved the recipient’s Request for Release of Funds (RROF) and related certification from the responsible entity (recipient). In addition, until the RROF and related certification have been approved, neither a recipient nor any participant may commit non-HUD CDBG funds on or undertake an activity or project if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives. Under 58.22(b), if a project or activity is exempt or categorically excluded, no RROF is required and the recipient may undertake the activity immediately after the responsible entity has documented its determination activity but must comply with applicable requirements. Before committing any HUD and non-HUD funds to a project or activity, the recipient should consult with the department’s Regional Development Officer.

HUD Handbook 1378 provides HUD policy guidance on acquisition and relocation under the federal Uniform Relocation Assistance and Real Property Acquisition Act (URA) and other HUD requirements. Chapter 1-4-I-2, identifies the date of submission of an application as an event that establishes a rebuttable presumption that a project begins and triggers the Initiation of Negotiations requirement of URA and the need for issuance of the Notice of Eligibility for Relocation Assistance or Notice of Nondisplacement. Before initiating any real property acquisition activity, an applicant should consult with the department’s Regional Development Officer.

Available Funds

Funds available for emergency grants will be limited to 5 percent of the state’s annual allocation from the U.S. Department of Housing and Urban Development. Actual funds available at any given point in time may be less than the 5 percent of the annual allocation.

Priority

In the event that an emergency grant is needed while one or more projects are on the backup funding list, the emergency project will have priority.

Maximum Grant

The maximum grant per project will be \$500,000.

The maximum grant for projects receiving federal disaster funds also is limited to the amount required by the local government to match the federal disaster grant funding, but in no case shall it exceed \$500,000.

Matching Funds Requirement

There is no minimum match requirement. All matching funds necessary to complete the proposed CDBG project, must be in the form of cash or debt service. All project funds necessary to complete the proposed project must be

available and committed at the time the application is received by the department. Refer to the “Readiness to Proceed” definition in Chapter 5 for more details.

Financial Review

All applications will undergo a financial review to assure that the grant is the minimum necessary, in combination with other resources, to ensure the completion of the project. In addition to determining that the applicant is unable to finance the activity on its own and other sources of funds are not available to carry out the activity.

National Objective

Prior to awarding an emergency project grant, the state must determine that the proposed use of grant funds will meet the urgent need national objective as defined by 24 CFR Part 570.483(d). Refer to Chapter 3 for more information. The Housing and Community Development Act of 1974, as amended and promulgated, further assists in determining eligible activities.

Urgent Need

This national objective requires a project to be designated to alleviate existing conditions the local government certifies and the state determines:

- Pose a serious and immediate threat to the health or welfare of the community (Governor declared “State of Emergency” or Presidential declared disaster, through FEMA declaration);
- Recently became urgent (application must be received within 12 months from the date of the Presidential or Governor disaster declaration);
- The applicant is unable to finance the activity on its own; and
- Other sources of funds are not available to carryout the activity.

Urgent Need Documentation

The applicant must submit written certification of the following to the state:

- **A description of the nature and degree of seriousness/urgency of the conditions requiring assistance.**
- Eligibility certification from the applicant’s governing body that the CDBG activity is designated to address an urgent need.
- The timeline of the development of the urgent need condition.
- Evidence confirming that other financial resources to alleviate/remedy the situation are not available.
- A description of how the proposed project addresses a need identified in the applicable jurisdiction’s hazard mitigation plan and/or hazard element of the local land use plan.

Eligible Projects

The proposed project must be for an activity that is eligible under Section 105(a) of the Housing and Community Development Act. The portions of the Act, applicable to the state’s program and “urgent” need projects, are listed below.

- **105(a)(1)** the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

- **105(a)(2)** the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;
- **105(a)(3)** code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public or private improvements or services to be provided, may be expected to arrest the decline of the area;
- **105(a)(4)** clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation, of privately owned properties, and including the renovation of closed school buildings);
- **105(a)(5)** special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;
- **105(a)(6)** payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;
- **105(a)(7)** disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;
- **105(a)(8)** provision of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the state in which it is located) during any part of the twelve month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government;
- **105(a)(9)** payment of the non-federal share required in connection with a federal grant-in-aid program undertaken as part of activities assisted under this title;
- **105(a)(11)** relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;
- **105(a)(12)** activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;
- **105(a)(14)** provision of assistance including loans (both interim and long term) and grants for activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;
- **105(a)(15)** assistance to neighborhood-based nonprofit organizations, local development corporations, nonprofit organizations serving the development needs of the communities in non-entitlement areas, or

entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 101(c) of this title, and assistance to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;

- **105(a)(17)** provision of assistance to private, for-profit entities, when the assistance is appropriate to carry out an economic development project (that shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods) that (A) creates or retains jobs for low- and moderate-income persons; (B) prevents or eliminates slums and blight; (C) meets urgent needs; (D) creates or retains businesses owned by community residents; (E) assists businesses that provide goods or services needed by, and affordable to, low- and moderate-income residents; or (F) provides technical assistance to promote any of the activities under subparagraphs (A) through (E);
- **105(a)(19)** provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities, which assistance shall not be considered a planning cost as defined in paragraph (12) or administrative cost as defined in paragraph (13);
- **105(a)(20)** housing services, such as housing counseling, in connection with tenant-based rental assistance and affordable housing projects assisted under title II of the Cranston-Gonzalez National Affordable Housing Act, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in housing activities assisted under title II of the Cranston-Gonzalez National Affordable Housing Act;
- **105(a)(22)** provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by (A) providing credit (including providing direct loans and loan guarantees, establishing revolving loan funds, and facilitating peer lending programs) for the establishment, stabilization, and expansion of microenterprises; (B) providing technical assistance, advice, and business support services (including assistance, advice, and support relating to developing business plans, securing funding, conducting marketing, and otherwise engaging in microenterprise activities) to owners of microenterprises and persons developing microenterprises; and (C) providing general support (such as peer support programs and counseling) to owners of microenterprises and persons developing microenterprises;
- **105(a)(23)** activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low- and moderate-income neighborhoods;
- **105(a)(24)** provision of direct assistance to facilitate and expand homeownership among persons of low and moderate income (except that such assistance shall not be considered a public service for purposes of paragraph (8)) by using such assistance to (A) subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; (B) finance the acquisition by low- and moderate-income home buyers of housing that is occupied by the homebuyers; (C) acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that amounts received under this title may not be used under this subparagraph to directly guarantee such mortgage financing and grantees under this title may not directly provide such guarantees); (D) provide up to 50 percent of any down payment required from low- or moderate-

income homebuyer; or (E) pay reasonable closing costs (normally associated with the purchase of a home) incurred by low- or moderate-income home buyers; and

- **105(a)(25)** lead-based paint hazard evaluation and reduction, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

Ineligible Projects/Costs

- Buildings for the general conduct of government
- Typical government expenses
- Political activities
- Purchase of equipment that is not fixed and integral
- General operating and maintenance expenses
- New housing construction
- Income payments - a series of subsistence type grant payments for food, clothing, housing, (rent and mortgage) or utilities. *Note: Under the entitlement regulations 24 CFR Part 570.207(b)(4) allows emergency grant payments made over a period of three consecutive months directly to a provider of such items or services on behalf of an individual family. One time grants for such purposes may be authorized under the category of public services.*
- Pre-award costs. Refer to Chapter 5 for more information.

Eligible Costs (Refer to Chapter 5 for more details about eligible costs)

- Grant Administration, as detailed in Chapter 5.
- Program Management, as detailed in Chapter 5. (Restricted in use to revolving loan fund projects).
- Preparation of the environmental review for the proposed project in compliance with the National Environmental Policy Act (NEPA) and other applicable federal authorities implemented by HUD. Refer to Chapters 4 and 5 for more information.
- Architectural/engineering design, oversight and construction management, including as-built drawings and operation and maintenance manuals, as detailed in Chapter 5.
- Construction and construction contingencies, as detailed in Chapter 5.
- Work write-up and bidding expenses for eligible projects.
- Public services.
- Housing Rehabilitation.
- Appraisals and acquisition of real property, including permanent easements, clearance and disposition. Refer to Chapter 4 for more information.
- Relocation Assistance to meet federal requirements. Refer to Chapter 4 for more information. Due the specialty calculations and detailed requirements for relocation activities, any applicant with a proposed project that involves relocation will be required by Business Oregon to hire a specialist acceptable to Business Oregon to complete the required URA relocation process.
- Construction, rehabilitation, reconstruction or installation of improvements.
- Purchase and installation of equipment that is fixed and integral.
- Clearance – Demolition of buildings and improvements, removal of demolition products (rubble) and other debris.
- Legal services.
- Costs associated with labor standards monitoring. Refer to Chapters 4 and 5 for more information.
- Pre-agreement costs, requested in accordance with the requirements contained in Chapter 5.

Applications Accepted

Emergency project applications are accepted year round - contact a regional development officer for assistance and more information. Complete applications for emergency projects must be received by the department within 12 months of either the Governor’s declaration or a Presidential disaster declaration of emergency for the event creating the emergency.

Step 1 - (Initial Contact/Project Concept)

The project proponent must contact the department prior to submitting an application. One of the department's regional development officer (RDO) will be assigned to work with the project proponent to develop and review the proposed concept.

The RDO will work with the proponent and the Department's Program and Policy Coordinators to provide project development and to determine if the proposed project will meet the CDBG funding criteria and is ready to proceed with a well defined statement and scope of work, including the following:

- The project is eligible under 105(a) of the HCDA;
- The project will meet the urgent need national objective;
- The costs are eligible under the CDBG program;
- The applicant is unable to finance the activity on its own;
- Other sources of funds are not available to carry-out the activity; and
- The project meets the readiness to proceed criteria contained in Chapter 5.

A "One Stop" meeting will be scheduled if warranted or requested by the proponent. A Project Notification and Intake Form will be developed and the RDO will then route the form for internal agency comment.

Step 2 – (Invite Application)

The RDO will inform the proponent and the unit of general local government (city or county) about the department's review of the Project Notification and Intake Form. If the proposed project is determined to qualify for CDBG funding by the Program Services Manager, the applicant will be invited in writing to submit a complete application for CDBG funding.

Step 3 – (Application)

One signed original and two copies (3 total) of the complete application must be received by Business Oregon no later than 12 months after the disaster declaration by the President or Governor. The applicant's highest elected official must sign the application. Applications transmitted electronically or by fax will not be accepted.

Step 4 – (Review)

The RDO will review applications for completeness and prepare the initial staff report. The CDBG Program and Policy Coordinator will evaluate the initial staff report for final recommendation.

Step 5 – (Decision)

The final recommendation prepared by the CDBG Program and Policy Coordinator will be forwarded to Business Oregon Program Services Manager and the Assistant Director for review and approval.

Ineligible, improperly developed, untimely or not ready to proceed applications will not be funded. All funding decisions made by the department Director are final.

Step 6 – (Notification)

The department shall notify applicants, in writing, of their funding status approximately 60 days after receipt of a complete application.

Chapter 15 Certified Sub-grantee Program

To become a certified sub-grantee, a potential grantee must submit the required documentation identified within each funding category under “eligible nonprofit (sub recipient)” and evidence that the sub-grantee has a qualified grant administrator employed to manage the Community Development Block Grant sub-grants. In addition each request from a sub-grantee also must contain a copy their existing reasonable accommodation policies.

Within 30 days of receipt of the information identified above the agency will mail a certification letter to each sub-grantee, which will either certify the sub-grantee’s eligibility or identify the items still needed for certification.

A certified sub-grantee will not have to resubmit the information identified in each funding category under “eligible nonprofit (sub-grantee)” with the application. They need only submit a copy of the state’s certification with the application.

Sub-grantee certification expire 5 years after issuance or on the date the state becomes aware that the certified sub-grantee no longer has a qualified grant administrator employed or the nonprofit’s by laws, charter or other documents have been amended. If this occurs, the state will issue a letter to the sub-grantee revoking their certification. A sub-grantee can become re-certified once the deficiency(s) that caused the de-certification have been rectified and the appropriate documents submitted to the state for review and approval.

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Chapter 16 Outcome and Performance Measure Reporting

Summary of CDBG Projects Funded

During Consolidated Plan Year 2016 – 2020

Code Index:

| | | | |
|-----------------------------|-----------------------------------|----------------------|-----------------------|
| Outcomes → | Availability/Accessibility | Affordability | Sustainability |
| Objectives ↓ | | | |
| Decent Housing | DH1 | DH2 | DH3 |
| Suitable Living Environment | SL1 | SL2 | SL3 |
| Economic Opportunity | EO1 | EO2 | EO3 |

Summary of CDBG Projects Funded Program Year 2016 data through December 31, 2016 (Fourth Quarter) and accrued data from January 1, 2016 to December 31, 2020

| Program Year 2016 Data | | | | OUTCOMES [See note #1 below] | | | | |
|------------------------|--|---|---------------------------------------|---|---------------------------|---|-------------------------------------|---|
| Outcome/ Objective | Funding Category | Performance Indicators [See note #2 below] | Actual Number Funded in 2016 | Total Number Funded by 12-31-16 | Short Term Annual Goal | Actual Number Funded in 2016 and % of Annual Goal Achieved | Long Term Goal by 12- 31-2020 | Actual Number Funded by 12-31-20 and % of Five Year Goal Achieved |
| EO3 | Microenterprise Assistance | Total Microenterprises Assisted | 1 | 1 | Fund 3 projects per year | 1 (33%) | Fund 15 projects | 1 (.06%) |
| | | Total LMI Microenterprises Assisted | | | | | | |
| | | Funds Leveraged | | | | | | |
| SL3 | Public Works – Water/Wastewater | Number Systems Assisted | 4 | 4 | Fund 2 systems per year | 4 (200%) | Assist 10 systems | 4 (40%) |
| | | Total Persons Assisted | | | | | | |
| | | Total LMI Persons Assisted | | | | | | |
| | | Funds Leveraged | | | | | | |
| SL1/SL3/D H1 | Public/Community Facilities (fire stations, libraries, senior centers, food banks, family resource centers, community centers) (SL1) | Total Facilities Assisted | 3 | 3 | Fund 1.5 project per year | 3 (200%) | Assist 7.5 facilities | 3 (40%) |
| | | Total Persons Assisted | | | | | | |
| | | Total LMI Persons Assisted | | | | | | |
| | | Funds Leveraged | | | | | | |
| | Public/Community Facilities (drug and | | | | | | | |

| | | | | | | | | |
|-----|--|--|-----|-----|--------------------------|----------|---------------------------|---------|
| | alcohol treatment, head starts, mental health, health clinics, shelters/workshops for persons with disabilities (SL3) Public/Community Facilities (domestic violence shelters, emergency/homeless shelters) (DH1) | | | | | | | |
| DH3 | Housing Rehabilitation | Total Number of Units rehabbed | 4 | 4 | Fund 6 projects per year | 4 (66%) | Fund 30 projects | 4 (13%) |
| | | Funds Leveraged | | | | | | |
| SL3 | Emergency Projects | The Department does not anticipate future disasters but will ensure that if a bona fide disaster occurs in the future the projects will meet the CDBG program requirements and will be reported accordingly. | | | | | | |
| N/A | Community Capacity/Technical Assistance | Number of Training Events Held | 3 | 3 | Fund 3 per year | 3 (100%) | 15 training events funded | 3 (20%) |
| | | Number of Attendee's | 301 | 301 | | | | |

Note #1 - Outcomes - Actual Number Funded – The actual number funded is based upon the awards made during the program year. The final actual outcomes/accomplishments from each grant awarded by the state will be collected when the grant activities are complete and the grant contract between the city/county and the state is administratively closed and will be reported in IDIS as part of the CAPER.

Each grant recipient is allowed a specified period of time to complete the CDBG funded activities and this time period varies by type of grant. This time period is referred to as the Project Completion Date (PCD). The state allows PCD extensions if the local circumstances warrant the extensions. Each PCD extension is reviewed on a case by case basis. A summary of the standard PCD time periods are:

- 1 year PCD – Applies to microenterprise assistance grants and housing center grants.
- 2 year PCD – Planning grants, final design only grants, construction only grants, off-site infrastructure grants and housing rehabilitation grants.
- 3 year PCD – Final design and construction activities combined into one grant.

Note #2 - The state may select activities/priorities for the 2016-2020 CDBG program from the table above. The proposed outcome and performance measure requirements, performance indicators and the short and long term goals for each activity will only be triggered, if the activity is actually offered by the program.

Oregon Housing and Community Services

Emergency Solutions Grant Operations Manual

Prepared by: Oregon Housing and Community Services Department
Housing Stabilization Division

September 9, 2016

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(End)

I. Program Summary

A. Purpose

The Emergency Solutions Grant (ESG) provides federal funds to assist individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. ESG funds are available for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and data collection through the Homeless Management Information System; as well as administrative activities. The ESG program is authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 – 11378).

B. Program Written Standards

Subgrantees are required to comply with the department's state minimum standards for providing ESG assistance and when established, those standards relevant to ESG that are required by their Continuum of Care. The following minimum program standards are required for delivering the ESG program as outlined in CFR 576.400 (c) (3):

1. Evaluating Eligibility for Assistance

Subgrantees are required to participate in and comply with their Continuum of Care coordinated entry process including utilizing standard COC assessment tools and protocols once they are established. Subgrantees may choose to utilize a different intake and assessment system for victims of domestic violence and other crimes where safety is a predominant concern.

The minimum eligibility process will include an initial phone or in person screening to determine whether or not the applicant meets one of HUD's categorical definitions of homeless or at risk of homelessness. If yes, then a more comprehensive assessment will be completed in person by subgrantee staff to verify applicants' homeless status and determine which ESG service components they qualify for and that will address their housing need. Eligibility determinations must be documented in client files and preferably through third-party documentation. Intake worker observation or participant self-certification can be used when due diligence by staff and client is documented in the file indicating third-party verification is unavailable.

Re-evaluations of eligibility for continued receipt of homelessness prevention and rapid re-housing assistance are required—every three (3) months for prevention and annually for rapid re-housing. Minimally, each re-evaluation of eligibility must verify that the client household does not have an annual income that exceeds thirty (30) percent of HUD determined median family income for the service area **and** the household continues to lack sufficient resources and support networks needed to retain housing without ESG assistance. If a client household informs, but is not required to notify the subgrantee of a change in income or other circumstances that may affect eligibility, there is no immediate effect on the program participant's eligibility and assistance can continue at the discretion of the subgrantee until the next required re-evaluation. There

is no HUD or OHCS requirement that the client notify the subgrantee of changes to income prior to the required re-evaluations as specified above.

2. Targeting and Providing Essential Services Related to Street Outreach

Subgrantees are required to target unsheltered homeless individuals and/or families whose primary nighttime residence is a public or private place not meant for human habitation. It is recommended that preference be given to those special populations who are most vulnerable to being harmed by living in unsafe and unprotected places, i.e. victims of domestic and other forms of violence, youth, families with children, disabled, elderly, etc.

Engagement activities must include an initial assessment of needs and eligibility in order to prioritize the type and source of assistance required with safety and urgent health needs being the highest priority. Emergency health services, including mental health, can be funded with ESG only to the documented extent that other non-ESG funded appropriate health services are inaccessible or unavailable within the service area. Based on need and assessment, qualifying individuals and/or families will be offered essential services beyond emergency health and other crisis intervention assistance that include case management, transportation, and housing stabilization. Whenever feasible, rapid re-housing will be a priority over the provision or referral to emergency shelter or transitional housing.

3. Emergency Shelter Operations

Admission

Subgrantees are required to have standardized screening and intake criteria in writing for determining eligibility for admission to emergency shelter. The criteria must be in compliance with Fair Housing Law and cannot force involuntary family separation by denying family admission based on the age of a child less than 18 years. The admission process requires an initial assessment to determine the homeless status of the applicant based on HUD's four categorical definitions of homeless (24 CFR 576.2) and meeting other subgrantee determined eligibility criteria. The assessment process and tools must meet the service area's Continuum of Care coordinated entry requirements (24 CFR 576.400(d)) once developed.

Diversions from Shelter

Based on screening results, individuals and families should be diverted when appropriate to the most stable housing available including supportive or subsidized permanent housing using the Housing First or Rapid Re-housing service models.

Essential Services and Referral

Emergency shelter participants must have access to essential services either through direct service delivery by the subgrantee and/or provision of information and referral to other service providers. Essential services include: case management; child care; education services, employment assistance and job training; outpatient health services; legal services; life skills training; mental health services; substance abuse treatment

services; transportation; services for special populations and mainstream income and health benefits where appropriate.

Length of Stay and Discharge

Provision of essential services and shelter must be available for homeless individuals and families for at least the time period during which the ESG funds are provided. Limitations on individual and family shelter stays, if any, must be identified in writing in the subgrantees' policies and procedures governing shelter operations.

Safety and Accommodations for Special Populations

Any shelter facility that receives ESG assistance for conversion, major rehabilitation, renovation or operations is required to meet all federal, state and local government safety, sanitation and accessibility standards including compliance with the safety, sanitation and privacy requirements contained in 24 CFR 576.403.

Subgrantees are required to develop and implement written procedures and communication tools/materials that ensure persons of any particular race, color, ethnicity, religion, sex, age, national origin, familial status, or disability who may qualify for shelter and essential services are aware of and have access to such facilities and assistance. Reasonable accommodations for persons with disabilities must be available in order to ensure disabled participants have an equal opportunity to utilize the shelter and receive essential services. Greater levels of accessibility may be required for some shelters in compliance with The Americans with Disabilities Act.

Subgrantees are also required to have written procedures in place that ensure access to shelter facilities, assistance and services for limited English proficiency (LEP) persons. It is highly recommended that subgrantees develop and implement an agency Language Access Plan following guidelines provided in the Fair Housing Guide for Shelter and Transitional Housing Providers which can be accessed at www.fhco.org or HUD guidelines located at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq.

Domestic violence victims and other persons in need of victim services must have access to a safe setting and have their identity protected. Subgrantees are required to implement procedures to ensure confidentiality of records pertaining to any individual who is provided family violence prevention, treatment or other services. Subgrantees must also certify that the address of a family/individual violence shelter will not be made public without permission of the shelter agency.

Subgrantee emergency shelter policies and procedures must:

- Prohibit disclosing personally identifying victim information to any third party without consent of the victim;
- Ensure victim consent is reasonably time-limited, written and specific as to whom information will be shared;

- Identify and utilize an alternative HMIS to collect program data that will prevent the disclosure of personally identifying victim information; **and**
- Include confidentiality policies and procedures that require staff to refrain from discussing client information in public and ensure client records are secure and only accessible to authorized staff.

4. Assessing, Prioritizing and Reassessing Needs for Essential Services

Related to Emergency Shelter

Subgrantees are required to have a written standard assessment process and tool(s) that are applied to all eligible recipients of shelter essential services. Prioritization for services must align with service area homeless and/or community needs assessment plans. When developed, subgrantees are required to comply with their services area(s) Continuum of Care assessment and prioritization requirements (576.400(d)), including verifying and documenting eligibility.

Shelter essential services include: case management; child care; education services; employment assistance and job training; outpatient health services; legal services; life skills training; mental health services; substance abuse treatment services; transportation; and services for special populations. Provision of services should be determined based on client need and in alignment with subgrantee's targeted populations.

Provision of essential services and shelter must be available to shelter residents for at least the time period during which the ESG funds are provided. Services do not need to be limited to a particular site as long as the site serves the same categories and types of homeless originally provided with essential services or serves homeless persons in the same service area where the subgrantee originally provided the services.

5. Coordination Among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers

The state's Continuums of Care are community-based homeless assistance program planning networks whose responsibilities include the promotion of access to and effective utilization of homeless and mainstream programs by the homeless. Subgrantees are required to be active members of their respective COC and contribute to the identification, development and coordination of resources that will promote and increase the efficiency and effectiveness of the community's homeless system.

Subgrantees must coordinate and integrate, to the extent possible, their ESG-funded assistance with other programs serving homeless and at-risk of homelessness people within their service area (refer to 24 CFR 576.400). Documentation of such coordination will minimally include written COC verification of review and support of the subgrantee's plan for utilizing ESG funds as part of the subgrantee's biennial funding application to the state.

6. Determining and Prioritizing Eligibility for Homeless Prevention and Rapid Re-housing Assistance

Determination of eligibility for homeless prevention requires an in-person assessment (in compliance with COC coordinated entry process when established) to verify that applicants meet HUD's categorical definition for imminent risk of homelessness, homeless under other federal statutes, fleeing/attempting to flee domestic violence, or at-risk of homelessness **and** have an annual income at 30% or below of area median income. Homeless status and income eligibility must be documented in client files through third-party verification unless written justification is provided showing that due diligence was conducted substantiating that third-party was not available/accessible. Additionally, the assessment must indicate that prevention assistance would likely allow the applicant to regain stability in their current permanent housing or access other permanent housing and achieve stability.

Prioritization for homeless prevention assistance must comply with Continuum of Care standards once developed. Minimally, prioritization should align with vulnerable homeless and at-risk of homelessness populations identified in subgrantee's service area homeless plan(s) and/or community assessment(s).

Determination of eligibility for rapid re-housing requires an initial assessment to verify that clients meet HUD's categorical definition for literally homeless or fleeing/attempting to flee domestic violence and are literally homeless. Homeless status must be documented in client files in accordance with HUD documentation standards with preference given to third-party verification where available.

Prioritization for rapid re-housing must comply with Continuum of Care standards once developed and be supported by subgrantee service area homeless plans and/or community assessment data. When appropriate, local prioritization should also align with HUD's homeless strategic plan goals for ending chronic homelessness, homelessness among Veterans, and families with children and youth homelessness.

7. Determining Client's Share of Rent and Utility Costs

Subgrantees must comply with existing Continuum of Care standards once developed for determining client's required share of rent and utility costs. State minimum standards require that whatever rent assistance model is chosen must be consistently implemented for all households within each ESG funded program. Acceptable models include a client flat rate (specific dollar amount) contribution, percent of gross household income (typically not to exceed 30%) or a graduated client share over a fixed time at intervals predetermined by the subgrantee and communicated in advance to the client. Subgrantees can choose to not require any client contribution toward rent or utility costs unless their Continuum of Care standards require such contribution.

Utility assistance is limited to 24 months within a 3-year period and can be used to pay the cost of utility deposits, utility arrears, and gas, electric, water and sewage services. Assistance can only be provided if the utility account is in the name of a member of the

client household or there is documented proof of household responsibility for utility payments. Utility arrears assistance for homeless prevention requires a shut off notice and for rapid re-housing must result in utilities being turned on at the new permanent housing location. The client's share of the utility costs, in the absence of COC standards, is at the discretion of the subgrantee who is encouraged to assist clients in accessing energy assistance programs for which they are eligible as a first option in providing utility assistance. It is recommended that utility deposits be returned to households when feasible.

8. Determining Duration and Amount of Rental Assistance Provided to Client

The duration of rental assistance is limited to twenty-four months within a 3-year time period. Short-term assistance can be provided up to three (3) months and medium-term assistance is limited to twenty-four (24) months. The amount of rent assistance provided must be the least amount needed to stabilize clients in their permanent housing. Subgrantees have the discretion to further set a maximum number of months that a client may receive rental assistance and the maximum dollar amount of assistance. The process for determining such conditions must be applied consistently for all households within each ESG funded program, incorporated into the subgrantee's ESG policies and procedures and communicated in advance to eligible clients.

Rent arrearage assistance is defined as: past due rent owed to a current or previous landlord. If arrears are owed to a previous landlord, these arrears may be paid, but only when there is documented evidence that payment of those arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing. Payment of arrears is restricted to a one-time payment for up to 6 months

9. Determining Type, Amount, and Duration of Housing Stabilization and/or Relocation Services Provided to Client

Type of Housing Stabilization and/or Relocation Services is limited to financial assistance costs and service costs, subject to the general conditions and restrictions identified under 24 CFR 576.103 and 576.104. Security deposits are limited to no more than 2 month's rent. A last month's rent must not exceed one month's rent and must be included in calculating the program participant's total rental assistance, which cannot exceed 24 months during any 3-year period. Utility payments are limited to up to 24 months per client, per service, including up to 6 months of arrears, per service. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period. Temporary storage fees associated with moving costs are limited to up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance.

ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and

cannot exceed 24 months during the period the program participant is living in permanent housing.

Mediation services are allowable, provided that the mediation is necessary to prevent the program participant from losing the permanent housing in which the client currently resides. Legal services must be necessary to resolve a legal problem that prohibits the client from obtaining permanent housing or will like result in the client losing the permanent housing in which they currently reside. Credit repair does not include the payment or modification of a debt.

Financial assistance cannot be provided to a client who is receiving the same type of assistance through other public sources or to a client who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.

The subgrantee may set a maximum dollar amount that a client may receive for each type of financial assistance and may set a maximum period for which a client may receive any of the types of assistance or service. However, except for housing stability case management, the total period for which any client may receive assistance must not exceed 24 months during any 3-year period. The limits on the assistance apply to the total assistance an individual receives, either as an individual or as part of a family.

C. HMIS Data Collection

All data on persons served and all activities funded with ESG must be entered into the OHCS-approved Housing Management Information System or a comparable database. The purpose of the HMIS is to record and store client-level information about the numbers, characteristics, and needs of homeless and at risk homelessness persons who receive program assistance. Additional information about the HMIS requirements is provided in this manual.

Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain comparable databases of their own design which provide aggregate information and data consistent with HMIS data collection requirements. Projects serving survivors of domestic violence where the recipient is not a victim services provider are required to enter data in their HMIS.

Data entry requirements for shelters are:

Emergency or transitional shelters, day or mass shelters, or hotel/motel vouchers are required to collect data and report outcomes using the Entry/Exit method of data collection.

Shelters which meet the three criteria below may be set up in HMIS to use the Night-by-Night method of tracking shelter use:

- The shelter serves a large number of clients on a nightly basis;
- Clients are permitted to spend nights at the shelter on an irregular basis; and
- There is a high degree of client turnover.

Night-by-Night (NBN) data collection involves recording, in HMIS, contacts with each person served. A contact is defined as the date of an interaction between a worker and a client designed to engage the client. A contact must be recorded any time a client is met. Engagements must also be recorded. An engagement is an interaction which results in a formalized assessment or discussion. The date of engagement should be entered into HMIS at the point when the client has been engaged by the shelter worker.

With the NBN method:

- All data required to be collected, is collected at project entry; and
- The duration of each stay can be accurately aggregated to calculate each client's total length of stay in the project.

Regardless of the method used to track shelter use, subgrantees must be able to determine who and how many people were served by a shelter or shelter type for any given night, based on HMIS data.

For additional, detailed information about the reporting requirements, refer to the HMIS Operation Manual found at: <https://www.hudexchange.info/programs/hmis/>.

D. Continuum of Care Coordination

HUD requires collaboration between ESG recipients/subrecipients and Continuums of Care in planning, funding, implementing and evaluating homeless assistance and homelessness prevention programs locally. Subgrantees are required to be active participants in their respective Continuum of Care and comply with Program Standard #5—*Coordination Among Homeless Assistance Providers, Mainstream Service Providers and Housing Providers*.

Subgrantees are expected to coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by their Continuum of Care and/or service area. These programs include (24 CFR 576.400 and 24 CFR 91.100(d)(e)) but are not exclusive to:

- Shelter Plus Care Program
- Supportive Housing Program
- Section 8 Moderate Rehabilitation Program for SRO Program for Homeless Individuals
- Veterans Affairs Supportive Housing
- Education for Homeless Children and Youth Grants for State and Local Activities
- Grants for the Benefit of Homeless Individuals
- Healthcare for the Homeless
- Programs for Runaway and Homeless Youth
- Projects for Assistance in Transition from Homelessness
- Services in Supportive Housing Grants
- Emergency Food and Shelter Program
- Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program

- Homeless Veterans Reintegration Program
- Domiciliary Care for Homeless Veterans Program
- VA Homeless Providers Grant and Per Diem Program
- Health Care for Homeless Veterans Program
- Homeless Veterans Dental Program
- Supportive Services for Veteran Families Program
- Veteran Justice Outreach initiative
- As well as mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible, such as:
 - Public housing programs
 - Housing programs receiving tenant-based or project-based assistance
 - Supportive Housing for Persons with Disabilities
 - HOME Investment Partnerships Program
 - Temporary Assistance for Needy Families
 - Health Center program
 - State Children’s Health Insurance Program
 - Head Start
 - Mental Health and Substance Abuse Block Grants
 - Services funded under the Workforce Investment Act.

II. Client Eligibility

A. Assessment

All applicants must be assessed to determine eligibility for receipt of ESG funded services and assistance in accordance with *Program Standard #1—Evaluating Eligibility for Assistance*. Client assessment and determination of ESG eligibility includes the cost of staff time to complete an intake and/or assessment, either as a sole provider or through a coordinated entry process even if it’s determined from the evaluation the applicant is not eligible for ESG program assistance. When ESG funds are used to provide coordinated entry, a subgrantee is encouraged to utilize ESG funding with non-ESG funding in proportionate to the percentage of clients who are determined ESG eligible versus those referred to other programs. Other service costs associated with applicants determined to be ineligible for ESG assistance are not allowable including follow-up and case management.

B. Household Composition

Homeless or at-risk of homelessness households who meet one or more of HUD determined categorical homeless definitions or criteria are eligible to receive program assistance. Household composition includes an individual living alone, family with or without children, or a group of individuals who are living together as one economic unit. In all cases a

household must lack sufficient resources and support networks necessary to obtain or retain housing without the provision of ESG assistance in order to be program eligible.

The type of ESG assistance for which an eligible household qualifies is determined by the stability of their current housing or their homeless status.

C. Categorical Homeless Definitions and Criteria

Eligible applicants for program services must meet one of the following categorical definitions of homeless or criteria for being at-risk of homelessness:

Category 1: Literally homeless--a household that lacks a fixed, regular, and adequate nighttime residence, meaning:

- Living in a primary nighttime residence that is a public or private place not designed for or ordinarily used for as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground); **or**
- Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); **or**
- Exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering the institution.

Category 2: Imminent risk of homelessness--a household that will imminently lose their primary nighttime residence, provided that:

- The residence will be lost within 14 days of the date of application for homeless assistance; **and**
- No subsequent residence has been identified; **and**
- The household lacks the resources or support networks needed to obtain other permanent housing.

Category 3: Homeless Under Other Federal Statutes-- Unaccompanied youth under 25 years of age, or family who do not otherwise qualify as literally homeless or imminent risk of homelessness, but who:

- Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); **and**
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; **and**

- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; **and**
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

Category 4: Fleeing, or attempting to flee, domestic violence-- a household who:

- Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and
- Has no other residence; **and**
- Lacks the resources or support networks to obtain other permanent housing.

D. Criteria for At Risk of Homelessness Qualification

Applicants for program services for at-risk individuals or households must meet the following definition of At Risk of Homelessness:

- Have an annual income at or below 30% of median household income for the area; and
- Do not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the "homeless" definition; **and** meet one of the following conditions:
 - Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance; **or**
 - Is living in the home of another because of economic hardship; **or**
 - Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; **or**
 - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; **or**
 - Lives in an SRO or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than one and a half persons per room; **or**
 - Is exiting a publicly funded institution or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); **or**
 - Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in OHCS' approved Consolidated Plan.

A youth who does not qualify as homeless under the above eligibility criteria, is eligible if they:

- Qualify as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A))m section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); **or**
- Qualify as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

E. Criteria for Chronically Homeless Qualification

Chronically homeless means:

(1) A “homeless individual with a disability,” as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

(i) Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; **and**

(ii) Has been homeless and living as described in paragraph (1)(i) of this definition continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;

(2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; **or**

(3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Evidence of chronically homeless individuals must be kept in the program participant file in order to demonstrate that an individual or family met the definition of “chronically homeless” at the point of entry into a program.

F. Income Determination and Requirements

1) Income Eligibility

Homeless prevention assistance requires applicants to be at or below 30% AMI at time of intake.

Rapid re-housing does not have income eligibility requirements at the time of intake; however, to qualify for continuation of rapid re-housing assistance, an applicant must have an annual income at or below 30% AMI at the time of re-evaluation.

There are no other initial income eligibility requirements to receive program services.

2) Calculating Gross Annual Income

Annual Income is the gross amount of income anticipated to be received by a household during the coming year based on the household's circumstances at the time of program intake and assessment. Annual Income determination is consistent with the Housing Choice Voucher definition of annual Income found at 24 CFR 5.609.

When determining the annual income of a household to establish eligibility for ESG assistance, subgrantee must count the income of all adults in the household, including nonrelated individuals, within the limitations imposed by 24 CFR 5.609. Not everyone living in the unit is considered a member of the household for the purposes of determining a household's income. Excluded persons include: foster children, foster adults, live-in aides, children of live-in aides and an unborn child. A child subject to a shared-custody agreement should be counted as a household member if the child resides with the household at least 50 percent of the time.

Income generated by an asset, such as the interest on a savings or checking account is considered household income even if the household elects not to receive it. For example, though an applicant may elect to reinvest the interest or dividends from an asset, the interest or dividends are still counted as income anticipated to be received during the coming 12 months. Asset income is discussed in 24 CFR 5.609. Income producing assets include: bank accounts; life insurance policies; lump sum additions (legal settlement, refund, etc.); personal property held as investments; retirement/pension funds; trusts; assets disposed of for less than fair market value; and stocks, bonds or mutual funds.

G. Eligibility Documentation and Recordkeeping

Subgrantees must establish written intake procedures that include requirement of written documentation verifying eligibility for program services in accordance with the following preferred order of documentation:

Third-party Verification—source documents provided by an outside source.

Third party documentation is the preferable form of verification and includes but is not exclusive to written statement or document from employer, landlord, public benefit worker, or agency service provider. Written verification sent directly to program staff or via the applicant is preferred.

Intake/Case Manager Worker Observation—documented by ESG staff.

Staff documentation may include oral statements made by a social worker, case manager, or other appropriate official at an institution, shelter, or other facility and documented by the program intake worker/case manager. Use of oral statements is allowable when third-party documentation is not available.

Participant Self-certification—applicant signed document certifying eligibility.

Self-certification requires a written and signed document by the individual or head of household seeking assistance attesting to the eligibility facts for which they are certifying. A third party may be designated by a participant to sign documents on their behalf when they are unable to do so. If needed, subgrantee must provide access to language interpretation services and assistive devices necessary for participants to understand the documents they are certifying.

Self-certification documentation is only used when documented staff efforts verify that third-party or worker observation documentation is not available. However, lack of third-party documentation must not prevent an individual or household from being immediately admitted to emergency shelter, receiving street outreach services or immediately accessing domestic violence/victim service shelter and assistance.

Documentation verifying eligibility must be available in client files or if kept electronically, available upon request. See the appendices in this manual for examples of appropriate documentation of applicant eligibility.

III. Allowable Program Service Components and Activities

A. Service Components and Homeless Eligibility

ESG funds can pay for five program service components: Street Outreach; Emergency Shelter; Homelessness Prevention; Rapid Re-housing; and Homeless Management Information System (HMIS). The following chart shows which service components are available for homeless and/or at-risk households.

| Component | Serving | |
|--|------------------------|---------------------------------------|
| | Those who are Homeless | Those who are At-Risk of Homelessness |
| 1) Street Outreach | ✓ | |
| 2) Emergency Shelter | ✓ | |
| 3) Homelessness Prevention | | ✓ |
| 4) Rapid Re-housing | ✓ | |
| Collecting Data | | |
| 5) Homeless Management Information System (HMIS) | ✓ | ✓ |

B. Street Outreach

Street outreach is service delivery for the specific purpose of reaching out to unsheltered homeless people; connecting them with emergency shelter, housing, or critical services; and providing urgent, non-facility-based care. Street outreach must be provided in accordance with Program Standard #2—*Targeting and Providing Essential Services Related to Street Outreach*.

Individuals defined as unsheltered must meet the criteria for: Category 1, literally homeless; or Category 4, fleeing/attempting to flee domestic violence (where the individual or household also meet the criteria for category 1); and are:

- living on the streets (or other places not meant for human habitation); **and**
- unwilling or unable to access services in emergency shelter.

1) Essential Services

Engagement Services

Engagement Services are activities to locate, identify, and build relationships with unsheltered homeless people to offer immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and other housing programs. Eligible costs include:

- Conducting an initial assessment of applicant needs and eligibility;
- Providing crisis counseling;
- Addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries;
- Actively connecting and providing information and referrals to needed services; **and**
- Cell phone costs of outreach workers.

Case Management

Case Management activities to assess housing and service needs and arrange, coordinate and/or monitor the delivery of individualized services. Eligible costs include:

- Assessment and intake including using coordinated entry;
- Conducting initial evaluations including, verifying and documenting eligibility;
- Counseling;
- Developing/securing/coordinating services;
- Helping obtain Federal, State, and local benefits;
- Monitoring and evaluating program participant progress;
- Providing information and referrals to other providers; **and**
- Developing an individualized housing stabilization plan that leads to the attainment of stable permanent housing.

Emergency Health

Emergency health services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. An

example of customary emergency health services is outpatient treatment of urgent medical conditions by licensed medical professionals in community-based settings (e.g.; streets, parks, and campgrounds) to those eligible participants unwilling or unable to access emergency shelter or an appropriate healthcare facility. Eligible costs include:

- Assessing health problems and developing treatment plans;
- Assistance in understanding health needs;
- Providing directly or assisting to obtain appropriate emergency medical treatment; **and**
- Providing medication and follow-up services.

Emergency Mental Health

Emergency mental health services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community; i.e.; outpatient treatment of urgent mental health conditions by licensed professionals in community-based setting (e.g.; streets, parks, and campgrounds) to those eligible participants unable or unwilling to access emergency shelter or an appropriate health care facility. Eligible costs include:

- Crisis intervention;
- Prescription of psychotropic medications;
- Explanation about the use and management of medications; **and**
- Combinations of therapeutic approaches to address multiple problems.

Transportation

Travel expenses incurred by outreach workers, social workers, medical professionals or other service agency employees during the provision of allowable street outreach services are eligible costs. They include:

- Transporting unsheltered people to emergency shelters or other service facilities;
- Public transportation for participants;
- Mileage allowance for outreach workers using their own vehicles to visit program participants;
- Purchasing or leasing a vehicle for use in conducting outreach activities, including the cost of gas, insurance, taxes, and maintenance for the vehicle; **and**
- Costs of staff to accompany or assist program participants to use public transportation.

2) Services for Special Populations

Services for special populations are essential services that have been tailored to address the special needs of homeless youths, victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers, domestic violence shelters, and other organizations that serve persons who meet the HUD homeless definition and have special needs. Eligible costs include:

- Engagement;
- Case Management;

- Emergency Health Services;
- Emergency Mental Health Services; **and**
- Transportation.

C. Emergency Shelter

Emergency shelter means any appropriate facility that has the primary use of providing temporary or transitional shelter for the homeless in general or for specific populations of the homeless and the use of which does not require occupants to sign leases or occupancy agreements*. Emergency Shelter must be provided in compliance with Program Standard #3—*Emergency Shelter Operations* and Program Standard #4—*Assessing, Prioritizing and Reassessing Needs for Essential Services Related to Emergency Shelter*. ESG funds can be used to provide essential services; renovation; and shelter operations.

Emergency shelter types may include:

- **Day Shelters:** temporary daytime accommodations and services for individuals and families who meet the definition of literally homeless as described under Client Eligibility and are sleeping on the streets, lack a fixed, regular and adequate nighttime shelter and/or are living in an emergency shelter.
- **Transitional Shelters:** emergency shelter projects with a primary purpose to provide temporary or transitional shelter and essential services to all eligible clients in general and/or for specific populations of the homeless. They do not require occupants to sign leases or occupancy agreements*. Some transitional shelter programs have a comprehensive service focus and participants may stay for longer than 3 or 6 months.
- **Mass Shelters:** high volume, high turnover, emergency shelters where multiple individuals and/or family households sleep in a large room with multiple beds.
- **Hotel/Motel Vouchers:** used as emergency shelter in those areas and times when no emergency shelter is available.

***NOTE:** Occupancy agreements do not refer to a participant’s agreement to shelter facility rules and expectations of behavior (e.g., code of conduct).

1) Essential Services

Emergency shelter essential services are services to homeless families and individuals in emergency shelters. Program applicants meeting the definition of homeless in Categories 1, 2, 3, and 4 are eligible for emergency shelter services.

Eligible uses for funds within the Emergency Shelter Essential Services category include:

Case Management

Case Management activities assess, arrange, coordinate, and monitor individualized services developed for program participants. Eligible costs include:

- Using coordinated entry;
- Conducting initial evaluations including, verifying and documenting eligibility;

- Counseling;
- Developing, securing and coordinating services and obtaining Federal, State, and local benefits;
- Monitoring and evaluating program participant progress;
- Providing information and referrals to other providers;
- Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking; **and**
- Developing an individualized housing and service plan, including planning a path to permanent housing stability.

Child Care Costs

The cost of child care is eligible if the child is under the age of 13, or disabled children under the age of 18. The child-care center must be licensed by the jurisdiction in which it operates. Eligible costs include:

- Childcare costs;
- Providing meals and snacks; **and**
- Comprehensive and coordinated sets of appropriate developmental activities.

Education

Education is instruction or training to enhance participants' ability to obtain and maintain housing, consumer education, health education, substance abuse prevention, literacy, ESL, GED preparation and various life skills. Eligible costs include:

- Screening, assessment, and testing;
- Individual/group instruction;
- Tutoring;
- Books, supplies, and instructional materials;
- Counseling; **and**
- Referral to community resources.

Employment Assistance and Job Training

Job Assistance services help participants to secure employment and placement in job training programs. Eligible costs include:

- Classroom, online, and/or computer instruction;
- On the job instruction;
- Job finding and skill building;
- Reasonable stipends to program participants in employment assistance and job training programs;
- Books and instruction materials;
- Employment screening; assessment or testing;
- Structured job seeking support;
- Special training and tutoring; including literacy training and pre-vocational training;

- Counseling or job coaching; **and**
- Referral to community resources.

Outpatient Health

Outpatient Health Services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Eligible costs include:

- Assessing health problems and developing treatment plans;
- Assistance in understanding health needs;
- Providing directly or assisting to obtain appropriate medical treatment, preventive medical care, health maintenance services, including emergency medical services;
- Providing medication and follow-up services; **and**
- Providing preventive and non-cosmetic dental care.

Legal services

Legal advice and representation are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. This would include necessary legal services regarding matters that interfere with the program participant's ability to obtain and retain housing. Legal issues would include child support, guardianship, paternity, emancipation, legal separation, orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking, appeal of veterans and public benefit claim denials, and resolution of outstanding criminal warrants. Eligible costs include:

- Hourly fees for legal advice and representation by licensed attorneys and certain other fees-for-service;
- Client intake, preparation of cases for trial, provision of legal advice, representation at hearings, and counseling; **and**
- Filing fees and other necessary court costs.

Legal services to address immigration, citizenship, and mortgage issues including retainer fee arrangements, and contingency fee arrangement are **not** eligible costs.

Life Skills Training

Life Skills Training teaches critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness. Allowable services must support the program participant to function independently in the community. They include:

- Budgeting resources;
- Managing money;
- Managing a household;
- Resolving conflict;
- Shopping for food and needed items;
- Improving nutrition;

- Using public transportation; **and**
- Parenting.

Mental Health Services

Mental Health Services are eligible activities to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Services are direct outpatient treatment of mental health conditions by licensed professionals. Eligible costs include:

- Crisis intervention;
- Individual, household, or group therapy sessions;
- Prescription of psychotropic medications and explanation about the use and management of medications; **and**
- Combinations of therapeutic approaches to address multiple problems.

Substance Abuse Treatment

Substance Abuse Treatment is an eligible activity to the extent that other appropriate services and treatment are unavailable or inaccessible within the community. Services must be provided by licensed or certified professionals, and be designed to prevent, reduce, eliminate or deter relapse of substance abuse or addictive behaviors. Inpatient detoxification and other inpatient drug or alcohol treatment are not eligible costs. Eligible costs include:

- Client intake and assessment;
- Outpatient treatment for up to 30 days;
- Group and individual counseling; **and**
- Drug testing

Transportation

Costs of travel by program participants to and from medical care, employment, childcare or other facilities that provide eligible essential services are eligible. Staff travel costs incurred to support provision of essential services are also allowable. Eligible costs include:

- Public transportation for participants;
- Mileage allowance for service workers using their own vehicles to visit program participants; **and**
- Purchasing or leasing a vehicle used for transport of participants and/or staff serving participants, including the cost of gas, insurance, taxes, and maintenance for purchased or leased vehicles.

Services for Special Populations

Services for Special Populations means otherwise eligible essential services that are tailored to address the special needs of homeless youth, victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers, domestic violence shelters and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or

stalking. Also eligible are services provided to persons living with HIV/AIDS in emergency shelters. Eligible costs include:

- Case management;
- Childcare;
- Education services;
- Employment assistance and job training;
- Outpatient Health services;
- Legal services;
- Life Skills training;
- Mental health services;
- Substance abuse treatment services; **and**
- Transportation.

2) Shelter Facility Rehabilitation, Conversion and Renovation

For costs of rehabilitation, conversion or renovation to be eligible for payment with ESG funds, the building must be used for an emergency shelter for homeless families and individuals. A government entity or private non-profit organization must own the emergency shelter building before and after the renovation or rehabilitation. Buildings renovated with ESG funds as a shelter for homeless individuals and families are required to function as a shelter for a minimum period of time, depending on the type of renovation and the value of the building. See the table below. Eligible Costs include:

- Labor;
- Materials;
- Tools; **and**
- Other costs for renovation, including soft costs.

| Rehabilitation and Renovation Minimum Period of Use | | |
|---|------------------------|--|
| | Use Requirement | Determining Criteria |
| Major Rehabilitation | 10 years* | Rehab costs exceed 75% of the value of the building before rehabilitation. |
| Conversion | 10 years* | Conversion costs exceed 75% of the value of the building after conversion. |
| Renovation, including rehab and conversion costs that do not meet 10 Year criteria. | 3 years | Renovation costs are 75% or less of the value of the building before renovation. |
| <u>*Recorded deed or use restriction required.</u> | | |

All shelters must meet minimum habitability standards. See **Habitability Standards** section of this manual. Shelters renovated with ESG funds are also required to meet

state or local government safety and sanitation standards, as applicable, including the use of energy-efficient appliances and materials.

ESG funds may not be used for rehabilitation or renovation of structures that will be used for inherently religious activities. ESG funds may pay for rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and religious activities, the amount of ESG funds used may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms used as a principal place of worship are ineligible for funded improvements paid by ESG.

For all shelter rehabilitation, conversion, or renovation, subgrantee and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

3) Shelter Operations

Shelter operations are costs to operate and maintain emergency shelters and also provide other emergency lodging when appropriate. Eligible Costs include:

- Minor or routine maintenance;
- Rent;
- Security;
- Fuel;
- Equipment;
- Insurance;
- Utilities;
- Food;
- Furnishings;
- Supplies necessary for the operation of the emergency shelters; **and**
- Hotel/Motel voucher, only for families and individuals where no emergency shelter is available.

4) Assistance Required under “URA”

Subgrantee must ensure they have taken all reasonable steps to minimize the displacement of persons or commercial entities as a result of a project assisted with ESG

funds. No tenant occupant of housing that is converted into an emergency shelter may be required to relocate temporarily for a project assisted with ESG, or be required to move to another unit in the same building/complex. When a tenant is required to move because of a project assisted with ESG under conditions that trigger the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act (42 U.S.C. 4601-4655), the tenant should be treated as permanently displaced and offered relocation assistance and payments consistent with the Act.

Any person who disagrees with subgrantee’s determination concerning whether the person qualifies as a displaced person or the amount of relocation assistance offered, may file a written appeal of that determination with subgrantee under 49 CFR 24.10. A low-income person who disagrees with the determination may submit a written request for review of that determination to the nearest HUD field office.

Subgrantee must keep records documenting compliance with the displacement, relocation, and acquisition requirements of the ESG program. See 24 CFR 576.408.

D. Essential Services Comparison between Outreach and Shelter

Services through the street outreach component are not the same as services provided through emergency shelter systems. The chart below compares appropriate services for each component.

| Comparison of Essential Services | |
|---|--|
| Street Outreach (Unsheltered Homeless persons) | Emergency Shelter Services (Sheltered Homeless persons) |
| Engagement | ---- |
| Case Management | Case Management |
| ---- | Childcare |
| ---- | Education Services |
| ---- | Employment Assistance/Training |
| Emergency Health Care | Outpatient Health Services |
| ---- | Legal Services |
| ---- | Life Skills Training |
| Emergency Mental Health Care | Mental Health Services |
| Services for Special Populations | Services for Special Populations |
| ---- | Substance Abuse Treatment |
| Transportation | Transportation |

E. Homelessness Prevention and Rapid Re-housing

Homelessness Prevention Services are intended to prevent persons who are housed from becoming homeless by helping them regain stability in their current housing or other permanent housing. Eligible participants must be at imminent risk of homelessness, homeless under other federal statutes, fleeing/attempting to flee domestic violence or meet the criteria for being at-risk of homelessness and have annual incomes at or below 30% of area median income. Rapid re-housing services are intended to help eligible

participants who are literally homeless, including fleeing/attempting to flee domestic violence, to transition from the streets or shelter as quickly as possible into permanent housing and achieve housing stability. Eligible participants for either service component must lack the resources or support networks to help them retain or obtain other appropriate, stable housing. Eligibility determination and prioritization must comply with Program Standard #6—*Determining and Prioritizing Eligibility for Homelessness Prevention and Rapid Re-housing Assistance*.

Eligible activities for both service components include housing relocation and stabilization services and short- and medium-term rental assistance. These activities must comply with Program Standard #7—*Determining Client’s Share of Rent and Utility Costs* and Program Standard #8—*Determining Duration and Amount of Rental Assistance Provided to Client*.

If a client was first assisted under homelessness prevention and then became homeless, Subgrantee must exit the client from the homelessness prevention component and enter the individual or household into the rapid re-Housing component.

1) Homelessness Prevention and Rapid Re-housing Comparison

The chart below shows the differences between Homelessness Prevention and Rapid Re-Housing service components.

| | Homelessness Prevention | Rapid Re-Housing |
|-----------------------|---|--|
| Eligible Participants | Category 2 – Imminent Risk Category 3 – Other Federal Statutes Category 4 – Fleeing/Attempting to Flee Domestic Violence and has no other residence OR At-Risk of Homelessness | Category 1 – Literally Homeless OR Category 4 – Fleeing/Attempting to Flee Domestic Violence and has no other residence. |
| Purpose | <ul style="list-style-type: none"> To <u>prevent</u> persons who are housed from becoming homeless To help such persons <u>regain stability</u> in their current housing or other permanent housing | <ul style="list-style-type: none"> To help homeless persons living on the streets or in an emergency shelter <u>transition</u> as quickly as possible into permanent housing, and then To help such persons <u>achieve stability</u> in that housing |
| Reassessment | <ul style="list-style-type: none"> Every 3 months Must have income at <u>or below 30%</u> AMI, AND Lack resources and support network | <ul style="list-style-type: none"> Every 12 months Must have income <u>at or below 30%</u> AMI, AND Lack resources and support network |
| Eligible Activities | Housing Relocation and Stabilization Services and Financial Assistance | Housing Relocation and Stabilization Services and Financial Assistance |
| | Short- and Medium-Term Rental Assistance | Short- and Medium-Term Rental Assistance |

2) Housing Relocation and Stabilization Financial Assistance

ESG funds may be used to pay landlords, utility companies and other third parties for the following housing related costs:

- **Rental application fee** charged by the landlord to all applicants;
- **Security deposit**, equal to or not more than 2 month's rent;
- **Last month's rent**, paid to landlord at the time security deposit and first month's rent are paid. The amount must not exceed one month's rent and is included in participant's total rental assistance amount;
- **Moving costs**, including truck rental, hiring a moving company, and temporary storage fees. Storage fees may be up to 3 month's rent, providing costs are not incurred until after program participation begins and before move-in. Moving costs may not include arrearage temporary storage fees;
- **Standard utility deposit** (gas, electric, water, sewer) required by the utility company for all customers;
- **Standard utility payments** (gas, electric, water, sewer) up to 24 months during any 3-year period, including up to 6 months of arrearages per service. Utility account must be in the name of a member of the client household or there is other verification of the household's responsibility for the utilities.
- **Payment of utility arrearages** for a previous address require that the utility account be in the name of a member of the client household or other verification of the household's responsibility for payment. Payment cannot exceed \$1,500 and must have verification in the client's file from the utility company confirming that, once payment is received, the utility company will provide utilities to the client. Staff are encouraged to assist clients in negotiating a payment plan or payment forgiveness for any amount exceeding the \$1500. Payment of utility arrearages for Homelessness Prevention participants requires a current shut off notice.

Subgrantee may develop a written policy regarding to whom the landlord and utility companies will refund security and utility deposit payments. Any policy must be applied consistently for all program participants. Any deposit funds returned to subgrantee is program income and must be documented as match.

Financial assistance cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments. Financial assistance refers to: rental application fees, security deposits, last month's rent, utility deposits, utility payments and moving costs.

3) Housing Relocation and Stabilization Services

ESG funds may be used to provide the following services:

- **Housing search and placement** including assessment of client housing barriers, needs, and preferences; housing search and landlord recruitment, assistance with

rental applications and agreements, ensuring housing compliance with habitability and other housing related requirements;

- **Housing Stability Case Management** including client eligibility and service needs assessment, development of individualized housing and service plans, conducting required re-evaluations and follow-up, and coordinating access to other federal, state and local benefits;
- **Mediation** services to prevent the tenant from losing their housing including mediation between tenant and landlord, household members, neighbors or others impacting the tenant's housing stability;
- **Legal Services** pertaining to certain legal matters as identified in 24 CFR 576.102(a)(1)(vi) that are necessary to resolve in order for program participant to obtain or maintain stable housing; **and**
- **Credit Repair** including credit counseling, household budgeting, money management, obtaining credit reports and resolving credit related barriers to housing stability.

4) **Short- and Medium-Term Rental Assistance**

A participant can be provided up to 24 months of rental assistance during any 3-year period. Rental assistance may include payment of rent arrearages for tenant or project based housing. Duration of rental assistance must minimally comply with program standards including:

- **Short-Term Assistance** is for up to 3 months' rent;
- **Medium-Term Assistance** is more than 3 months, no more than 24 months; **and**
- **Payment of Arrearages** must be a one-time payment of up to 6 months' rent, including late fees. If arrears are owed to a previous landlord, these arrears may be paid, but only when there is documented evidence that payment of those arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing.

Subgrantee must comply with department minimum standards and Continuum of Care standards once developed regarding rental assistance. Subgrantee may establish their own written requirements beyond these standards upon review and approval by OHCS. Any subgrantee determined requirements must be applied consistently for all program participants within each ESG-funded program and be available to the public as a written policy.

Rental Assistance can be either tenant-based or project-based. Tenant-based rental assistance allows program participants to select a housing unit. If the participant chooses to move to another location within the service area, the rental assistance can go with them to the new unit. Project-based rental assistance requires the subgrantee or a contracted agency to identify permanent housing units that meet ESG requirements. Subgrantee enters into a rental assistance agreement with the owner to reserve the unit and provides the unit at a subsidized rent to eligible program participants.

Under rapid re-housing a subgrantee may provide tenant-based rental assistance to a program participant that chooses a unit in which the subgrantee has an ownership interest. However, the subgrantee cannot exclusively direct a program participant to a unit it owns, nor can it carry out the initial evaluation to determine eligibility for the assistance. The subgrantee would need to provide documentation that the program participant had a choice of other units. A subgrantee must receive a HUD approved waiver to provide project-based assistance for a unit where the subgrantee has ownership interest (refer to Section VI, Part C for more detail). A waiver is also required to provide homelessness prevention rent assistance to a participant residing in a unit owned by the subgrantee. Waiver requests must be submitted to OHCS for review and submission to HUD.

Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.

5) Rental Agreement and Lease

Short- and medium-term rental assistance requires both a rental assistance agreement between the subgrantee and landlord **and** a lease between the program participant and landlord. Subgrantees are required to make rental assistance payments only to a landlord with whom Subgrantee has entered into a rental assistance agreement. The rental assistance agreement sets out the terms under which rental assistance will be paid. A rental assistance agreement is a separate document from the rental lease. There is no requirement that the term of the lease coincide with the term of the rental assistance agreement as long as they are both in effect during the time ESG-funded rental assistance is provided. (The exception is that no current lease is needed for payment of rent arrears.)

A rental assistance agreement must set forth the terms under which rental assistance will be provided, including the following requirements:

- The landlord shall give the agency a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant;
- Payment due date, grace period, and late payment penalty requirements will be the same as documented in the program participant's lease;
- If the rental assistance is tenant-based or project-based;
- If the subgrantee incurs late payment penalties, it is the sole responsibility of the agency to pay those penalties, using non-ESG funds;
- If the subgrantee requires the program participant to pay a portion of the monthly rental cost, the amount of rent to be paid by each party;

- The amount to be paid by the subgrantee for payment of rent arrears, number of months covered, any other terms and conditions of the payment, and certification the program participant is eligible and landlord has provided sufficient evidence of the rent arrears and that payment of such arrears is necessary for the participant to obtain permanent housing and maintain stability in that housing.

Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely to pay rent arrears. The lease must be between the landlord and program participant and signed by both parties. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks.

For program participants living in housing with project-based rental assistance, the lease must have an initial term of one year.

If the grantee provides rental assistance to a program participant in a unit it owns, the grantee must request a waiver of the rental assistance agreement requirement. The waiver is necessary because the rental agreement must be between the subgrantee and housing owner and it is not possible for the subgrantee to create such an agreement with itself. Waiver requests must be submitted to OHCS for review and submission to HUD.

Subgrantee must terminate the rental assistance agreement and provide no further rental assistance payments if: the program participant moves out of the leased housing unit; the lease terminates and is not renewed; or the program participant becomes ineligible to receive ESG rental assistance.

6) Rent Reasonableness Determination

Subgrantee must determine whether the gross rent of a particular unit is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, subgrantee must consider 1) the location, quality, size, unit type, and age of the contract unit; and 2) any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease. The unit's gross rent must be comparable to the rent reasonableness rent for the unit to be considered for rental assistance.

Subgrantee must determine the review method(s) they will use to establish the rent reasonableness standards for their area (e.g.; A list of comparable rents can be compiled by using a market study of rents charged for units of different sizes or by reviewing advertisements for comparable rental units). To learn how public housing authorities establish rent reasonableness for the Housing Choice Voucher program, review Chapter 9 of the HUD Housing Choice Voucher Program Guidebook. The link to the Guidebook is in the appendices of this manual.

Comparable rents vary over time with market modifications. Rent Reasonableness standards must be reviewed periodically and adjusted to align with these rent market changes.

The Rent Reasonableness review completed for each unit must be documented in the client case file. A sample rent reasonableness form is included in the ESG forms available on the OHCS web site.

7) Fair Market Rent (FMR) Requirement

HUD establishes FMRs to determine rent ceilings for HUD-funded rental assistance programs. HUD publishes the FMR schedule annually for 530 metropolitan areas and 2,045 non-metropolitan county areas. The link to HUD's FMR index is included in the appendices in this manual.

Gross rent for units in which ESG provides rental assistance must be the same or less than the FMR for that location. If subgrantee's service area includes more than one county, subgrantee must use the appropriate FMR for the county in which the assisted rental unit is located. The applicable FMR data should be copied and placed in the client file to document the FMR for that participant's unit size and geographic area.

8) Calculating Gross Rent

Whether a household is seeking to maintain its current housing or relocate to another unit to avoid homelessness, or exiting homelessness into new permanent housing, the process for determining acceptable rent amounts is the same: the gross rent (rent plus appropriate utility allowance) must 1) be no greater than the Fair Market Rent set by HUD and 2) fit within the limitations resulting from a rent reasonableness analysis. The rent for the unit being assisted with program funds cannot exceed the lesser of the FMR or the rent reasonableness standard. If the gross rent for the unit exceeds either the rent reasonableness standard or FMR, the subgrantee is prohibited from using ESG funds for any portion of the rent, even if the household is willing and/or able to pay the difference.

Fair Market Rent and rent reasonableness requirements do not apply when a program participant receives only financial assistance or services. This includes rental application fees, security deposits, utility payments/deposits, moving costs, housing search and placement, housing stability case management, landlord-tenant mediation, legal services, and credit repair.

A utility allowance is a projection of the cost of utilities the client will pay monthly while renting their unit. Subgrantee must determine the amount of utility allowance to be used in the calculation of gross rent. The local public housing authority maintains a utility allowance chart which considers the number of bedrooms and types of utilities in a unit (e.g.; gas and/or electric, water, sewer, and trash). Any utilities included in the rent payment must not also be included in the utility allowance calculation. Telephone, cable or satellite television service, and internet service are not counted as utility costs.

To calculate the gross rent of a unit:

$$\begin{array}{r} \text{total contract rent amount of the unit} \\ \pm \\ \text{allowable* fees required for occupancy under the lease} \\ \pm \\ \text{monthly utility allowance established by local public housing authority} \\ \hline \text{Gross Rent Amount} \end{array}$$

*excludes late fees and pet fees

Example:

A case manager wants to rapidly re-house a mother and son and has identified a 2-bedroom unit at a rent of \$1,200 per month, not including utilities. The utility allowance for that size and type of unit is \$150. Therefore, the gross rent is \$1,350. A check of three similar units in the neighborhood reveals that the reasonable rent is \$1,400 for that area of the city. However, the FMR for the jurisdiction is \$1,300. This means the household cannot be assisted with ESG rental assistance in this unit because the gross rent exceeds the FMR.

Once a housing unit is determined to meet the FMR and rent reasonableness requirements, program funds may be used to pay for the actual utility costs. The utility allowance calculation is only used to determine whether the unit meets the FMR standard.

9) Eligibility Re-certification

Reassessments are required for homelessness prevention and rapid re-housing participants. Homelessness prevention reassessments are required every three months and must verify that a household continues to have an annual income at or below 30% of area median income and lacks the resources or support to retain or obtain appropriate permanent housing. Rapid re-housing assessments are required at least once per year to verify that a household's income is at or below 30% area median income and they lack the resources and support networks to retain or obtain appropriate permanent housing. If a client informs, but is not required by the subgrantee to notify staff of a change in income or other circumstances that may affect eligibility, there is no immediate effect on the client's eligibility and assistance can continue until the next required re-evaluation.

10) Housing Stability Case Management

ESG funds may be used to pay the cost of assessing, arranging, coordinating and monitoring the delivery of individualized housing stabilization services to a program participant already in permanent housing (not to exceed 24 months) or to assist a program participant to overcome immediate barriers to obtaining housing (not to exceed 30 days). Subgrantees are encouraged to provide case management to all clients receiving homelessness prevention and rapid re-housing services. Clients receiving

short- and medium-term rental assistance are required to be case-managed and have a housing stability service plan. Case management includes the following services:

- Using a coordinated entry process (upon the CoC's development or approval of this system);
- Conducting initial evaluation, including verification and documentation of eligibility;
- Developing, securing and coordinating services;
- Obtaining federal, state, and local benefits;
- Monitoring and evaluating participant's progress in the program;
- Developing an individualized housing stability service plan; **and**
- Conducting re-evaluations of participant's eligibility and types and amounts of assistance needed.

F. Homeless Management Information System (HMIS)

1) Reporting Requirements

ESG funded client and activity data must be entered into the HMIS (ServicePoint) or alternative database for clients who are victims of violence. Data entry and reporting expectations include:

- Timely and accurate data entry into the HMIS ;
- Acquiring and documenting informed written consent from program participants;
- Protecting program participants' confidentiality;
- Using the HMIS as a tool to analyze data to inform and improve the delivery of services.

Subgrantees are required to submit quarterly program reports by the 20th of the month following the end of each quarter in accordance with OHCS directives for content and format. A year-end report is also required 90 ninety days after the close of the state fiscal year. At the discretion of OHCS, other reports may be required when deemed necessary to provide adequate program utilization and performance information.

ESG funds can be used for the following the HMIS costs:

- The costs of using the coordinated entry process, but not the costs of developing or operating the system;
- Staff costs related to the operation and usage of the HMIS;
- computer hardware and software costs including purchase of HMIS software licenses;
- Space and equipment costs related to the HMIS; **and**
- Costs related to monitoring and reviewing data quality, data analysis and reporting.

2) Victim Services Data Collection

Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain comparable databases of their own design which provide

aggregate information and data consistent with HMIS data collection requirements. Projects serving survivors of domestic violence where the recipient is not a victim services provider are required to enter data in their HMIS.

3) Performance Measures and Follow-Up Contact

In alignment with the federal and state strategic plans to end homelessness, OHCS has established performance measures that require the collection of housing status data at the time of program exit and six months after program exit. While performance measures are in the process of being further identified and defined, subgrantees are currently required to report on two measures:

- Increased housing stability as measured by the percentage of total program participants served who reside in permanent housing at time of exit from program; **and**
- Increased housing stability as measured by the percentage of program participants who at program exit reside in permanent housing and maintain permanent housing for six months from time of exit.

Both measurements should be entered into the HMIS. Preliminary performance benchmarks have been set at 30% for all program participants who exit to permanent housing and 80% for those exiting to permanent housing that remain in permanent housing at six month follow-up. These outcome measurements will be in addition to reporting of required universal data elements that track client characteristic and service data.

Reporting of the two performance measures will be provided in the year-end report and is client household-based, not funding source. In other words, measurement will occur at time of client's program exit whether or not the program is exclusively ESG or partially ESG funded.

Locating and following up with clients can be challenging. Strategies that have shown the best results include the following:

- ✓ Follow-up is provided by the case manager or staff with whom the client knows and has worked with;
- ✓ Informing the client at time of intake/assessment of the need and value of follow-up and requesting their permission to contact them and/or other identified contacts after they exit the program;
- ✓ Securing multiple points of contact for the client prior to their exit such as a friend, family member, employer, landlord or someone who the client is likely to stay in touch with during the six month period;
- ✓ Utilizing the subgrantee's LIHEAP list of clients to verify permanent housing since LIHEAP can only be delivered to those residing in permanent housing; and
- ✓ Development of MOUs with other agencies such as DHS, Housing Authorities, CDCs, etc. to determine the housing status of clients.

Regardless of the method of follow-up utilized, subgrantees must obtain client permission to contact others through a signed release of information.

G. Ineligible Activities and Assistance

Ineligible activities that cannot be funded with ESG include, but are not exclusive to:

- replacement of existing mainstream resources;
- payments made directly to program participants;
- payments on a mortgage or land contract;
- payment of rent for eligible individuals or families for the same period of time and for the same cost types being assisted through any other federal, state, or local housing subsidy program;
- payments on credit card bills or other consumer debt, including child support or garnishments;
- provision of cash assistance;
- payment of costs of discharge planning programs in mainstream institutions such as hospitals, nursing homes, jails, or prisons; **and**
- payment for religious activities (**Note:** While organizations that are religious or faith-based are eligible to receive ESG funds, religious activities must be conducted separately, in time and location, from ESG-funded activities and participation must be voluntary for program participants).

IV. Housing and Facility Standards

A. Occupancy Standards

Occupancy standards provide consistent criteria for determining the size of the permanent housing unit for which the household is eligible and thus, the amount of assistance to be provided.

Subgrantee may choose to use the occupancy guidelines set by the Housing Choice Voucher Program, 24 CFR 982 Subpart I: 982.401(d), or develop their own standards. Subgrantee must develop a written policy outlining their occupancy standards requirements and use those standards consistently.

There may be circumstances where it is not appropriate for two persons to share a bedroom. As examples, these occur when the household includes:

- Persons of different generations, persons of the opposite sex, and unrelated adults;
- A live-in care attendant who is not a member of the household; or
- Members with medical problems who need privacy or space for medical equipment.

B. Habitability Standards

All housing units supported with program funds must meet HUD Habitability Standards. Habitability Standards are different from the Housing Quality Standards (HQS) used for

HOME and HOME TBA programs. Because the HQS criteria are more stringent than the Habitability Standards, subgrantee could use either standard for shelter or rental assistance funded with ESG. Housing also needs to be compliant with local housing codes relating to occupancy, health, and safety standards and the program must comply with the more stringent of the two.

1) Permanent Housing

Minimum habitability standards for permanent housing include requirements for:

- structure and materials;
- personal space and security;
- interior air quality;
- water supply;
- sanitary facilities;
- heating and cooling operating equipment;
- natural and electrically produced light;
- area for food preparation;
- safe and sanitary project maintenance; **and**
- fire safety.

For households moving into a new unit, the unit must meet habitability standards before the lease is signed and the household moves in. For households already residing in a unit, the unit must meet habitability standards before financial or rental assistance can be provided.

2) Shelters

In addition to established housing codes, habitability standards for shelters in which ESG funds are used for conversion, major rehabilitation or renovation include requirements for the following:

- structure and materials;
- access to and within the shelter;
- personal space and security;
- interior air quality;
- water supply;
- sanitary facilities;
- heating and cooling operating equipment;
- natural and electrically produced light;
- area for food preparation;
- safe and sanitary facility maintenance; **and**
- fire safety/smoke detectors.

More information about habitability requirements is included in the appendices section of this manual.

C. Lead-Based Paint Requirements

Federal lead-based paint requirements apply any time federal funds are used for housing assistance and the living space or unit was built prior to 1978. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M and R apply to all shelters assisted with ESG funding and all housing occupied by program participants.

Subgrantee must provide the lead hazard information pamphlet to any resident who will be residing in a unit built before 1978. The tenant must receive the pamphlet before moving into the unit. If subgrantee can document the tenant received the pamphlet previously, subgrantee is not required to provide it again.

For units older than 1978 which will house one or more children under the age of 6, landlord and tenant must complete a Lead-Based Paint Disclosure form. The form describes any known current or previous lead-based paint hazards, and documents tenant's receipt of records and the lead hazard information pamphlet. Additionally, a visual lead-based paint assessment must be completed by a person trained in this inspection process. The inspection may be completed in conjunction with the habitability inspection if the inspector is qualified. At Intake, it should be noted on the Application Form if there will be any child in the household younger than 6 years. This information should be provided to the habitability inspector prior to their examination of the proposed rental unit.

Essential service activities, such as, counseling, case management, street outreach, referrals to employment, etc., are exempt and excluded from the lead-based paint inspection requirements.

D. Environmental Review

Subgrantee and its contractors shall not rehabilitate, convert, or renovate a shelter or prospective shelter until HUD has performed an environmental review under 24 CFR part 50 and subgrantee has received HUD approval to continue. Subgrantee shall supply all available, relevant information necessary for HUD to perform any environmental review required by 24 CFR Part 50. Subgrantee must carry out mitigating measures required by HUD or select alternate eligible property. HUD may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).

Environmental reviews must also be completed for any project-based housing assistance paid with ESG funding.

V. Client Confidentiality

A. General Requirements

All information about the applicant/client is confidential. Disclose information only for the purpose of determining program eligibility, providing benefits, or investigating possible violation of federal, state and local regulation(s) associated with ESG delivery and never in a setting where members of the public can hear the conversation.

Subgrantees must have policies and procedures that ensure all client information and records are secure and confidentially maintained. Subgrantees' officers, employees and agents must be aware of and comply with subgrantees' confidentiality policies and procedures.

B. Electronic Confidentiality

Electronic collection of client information requires procedures for ensuring confidentiality. The following guidelines apply to the use of a computer:

- The computer terminal(s) used must be located in a secure location, limiting access to only those persons who have a legitimate interest in and are responsible in viewing client records.
- The computer monitor must be cleared (or a screen saver activated) immediately after accessing a client record.
- The computer terminal must be on a "locked" mode or turned off if the terminal is unattended.
- Access to the HMIS program shall be given to authorized staff persons and only insofar as access is necessary for performing the work required for the ESG program.

C. Victims of Domestic Violence

Subgrantee must implement procedures to ensure confidentiality of records pertaining to any individual who is provided family violence prevention or treatment services. Victim information cannot be disclosed to any third party without consent of the victim.

Victim service providers are prohibited from entering data in HMIS; however, they are required to maintain comparable databases of their own design which provide aggregate information and data consistent with HMIS data collection requirements. Projects serving survivors of domestic violence where the recipient is not a victim services provider are required to enter data in their HMIS.

Subgrantee must instruct all staff that the address of a domestic violence provider's shelter location will not be made public without permission of the provider.

D. Release of Information

Client information (including identifying the person is a client) should not be released without written authorization from the client. A Release of Information form must be completed by the applicant at the time of intake.

Client refusal to provide such authorization cannot be the basis for denying program services to otherwise eligible clients.

Release forms must be time-limited and specific as to with whom and what information will be shared.

VI. Termination, Grievance and Conflict of Interest Policies

A. Termination or Denial of Assistance

Subgrantee must have written denial, termination, and grievance policies and procedures. The policies and procedures should be readily available to program participants either in writing or by posting them in a public place. Copies and explanation of the policies and procedures be provided directly to any client when denial, termination or other action affects the client's ability to receive assistance. The notice must provide the specific reason(s) for the action and provide a process the applicant can follow to request a review of the decision.

If subgrantee is terminating rental assistance to the program participant, they must immediately notify the landlord of the date rental assistance for their tenant will end.

Termination from assistance does not prevent subgrantee from providing further assistance, later, to the same household or individual if they are determined eligible for such assistance.

B. Grievance and Appeals Process

Subgrantee is required to have an established process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit or other grievance. At a minimum, the process must include the following components:

- Informs the participant/applicant of the policy and/or policy must be posted in an area specific by the policy and in general locations in which a client/applicant is expected to be;
- Informs the participant/applicant that they may contest any subgrantee or subrecipient's decision that denies (for any reason) or limits eligibility of participant/applicant and/or terminates or modifies any benefits;
- Allows any aggrieved person a minimum of thirty days within which to request an administrative review;
- Informs the applicant/participant of their right to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the decision;
- Informs OHCS of the request for administrative review within 10 days of receiving the request;
- Informs the applicant/participant and OHCS in writing of the final determination and basis for the decision within ten days of the determination.

Any person or persons designated by subgrantee can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person.

OHCS retains the right to require modification of any review or appeal process that OHCS determines does not meet basic principles for notification, instruction, time allowance, impartiality or other necessary component.

Subgrantees must make accommodations for clients who have language or disability barriers that would prevent them from participating in the appeals process.

OHCS retains the right to require modification of any review or appeals process that in its determination does not meet basic principles for notification, instruction, time allowance, impartiality and access.

C. Conflict of Interest

1) Organizational

The provision of any type or amount of ESG assistance may not be conditioned on an individual's or household's acceptance or occupancy of emergency shelter or housing owned by subgrantee or an affiliated organization. A subgrantee is prohibited from conducting a participant's intake assessment to determine program eligibility if the participant resides in housing where the subgrantee has ownership interest. Subgrantee would need to find another independent organization that is also an ESG grantee to do the intake assessment and ensure that all program participants are eligible even if the subgrantee has a waiver of the conflict of interest requirements. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only be approved by HUD. If a subgrantee wishes to apply for a waiver, they should contact the OHCS homeless program coordinator or manager for guidance in submission of a waiver request which must be approved by OHCS who will then submit to HUD. See 24 CFR 576.404(a).

Subgrantee must keep records to show compliance with ESG program organizational conflicts-of-interest requirements.

2) Individual

For the procurement of goods and services, subgrantee must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) or 24 CFR 84.42 (for private nonprofit organizations).

Persons for whom the Conflict of Interest requirements apply include any person who is an employee, agent, consultant, officer, or elected or appointed official of the subgrantee agency. No person who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the Program, may obtain a financial interest or benefit

from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

Upon the written request of OHCS, HUD may grant an exception to the provisions of this paragraph on a case-by-case basis. Subgrantees wishing an exception must submit requests to OHCS for review and forwarding to HUD. There is no guarantee that an exception will be approved.

VII. Fair Housing

A. Affirmative Outreach

Subgrantee must communicate and make known that use of ESG funded facilities, assistance and services are available to all on a nondiscriminatory basis. Subgrantee must develop and implement affirmative outreach written procedures and communication tools and materials to inform persons without regard to race, color, ethnicity, religion, sex, age, national origin, familial status, or disability, how to obtain access to facilities and services. If it appears the procedures subgrantee intends to use to accomplish this will not reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those activities and services, subgrantee must establish additional procedures to ensure those persons are made aware of assistance opportunities. Outreach efforts must comply with Program Standard #3—*Emergency Shelter Operations (Safety and Accommodations for Special Populations)*.

Reasonable accommodations for persons with disabilities must be available in order to ensure disabled participants have an equal opportunity to utilize housing, including shelters, and receive essential services. Greater levels of accessibility may be required for some shelters in compliance with The Americans with Disabilities Act.

B. Nondiscrimination

Subgrantee is required to comply with all state and federal statutes relating to nondiscrimination. Subgrantee may not take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent housing or provide services
- Make housing or services unavailable
- Deny a dwelling or service
- Set different terms, conditions or privileges for rental of a dwelling or obtaining services
- Provide different housing services or facilities or different services
- Falsely deny that housing is available for inspection or rental or that services are available

- Deny anyone access to a facility or service.

VIII. Recordkeeping

A. Client File Documentation

Sufficient records must be established and maintained to enable OHCS and HUD to determine whether ESG requirements are being met. Subgrantee must make sure any subrecipients assisting subgrantee with the ESG program also maintain appropriate and complete records.

Documentation of client eligibility and services received must be maintained in printed or electronically-saved client case files, including files for applicants found to be ineligible. File documentation will be the basis of OHCS monitoring to ensure subgrantee is in compliance with program requirements and HUD regulations.

At the minimum, client files must contain the following, if applicable to subgrantee's service to the program participant:

- Verification of use of coordinated entry;
- Signed Release of Information;
- Intake form and assessment of household needs;
- homeless or at risk of homelessness verification;
- Evidence applicant has no subsequent housing options and lacks sufficient resources to retain housing, but is not homeless;
- Rent Reasonableness documentation;
- Habitability Standards verification;
- Lead-based Paint visual assessment;
- Signed Lease Agreement;
- Signed Rental Assistance Agreement;
- Verification of client income and assets;
- Amount and type of essential emergency shelter services provided;
- Re-evaluations of eligibility;
- Housing Plan and housing assistance provided;
- Verification of outstanding rent arrears;
- Case notes;
- Evidence of referrals;
- Documentation of payments made on client's behalf; **and**
- Written notice of program termination.

B. Electronic Files

If client file documents and signatures or policy documents are collected and maintained electronically, required documentation must be made available to OHCS in paper form when requested.

C. Records Retention

Subgrantees shall retain all program records pertinent to client services and expenditures paid with ESG funds in a manner consistent with the requirements of state and federal law. This includes, but is not limited to, those requirements listed in Administrative Rule, Operations Manual and Special Schedules. Currently, program records including client files must be retained for five (5) years. Fiscal records, which include books, documents, papers, plans, and agency records that document all program expenditures, must be retained for a minimum of six (6) years, or such longer period as may be required due to any audit, controversy or litigation arising out of, or relating to, program use.

D. Available Forms

Program forms and reference documents are available for download from the OHCS web site. Subgrantee may use these standard forms or acceptable equivalents when administering its ESG funded program. Any alternate form must collect all data requested on the standard form. OHCS encourages the use of the standard forms for consistency and ease of monitoring and compliance.

IX. Financial Management

A. Administration

Subgrantees may use up to 2.5% of reimbursed costs during the grant period for administrative costs inclusive of what may be shared with subcontractors (subrecipients). Allowable administrative costs are those costs associated with the general management of the organization. These costs may include, but are not exclusive to: executive management; human resources; accounting, board expenses; general insurance; agency-wide audit; and space and equipment costs attributable to the agency as a whole. Administrative costs must be charged to grant cost centers based on either a cost allocation plan or through use of an approved indirect cost rate in accordance with 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the “Super Circular”).

B. Program Match

Except as provided in the next paragraph, OHCS will require subgrantee to make matching contributions in an amount that equals (100%) the amount of ESG funds allocated by OHCS.

The first \$100,000 of OHCS’s ESG award from HUD is excluded and does not require match. OHCS may transfer, through an exception process, the benefit of HUD’s exception to its subgrantee agencies that are least capable of providing matching contributions.

Subgrantees not able to provide 100% match must contact the OHCS Homeless Program Analyst to discuss receiving an exception to the requirement..

Obtain matching contributions from any source, including any Federal (non-ESG) source, as well as state, local, and private sources. Use of any Federal source must not prohibit those funds from being used as ESG match and not already be matched with ESG funds. Subgrantee must ensure the laws governing any funds used as matching contributions do not prohibit the use of those funds as match.

All sources listed as match must meet these criteria:

- The matching contribution must be made after the date that HUD and OHCS sign the ESG Grant Agreement;
- Cash contributions must be expended within the expenditure deadline in 576.203;
- Non-cash contributions must be made within the expenditure deadline in 576.203.
- Contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant;
- Contributions that have been or will be counted as satisfying a match requirement of other federal funds may not be used as match for ESG funding;
- The matching funds must be used for ESG eligible clients and activities; **and**
- If ESG funds are used to satisfy matching requirements of another federal program, funding from that program cannot be used to satisfy the matching requirements of ESG.

Possible sources of match, other than federal, state or local grants include:

- Cash;
- The value or fair rental value of any donated material or building;
- The value of any lease on a building;
- Any salary paid to staff to carry out the program of the recipient; **and**
- The value of the time and services contributed by volunteers.

Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work by subgrantee. If subgrantee does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.

The value of any real property, equipment, goods or services can be used as match provided the costs would be allowable if subgrantee had purchased them. Some non-cash contributions would be considered indirect costs if purchased by subgrantee; match for these contributions may be given only if subgrantee has established a special indirect cost rate for allocating the value of those contributions to individual projects or programs.

Costs paid by program income shall count as match if the costs are eligible ESG costs that supplement subgrantee's ESG program.

Subgrantee must keep records of the source and use of contributions made to satisfy the matching requirement. Records must indicate the fiscal year grant for which each matching contribution is counted, as well as how the value of non-cash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that subgrantee uses to support the allocation of regular personnel costs.

C. Funds Disbursement

1) Use of OPUS

The OPUS System is a web-based centralized data system designed to meet business-processing needs. Subgrantee staff must complete training before being authorized to use the fiscal operations program of OPUS. Training is provided by the Fiscal Grant Specialist at OHCS.

OHCS maintains an OPUS Manual and OPUS Help Desk. Staff can be reached at:

Email: opushelp@hcs.state.or.us

Ph: (503) 986-2099

Toll Free: (800) 453-5511 Option 6

2) Request for Funding Documentation

Subgrantee must retain supporting documentation of all costs charged to the ESG grant and be able to provide evidence that grant funds were spent on allowable costs.

3) Work Plan and Budget Change Requests

All budget changes require OHCS approval. Submit a Budget Change Request form electronically to: mga.fiscal@oregon.gov. At the discretion of OHCS, additional information or a Work Plan Amendment Request form may be required.

All work plan amendments require OHCS approval. Submit a Work Plan Amendment Request form electronically to: crd.reports@oregon.gov. At the discretion of OHCS, additional information may be required. Work plan amendments may be requested by the subgrantee and are required when there is a shift in program delivery, the actual number of households/people served greatly exceeds expectations; or if there are unexpected changes in demographics, such as a larger subpopulation than projected, is requesting and needing resources

4) Funds Spend Down

Subgrantee will be expected to fully obligate or expend ESG funds from a previous funding cycle before spending funds from a current funding cycle. OHCS will review subgrantee's ESG spending. OHCS may deallocate a portion of subgrantee's ESG funds if subgrantee cannot ensure that funds will be spent by the end of the expenditure period.

X. Monitoring

A. Process

OHCS will monitor subgrantee's program administration once every three years or sooner if circumstances dictate a more frequent review is needed. Fiscal monitoring will be conducted annually unless an earlier review is warranted. Subgrantee will be notified thirty days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. After the monitoring visit, OHCS will provide subgrantee with a written monitoring report inclusive of any findings, concerns or comments. Subgrantee must provide timely corrective action to findings and failure to do so may result in the withholding and/or return of ESG funds to OHCS or other possible remedies as described in the Master Grant Agreement signed by subgrantee and OHCS.

B. Subgrantee Monitoring of Subrecipients

Subgrantee shall perform onsite monitoring their subrecipients at least once during and not later than the third quarter of the term of the Master Grant Agreement. Subgrantee must maintain and provide access to subrecipient written monitoring procedures and reports as requested by OHCS.

C. Records Access

Subgrantee and its subrecipients shall permit OHCS, The Oregon Secretary of State's Office, the federal government, and the duly authorized representatives of such entities access to, and the right to copy, all program client and fiscal records for such purposes as research, data collection, evaluations, monitoring, and auditing. At the sole discretion of OHCS, access to records shall include the removing of records from subgrantee's office. Access to records is not limited to the required retention period, but last as long as the records are retained.

Subgrantee must provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of ESG funds the subgrantee received during the preceding five years.

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XI. Acronyms and Definitions

A. Acronym List

Acronyms commonly used are:

| | |
|-----------|--|
| CAA | Community Action Agency |
| CFR | Code of Federal Regulations |
| COC | Continuum of Care |
| DHS | Department of Human Services, Oregon |
| ESG | Emergency Solutions Grant |
| FMR | Fair Market Rent |
| HH | Household |
| HMIS | Homeless Management Information System |
| HPRP | Homelessness Prevention and Rapid Re-Housing Program |
| HQS | Housing Quality Standards |
| HUD | United States Department of Housing and Urban Development |
| IDIS | Integrated Disbursement and Information System |
| OAR | Oregon Administrative Rules |
| ORS | Oregon Revised Statutes |
| SRO | Single Room Occupancy |
| TTA/T &TA | Training and Technical Assistance |
| URA | Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 |
| VA | Veteran's Administration |

B. Definitions

Domestic Violence: this definition includes domestic violence, dating violence, sexual assault, stalking, attempting to cause, or intentionally, knowingly or recklessly causing or placing another in fear of imminent serious physical injury or emotional, mental or verbal abuse, and using coercive or controlling behavior. This does not include other criminal acts such as violence perpetrated by a stranger, neighbor, acquaintance or friend, unless those persons are family members, intimate partners or household members.

HMIS: means Homeless Management Information System. OHCS uses ServicePoint as their HMIS; however, for Domestic Violence Shelters use a comparable database (see "HMIS" section of this manual).

Recipient: the state entity receiving funds directly from HUD through an executed grant agreement for the Emergency Solutions Grant Program also referred to as Oregon Housing & Community Services (OHCS).

Shelter: “Emergency shelter,” means any facility whose purpose is to provide temporary shelter for the homeless including congregate shelters, hotels/motels paid for by charitable organizations, or federal, state and/or local government programs, which do not require occupants to sign leases or occupancy agreements.

Subgrantee Agency: Community Action Agencies (or other qualified entities) that receive funding from the Recipient (OHCS) and provides direct client services. Subgrantee agencies may contract direct client services to subrecipients.

Subrecipient(s): Subrecipients are entities that, by contract with the subgrantee agency, provide ESG direct client services and receive funding directly from the subgrantee agency. In its agreements with subgrantee agency, subrecipients will comply with all requirements for the Emergency Solutions Grant.

Support Network: examples include family, friends and faith-based or other social networks.

Temporary Living: residing in a facility for fewer than 90 days

Unaccompanied Youth: unaccompanied youth are less than 25 years of age and homeless under other Federal statutes **and:**

- (A) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
- (B) Have experienced persistent instability as measured by two moves or more in the preceding 60 days; **and**
- (C) Can be expected to continue in such status for an extended period due to special needs or barriers.

Appendix 1: Applicable Rules and Regulations

All the following as may be amended from time to time:

1. 24 CFR 5 subpart F: [Occupancy Requirements for Section 8 Project-Based Assistance](#)
2. 24 CFR part 91: [Consolidated Submissions for Community Planning and Development Programs](#)
3. 24 CFR part 576: [Emergency Solutions Grant Program](#)
4. 24 CFR part 121: [Homeless Management Information System \(HMIS\)](#)
5. 24 CFR part 982: [Fair Market Rent and Rent Reasonableness](#)
6. ORS 456.515 through 456.725: [Housing and Community Services Department](#)
7. ORS 458.505 through 458.545: [Community Services Programs](#)
8. OAR 813-145: [Emergency Solutions Grant Program](#)
9. [HMIS Manual](#)
10. This manual as a guideline for ESG program management.
11. Lead-Based Paint: <http://www2.epa.gov/lead> and [24 CFR part 35](#)
12. Lead-Based Paint pamphlet:
http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11875.pdf
13. Annual Median Income:
14. [https://www.hudexchange.info/resource/3679/hud-income-limits/HUD Resource Exchange](https://www.hudexchange.info/resource/3679/hud-income-limits/HUD%20Resource%20Exchange):
<https://www.hudexchange.info/esg/>
 - ESG program guidance
 - Federal regulations
 - Tools and technical assistance
 - Listserv opportunities
 - Frequently Asked Questions
15. Personal Responsibility and Work Opportunity Reconciliation Act of 1996:
<http://www.gpo.gov/fdsys/pkg/PLAW-104publ193/content-detail.html>
16. Housing Choice Voucher Guidebook:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/guidebooks/7420.10G.
17. CFRs cited are amended from time to time and can be found at:
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=%2Findex.tpl>
18. ORS cited are amended from time to time and can be found at:
https://www.oregonlegislature.gov/bills_laws
19. OARs cited are amended from time to time and can be found at:
<http://arcweb.sos.state.or.us/pages/rules/access/numerically.html>
20. OMBs cited are amended from time to time and can be found at:

http://www.whitehouse.gov/omb/circulars_default

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STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

Affirmatively Further Fair Housing -- The State will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

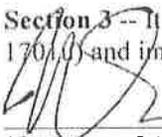
Anti-Lobbying --To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of State -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with Community Development Block Grant, HOME, Housing Trust Fund, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the State's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701(u) and implementing regulations at 24 CFR Part 135.



Signature of Authorized Official

7/11/17

Date



Title

Specific CDBG Certifications

The State certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 and each unit of general local government that receives assistance from the State is or will be following a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486.

Consultation with Local Governments -- It has or will comply with the following:

1. It has consulted with affected units of local government in the nonentitlement area of the State in determining the method of distribution of funding;
2. It engages in or will engage in planning for community development activities;
3. It provides or will provide technical assistance to units of local government in connection with community development programs; and
4. It will not refuse to distribute funds to any unit of general local government on the basis of the particular eligible activity selected by the unit of general local government to meet its community development needs, except that a State is not prevented from establishing priorities in distributing funding on the basis of the activities selected.

Local Needs Identification -- It will require each unit of general local government to be funded to identify its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objectives of Title I of the Housing and Community Development Act of 1974, as amended. (See 24 CFR 570.2 and 24 CFR part 570)

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 199 , , and . (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. The state will require units of general local government that receive CDBG funds to certify to the following:

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It will require units of general local government that receive CDBG funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Compliance with Laws -- It will comply with applicable laws.



Signature/Authorized Official

11-10-16

Date



Title

Specific HOME Certifications

The State certifies that:

Tenant Based Rental Assistance -- If it intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the State's consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through §92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Appropriate Financial Assistance -- Before committing any funds to a project, the State or its recipients will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;



Signature/Authorized Official

11/10/16

Date

Director, OHCS

Title

ESG Certifications

Each State that seeks funding under the Emergency Solutions Grants Program must provide the following certifications:

Matching Funds – The State will obtain any matching amounts required under 24 CFR 576.201 in a manner so that its subrecipients that are least capable of providing matching amounts receive the benefit of the exception under 24 CFR 576.201(a)(2).

Discharge Policy – The State will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Confidentiality – The State will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

The State will ensure that its subrecipients comply with the following criteria:

Major rehabilitation/conversion – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building will be maintained as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the building will be maintained as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

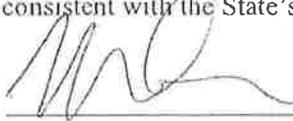
Essential Services and Operating Costs – If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the subrecipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the applicant serves the same type of persons (e.g., families with children, unaccompanied youth, veterans, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The subrecipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Homeless Persons Involvement – To the maximum extent practicable, the subrecipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted ESG.

Consolidated Plan – All activities the subrecipient undertakes with assistance under ESG are consistent with the State's current HUD-approved consolidated plan.



Signature/Authorized Official

11/10/16

Date

Director, DYES

Title

STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

Affirmatively Further Fair Housing -- The State will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Anti-Lobbying -- To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts

under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of State -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official

11-10-16

Date

Title
ANNICK BENSON-SCOTT
HIV/STD/TB SECTION MANAGER
971-673-0142

HOPWA Certifications

The State HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under the program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of any building or structure purchased, leased, rehabilitated, renovated, or converted with HOPWA assistance,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.



Signature/Authorized Official

11-15-16
Date

Title **ANNICK BENSON-SCOTT**
 HIV/STD/TB SECTION MANAGER
 971-673-0142

| Application for Federal Assistance SF-424 | | |
|--|--|--|
| * 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | * 2. Type of Application: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision | * If Revision, select appropriate letter(s): _____ * Other (Specify): _____ |
| * 3. Date Received: _____ | 4. Applicant Identifier: FY2017 | |
| 5a. Federal Entity Identifier: 41-001 | 5b. Federal Award Identifier: BC-17-DC-41-001 | |
| State Use Only: | | |
| 6. Date Received by State: _____ | 7. State Application Identifier: _____ | |
| 8. APPLICANT INFORMATION: | | |
| * a. Legal Name: State of Oregon | | |
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0621491 | * c. Organizational DUNS: E095795430000 | |
| d. Address: | | |
| * Street1: 775 Summer Street NE, Ste. 200 | Street2: _____ | |
| Street2: _____ | City: Salem | |
| * City: Salem | County/Parish: _____ | |
| County/Parish: _____ | * State: OR: Oregon | |
| * State: OR: Oregon | Province: _____ | |
| Province: _____ | * Country: USA: UNITED STATES | |
| * Country: USA: UNITED STATES | * Zip / Postal Code: 97301-1280 | |
| * Zip / Postal Code: 97301-1280 | | |
| e. Organizational Unit: | | |
| Department Name: Oregon Business Dev Department | Division Name: Infrastructure Finance Div | |
| f. Name and contact information of person to be contacted on matters involving this application: | | |
| Prefix: _____ | * First Name: Becky | |
| Middle Name: _____ | | |
| * Last Name: Baxter | | |
| Suffix: _____ | | |
| Title: CDBG Program and Policy Coordinator | | |
| Organizational Affiliation: Oregon Business Development Dept-Infrastructure Finance Div | | |
| * Telephone Number: 503-986-0104 | Fax Number: _____ | |
| * Email: becky.baxter@oregon.gov | | |

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

CFDA 14.228

CFDA Title:

Title I HUD Community Development Block Grant Program - State non-entitlement

*** 12. Funding Opportunity Number:**

N/A

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

FY2017 Annual update to Oregon's Consolidated Plan (2016-2020): 2017 Method of Distribution

Attach supporting documents as specified in agency instructions

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant 1-6

* b. Program/Project 12456

Attach an additional list of Program/Project Congressional Districts if needed.

Buttons: Add Attachment, Delete Attachment, View Attachment

17. Proposed Project:

* a. Start Date: 01/01/2017

* b. End Date: 12/31/2017

18. Estimated Funding (\$):

* a. Federal \$11,978,330 xxxxxxxxxxxxxxx

CJC 6-20-17

* b. Applicant

* c. State

* d. Local

* e. Other

* f. Program Income

* g. TOTAL \$11,978,330 xxxxxxxxxxxxxxx

CJC 6-20-17

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

Yes No

If "Yes", provide explanation and attach

Buttons: Add Attachment, Delete Attachment, View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. * First Name: Chris

Middle Name:

* Last Name: Cummings

Suffix:

* Title: OBDD Assistant Director

* Telephone Number: 503-986-0158 Fax Number:

* Email: chris.cummings@oregon.gov

* Signature of Authorized Representative: *Chris Cummings*

* Date Signed: 11-10-16

6-20-17

Application for Federal Assistance SF-424

Version 02

| | | | |
|--|-----------------------------------|--|---|
| *1. Type of Submission | | *2. Type of Application | *If Revision, select appropriate letter(s): |
| <input type="checkbox"/> Preapplication | <input type="checkbox"/> New | <input checked="" type="checkbox"/> Continuation | * Other (Specify) |
| <input checked="" type="checkbox"/> Application | <input type="checkbox"/> Revision | | |
| <input type="checkbox"/> Changed/Corrected Application | | | |

| | |
|--------------------|----------------------------|
| *3. Date Received: | 4. Application Identifier: |
|--------------------|----------------------------|

| | |
|--------------------------------|--|
| 5a. Federal Entity Identifier: | *5b. Federal Award Identifier: E13-DC-41-0001 |
|--------------------------------|--|

State Use Only:

| | |
|----------------------------|----------------------------------|
| 6. Date Received by State: | 7. State Application Identifier: |
|----------------------------|----------------------------------|

8. APPLICANT INFORMATION:

| | |
|---|---|
| * a. Legal Name: Oregon Housing and Community Services | |
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0958117 | *c. Organizational DUNS: 8095802930000 |

d. Address:

*Street1: 725 Summer Street NE Suite B
 Street 2:
 *City: Salem
 County: Marion
 *State: Oregon
 Province:
 Country: United States *Zip/ Postal Code: 97301-1266

e. Organizational Unit:

| | |
|---|----------------|
| Department Name: Oregon Housing and Community Services | Division Name: |
|---|----------------|

f. Name and contact information of person to be contacted on matters involving this application:

| | |
|--------------------|--------------------|
| Prefix: Ms. | First Name: Carole |
| Middle Name: | |
| *Last Name: Dicksa | |
| Suffix: | |

Title: Program Manager

Organizational Affiliation:

| | |
|----------------------------------|-------------|
| *Telephone Number: 503-986-2137 | Fax Number: |
| *Email: carole.dicksa@oregon.gov | |

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: **A. State Government**

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.231

CFDA Title:

*12. Funding Opportunity Number: **6**

*Title: **HOME Program**

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*15. Descriptive Title of Applicant's Project:

HOME Program

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant 1-6

*b. Program/Project: 1-5

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 1/1/2017

*b. End Date: 12/31/17

18. Estimated Funding (\$):

*a. Federal \$6,365,809.00

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL \$6,365,809.00

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: *First Name: Margaret

Middle Name: Solle

*Last Name: Salazar

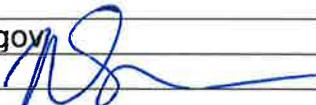
Suffix:

*Title: Director

*Telephone Number: 503-986-2000

Fax Number:

*Email: margaret.salazar@oregon.gov

*Signature of Authorized Representative: 

Date Signed: 7/11/17

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Application for Federal Assistance SF-424

Version 02

| | | |
|--|--|--|
| *1. Type of Submission <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | *2. Type of Application <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision | *If Revision, select appropriate letter(s): * Other (Specify) |
|--|--|--|

| | |
|--------------------|----------------------------|
| *3. Date Received: | 4. Application Identifier: |
|--------------------|----------------------------|

| | |
|--------------------------------|--|
| 5a. Federal Entity Identifier: | *5b. Federal Award Identifier: E13-DC-41-0001 |
|--------------------------------|--|

| | |
|----------------------------|----------------------------------|
| State Use Only: | |
| 6. Date Received by State: | 7. State Application Identifier: |

8. APPLICANT INFORMATION:

* a. Legal Name: Oregon Housing and Community Services

| | |
|---|---|
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0958117 | *c. Organizational DUNS: 8095802930000 |
|---|---|

d. Address:

*Street1: 725 Summer Street NE Suite B
 Street 2:
 *City: Salem
 County: Marion
 *State: Oregon
 Province:
 Country: United States *Zip/ Postal Code: 97301-1266

e. Organizational Unit:

| | |
|---|----------------|
| Department Name: Oregon Housing and Community Services | Division Name: |
|---|----------------|

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. First Name: Carole
 Middle Name:
 *Last Name: Dickson
 Suffix:

Title: Program Manager

Organizational Affiliation:

*Telephone Number: 503-986-2137 Fax Number:

*Email: carole.dickson@oregon.gov

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: **A. State Government**

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.231

CFDA Title:

*12. Funding Opportunity Number: **6**

*Title: **Housing Trust Fund (HTF) Program**

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*15. Descriptive Title of Applicant's Project:

HTF Program

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant 1-6

*b. Program/Project: 1-5

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 1/1/2017

*b. End Date: 12/31/17

18. Estimated Funding (\$):

*a. Federal \$3,143,231.00

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL \$3,143,231.00

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: *First Name: Margaret

Middle Name: Solle

*Last Name: Salazar

Suffix:

*Title: Director

*Telephone Number: 503-986-2000

Fax Number:

*Email: margaret.salazar@oregon.gov

*Signature of Authorized Representative: 

Date Signed: 7/11/17

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Application for Federal Assistance SF-424

Version 02

| | | |
|--|--|--|
| *1. Type of Submission <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | *2. Type of Application <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision | *If Revision, select appropriate letter(s): * Other (Specify) |
|--|--|--|

| | |
|--------------------|----------------------------|
| *3. Date Received: | 4. Application Identifier: |
|--------------------|----------------------------|

| | |
|--------------------------------|--------------------------------|
| 5a. Federal Entity Identifier: | *5b. Federal Award Identifier: |
|--------------------------------|--------------------------------|

State Use Only:

| | |
|----------------------------|----------------------------------|
| 6. Date Received by State: | 7. State Application Identifier: |
|----------------------------|----------------------------------|

8. APPLICANT INFORMATION:

* a. Legal Name: Oregon Housing and Community Services

| | |
|---|---|
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 93-0952117 | *c. Organizational DUNS: 8095802930000 |
|---|---|

d. Address:

*Street1: 725 Summer Street NE Suite B
 Street 2:
 *City: Salem
 County: Marion
 *State: Oregon
 Province:
 Country: United States *Zip/ Postal Code: 97301

e. Organizational Unit:

| | |
|--------------------------|---|
| Department Name: OHCS | Division Name: Housing Stabilization |
|--------------------------|---|

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. First Name: Vicki
 Middle Name:
 *Last Name: Massey
 Suffix:

Title: Program Analyst

Organizational Affiliation:

*Telephone Number: 503-986-2146 Fax Number:

*Email: vicki.massey@oregon.gov

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: **A. State Government**

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.231

CFDA Title:

*12. Funding Opportunity Number: **6**

*Title: **Emergency Solutions Grants Program**

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*15. Descriptive Title of Applicant's Project:

Emergency Solutions Grants Program

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant 1-6

*b. Program/Project: 1-5

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 1/1/2017

*b. End Date: 12/31/17

18. Estimated Funding (\$):

*a. Federal \$2,015,624.00

*b. Applicant

*c. State

*d. Local \$1,915,624.00

*e. Other

*f. Program Income

*g. TOTAL \$3,931,248.00

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: *First Name: Margaret

Middle Name: Solle

*Last Name: Salazar

Suffix:

*Title: Director

*Telephone Number: 503-986-2000

Fax Number:

*Email: margaret.salazar@oregon.gov

*Signature of Authorized Representative: 

Date Signed: 7/11/17

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Application for Federal Assistance SF-424

Version 02

| | | |
|--|--|---|
| *1. Type of Submission | *2. Type of Application | *If Revision, select appropriate letter(s): |
| <input type="checkbox"/> Preapplication | <input type="checkbox"/> New | |
| <input checked="" type="checkbox"/> Application | <input checked="" type="checkbox"/> Continuation | * Other (Specify) |
| <input type="checkbox"/> Changed/Corrected Application | <input type="checkbox"/> Revision | |

| | |
|--------------------|----------------------------|
| *3. Date Received: | 4. Application Identifier: |
|--------------------|----------------------------|

| | |
|--------------------------------|---|
| 5a. Federal Entity Identifier: | *5b. Federal Award Identifier: ORH16F999 |
|--------------------------------|---|

| | |
|----------------------------|----------------------------------|
| State Use Only: | |
| 6. Date Received by State: | 7. State Application Identifier: |

8. APPLICANT INFORMATION:

* a. Legal Name: Oregon Health Authority

| | |
|---|---|
| * b. Employer/Taxpayer Identification Number (EIN/TIN): 93-6001752 | *c. Organizational DUNS: 8781440210000 |
|---|---|

d. Address:

*Street1: 800 NE Oregon Street
Street 2: Suite 1105
*City: Portland,
County: Multnomah
*State: OR
Province:
Country: USA *Zip/ Postal Code: 97232-2187

e. Organizational Unit:

| | |
|--|--|
| Department Name: Ctr for Public Health Practice | Division Name: Public Health Division |
|--|--|

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: First Name: Annick

Middle Name:

*Last Name: Benson-Scott

Suffix:

Title: HIV/STD/TB Section Manager

Organizational Affiliation:

*Telephone Number: 971-673-0142 Fax Number: 971-673-0178

*Email: annick.benson@state.or.us

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: A. State Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

Housing & Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

14.241

CFDA Title:

Housing Opportunities for Persons with AIDS

*12. Funding Opportunity Number:

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*15. Descriptive Title of Applicant's Project:

Assist people living with HIV/AIDS in creating a continuum of stable and sustainable housing.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant **3**

*b. Program/Project: **1-5**

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: **01/01/2017**

*b. End Date: **12/31/2017**

18. Estimated Funding (\$):

| | |
|--------------------|--------------|
| *a. Federal | |
| *b. Applicant | \$441,515.00 |
| *c. State | |
| *d. Local | |
| *e. Other | |
| *f. Program Income | |
| *g. TOTAL | \$441,515.00 |

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

- Yes
- No

1. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I AGREE

* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: *First Name: **Annick**

Middle Name:

*Last Name: **Benson-Scott**

Suffix:

*Title: **HIV/STD/TB Section Manager**

*Telephone Number: **971-673-0142**

Fax Number: **971-673-0178**

*Email: **annick.benson@state.or.us**

*Signature of Authorized Representative: 

Date Signed: **6/21/17**

Citizen Participation Documentation
E-1 Notice of Public Commend Period

OREGON HOUSING AND COMMUNITY SERVICES

NOTICE OF PUBLIC COMMENT PERIOD

The State of Oregon through its agencies: Oregon Housing and Community Services (OHCS), Oregon Health Authority (OHA), and Oregon Business Development Department – Infrastructure Finance Authority (OBDD-IFA), are seeking public comments for our priorities for housing and community development on:

Oregon's Proposed 2017 Annual Action Plan

The report addresses the use of HOME, HTF, CDBG, ESG, and HOPWA funds for the program year January 1, 2017 through December 31, 2017, as well as fair housing issues.

All Oregon residents are invited to submit written or verbal comments during a 30 day public comment period beginning **October 3, 2016 and ending November 1, 2016**. Written comments for all programs may be submitted to the attention of Shoshanah Oppenheim, Federal Planning and Policy Manager, OHCS, 725 Summer Street NE, Suite B, Salem, OR 97301-1266, 503-986-2077, or by email at shoshanah.oppenheim@oregon.gov.

A public hearing will be held on October 17, 2016 from 12:00 PM -1:00 PM 775 Summer St. NE Salem, OR 97301 Room 201.

A copy of the Proposed Annual Action Plan (which includes the 2017 Proposed Community Development Block Grant (CDBG) Method of Distribution) is available at Oregon Housing and Community Services at <http://www.oregon.gov/ohcs/pages/consolidated-plan-five-year-plan.aspx>, and at Business Oregon Infrastructure Finance Authority at <http://www.orinfrastructure.org> or visit 775 Summer Street NE, Ste. 200, Salem, OR.

Persons who are deaf persons or hearing-impaired may use a TTY by calling 503-986-2100. Persons needing copies in other languages or other accommodation should contact Shoshanah Oppenheim at 503-986-2077 or shoshanah.oppenheim@oregon.gov prior to the close of the comment period.

Questions, concerns, complaints, or requests for information in alternative formats from individuals with disabilities must be submitted to before October 14, 2016.

Oregon Housing and Community Services, Oregon Business Development Department, and Oregon Health Authority programs are administered in a nondiscriminatory manner, consistent with Equal Opportunity Employment Opportunities, Affirmative Action, and Fair Housing requirements.

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Citizen Participation

E-2 Public Notice Email to E-List Subscribers

From: Oregon Housing and Community Services <housinginfo@oregon.gov>
Sent: Thursday, September 22, 2016 11:48 AM
To: HARRIS Suzanne * HCS
Subject: Public Comment Period: Oregon's 2017 Proposed Annual Action Plan

Having trouble viewing this email? [Click here](#)

You are subscribed to receive Multifamily Finance related Public Notices from OHCS.



Public Notice

October 3, 2016

Notice of Public Comment Period

The State of Oregon through its agencies: Oregon Housing and Community Services (OHCS), Oregon Health Authority (OHA), and Oregon Business Development Department - Infrastructure Finance Authority (OBDD-IFA), are seeking public comments for our priorities for housing and community development on:

Oregon's Proposed 2017 Annual Action Plan.

The report addresses the use of HOME, HTF, CDBG, ESG, and HOPWA funds for the program year January 1, 2017 through December 31, 2017, as well as fair housing issues.

All Oregon residents are invited to submit written or verbal comments during a 30 day public comment period beginning October 3, 2016 and ending November 1, 2016. Written comments for all programs may be submitted to the attention of Shoshanah Oppenheim, Planning and Policy Manager, OHCS, 725 Summer Street NE, Suite B, Salem, OR 97301-1266, 503-986-2077, or by email at shoshanah.oppenheim@oregon.gov.

A public hearing will be held on October 17, 2016 from 12:00 PM -1:00 PM 775 Summer St. NE Salem, OR 97301 Room 201.

A copy of the Proposed Annual Action Plan (which includes the 2017 Proposed Community Development Block Grant (CDBG) Method of Distribution) is available at Oregon Housing and Community Services at <http://www.oregon.gov/ohcs/pages/consolidated-plan-five-year-plan.aspx>, and at Business Oregon Infrastructure Finance Authority at <http://www.orinfrastructure.org>, or visit 775 Summer Street NE, Ste. 200, Salem, OR.

Persons who are deaf persons or hearing-impaired may use a TTY by calling 503-986-2100. Persons needing copies in other languages or other accommodation should contact Shoshanah Oppenheim at 503-986-2077 or shoshanah.oppenheim@oregon.gov prior to the close of the comment period.

Questions, concerns, complaints, or requests for information in alternative formats from individuals with disabilities must be submitted to **before October 14, 2016**.

Oregon Housing and Community Services, Oregon Business Development Department, and Oregon Health Authority programs are administered in a nondiscriminatory manner, consistent with Equal Opportunity Employment Opportunities, Affirmative Action, and Fair Housing requirements.

Oregon Housing and Community Services
North Mall Office Building
725 Summer Street NE, Suite B, Salem, OR 97301-1266
www.ohcs.oregon.gov

Visit us on Twitter!



Oregon Housing and Community Services,
725 Summer St NE Ste B, Salem, OR 97301-1266

[SafeUnsubscribe™ {recipient's email}](#)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by housinginfo@oregon.gov in collaboration with



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Citizen Participation

E-3 E-List Subscribers - Agency Examples

A notice for public hearing and comment period on Oregon's 2017 Proposed Annual Action Plan was sent electronically through a subscription-based e-newsletter service to approximately 775 agencies representing public and private organizations, as well as private citizens.

An example of agencies receiving the notice include the following:

| | |
|---|---|
| ACCESS | Kate Allen Community Development Services |
| African American Alliance for Homeownership | Klamath & Lake Community Action Services |
| Ambrowse Law Group LLC | MHT Housing, Inc. |
| Bergsund DeLaney Architecture | Multnomah County Human Services |
| Bienestar | National Affordable Housing Trust |
| Bridge Housing Corporation | Neighborhood Partnerships |
| Caine Mitter & Associates | NeighborImpact |
| CASA of Oregon | NeighborWorks Umpqua |
| Cascade Housing Association | Network for Oregon Affordable Housing |
| Catholic Community Charities | Oregon Housing Stability Council |
| Central Oregon Veteran's Ranch | Oregon On |
| Chrisman Development Inc. | Oregon Opportunity Network |
| City Planners and Architects | Oregon Rehabilitation Association |
| City of Medford Board for Housing Development | Portland Business Alliance |
| Clatsop Community Action | Portland General Electric |
| ColumbiaCare Services | Portland Housing Bureau |
| Community Action Serving Washington County | Prospect Mortgage |
| Community Action Team, Inc. | Rural Community Assistance Corporation |
| Community Services, Inc. | Shelter America Group |
| Community Vision, Inc. | Shelter Resources, Inc. |
| Cornerstone Community Housing | State of Oregon Audits Division |
| Department of Human Services | Studio C Architecture, LLC |
| Fair Housing Council of Oregon | Transition Projects, Inc. |
| Gerding Builders | Umatilla County Housing Authority |
| GSL Properties | USDA RD |
| Guild Mortgage Company | U.S. Department of Housing and Urban |
| Habitat for Humanity, Portland Metro East | Development (HUD) |
| Holly Hill Ventures, LLC | Viridian Management |
| Home Forward | WC Construction |
| Housing Authorities in Oregon | |
| Housing Development Center | |
| Human Solutions | |

Citizen Participation

E-4 Media placement of the Public Notice

The following media outlets were used to place public notice ads of Oregon's 2017 Proposed Annual Action Plan Public Notice.

Media: BEND BULLETIN
IO #: 19229
Run date(s): 10/3/2016

Media: Salem-News.com - ONLINE ONLY PUBLICATION
IO #: 19230
Run date(s): 10/3/2016

Media: PORTLAND OREGONIAN (OR)
IO #: 19231
Run date(s): 10/2/2016

Media: EAST OREGONIAN
IO #: 19232
Run date(s): 10/1/2016

Media: MEDFORD MAIL TRIBUNE (OR)
IO #: 19233
Run date(s): 10/3/2016

E-5 WebPage Posting of 2017 Proposed Annual Action Plan

Oregon Housing and Community Services

Department **Consolidated Plan - 5 year plan, Annual Action Plans and CAPER**

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[Shoshanah E. Oppenheim](#)
Planning and Policy Manager
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Planning and Policy Analyst
(503) 986-0999 | [E-Mail](#)

Compliance, Monitoring & Streamlining

Energy / Weatherization

Oregon's Proposed 2017 Annual Action Plan

Foreclosure Prevention

The State of Oregon through its agencies: Oregon Housing and Community Services (OHCS), Oregon Health Authority (OHA), and Oregon Business Development Department – Infrastructure Finance Authority (OBDD-IFA), are seeking public comments for our priorities for housing and community development in Oregon's Proposed 2017 Annual Action Plan. The report addresses the use of HOME, HTF, CDBG, ESG, and HOPWA funds for the program year January 1, 2017 through December 31, 2017, as well as fair housing issues.

Homeownership

Housing Assistance

Manufactured Home

Parks

 [Public Notice: Public Comment/Hearing on Oregon's 2017 Proposed Annual Action Plan](#)

Multifamily Loans, Grants & Tax Credits

 [Oregon's 2017 Proposed Annual Action Plan](#)

Procurement and Contracts

 [Proposed 2017 Proposed Annual Action Plan Attachments](#)

Note: The Attachment's PDF file includes tabbed bookmarks viewed best in Internet Explorer browser.

HUD 811 PRA

Housing Choice Vouchers

Oregon's Proposed 2016-2020 Consolidated Plan Amendment

Section 8

 [Oregon's Proposed 2016-2020 Consolidated Plan Amendment](#) (214 pages)

Jobs

 [Proposed 2016-2020 Consolidated Plan Amendment Attachments](#) (814 pages)

Note: The Attachment's PDF file includes tabbed bookmarks viewed best in Internet Explorer browser.

Oregon's 2016-2020 Consolidated Plan

 [Oregon's 2016-2020 Consolidated Plan](#) (Includes the 2016 Annual Action Plan)

 [Oregon's 2016-2020 Consolidated Plan Attachments](#)

Note: The Attachment's PDF file includes tabbed bookmarks viewed best in Internet Explorer browser.

2016-2020 Consolidated Plan Development

Public Engagement Materials

 [Consolidated Public Engagement - Key Priority Needs](#)

 Spanish Speaking Outreach Final Report

 [Summary of Consolidated Plan Outreach](#)

Needs Assessment

 [Summary of Housing Needs Assessment](#)

Priority and Goal Development

 [Priority Needs from the 2016-2020 Consolidated Plan Needs Assessment](#)

 [Proposed Goals for the Consolidated Plan \(DRAFT\)](#)

2015 Annual Action Plan

 [2015 Annual Action Plan](#)

 [2015 Action Plan: Attachments](#)

Note: The Attachments file (above) uses PDF tabbed bookmarks viewed best in Internet Explorer browser.

2015 Consolidated Annual Performance Evaluation Report (CAPER)

 [2015 Consolidated Annual Performance Evaluation Report \(CAPER\)](#)

 [2015 CAPER: Attachments](#) - (606 pages)

2014 Annual Action Plan

 [2014 Annual Action Plan](#)

 [2014 Action Plan: Attachments](#)

2014 Consolidated Annual Performance Evaluation Report (CAPER):

 [2014 Consolidated Annual Performance Evaluation Report \(CAPER\)](#)

 [2014 CAPER Attachments](#)

 [2014 CDBG Performance Evaluation Report \(PER\)](#)

 [2014 HOPWA Consolidated Annual Performance Evaluation Report \(CAPER\)](#)

To request copies of previous year reports, please contact [Shoshanah Oppenheim](#), (503) 986-2077.

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ATTACHMENT E-6

Evaluation of Public Comments by Oregon Housing and Community Services and Business Oregon

Date: November 10, 2016

To: Oregon Housing and Community Services

From: Theresa Wingard, Hearing Officer and Shoshanah Oppenheim, Policy and Planning Manager

Subject: Evaluation of Public Comments

Summary of Comments:

2 oral comments were received and are outlined below.

| Date Received | Person / Organization | Comment | Agency Response |
|---------------|--|---|---|
| 10/17/16 | Garrett Jensen, Mid-Willamette Valley Council of Governments (MWVCOG): | On page 27 of the Proposed Annual Action Plan there is a table describing the methods of distribution. Under the table section "Describe threshold factors and grant size limits" it talks about a grant size maximum of two million for public works projects. In the Proposed Method of Distribution the amount is \$2.5 million. There is a discrepancy. I want to make sure I'm accurate when I tell communities the max they can apply for | The Proposed Annual Action Plan has been updated to reflect the correct number in the MOD, \$2.5 million. |
| 10/17/16 | Becky Bryant. OBDD-IFA: | Regarding funding proposed allocations I wondered how much was actually expended under each of these programs. We've greatly reduced community facilities by \$500,000 but we're increasing microenterprise \$114,000. I'm curious if we awarded the whole \$353,881 under 2016, or if we think we will? | In 2016, one Microenterprise assistance application was received. Targeted funding is used to give the department investment flexibility. Targeted funding does not obligate the department to award all the funds targeted for each category. If a sufficient number of projects are not awarded in a particular category, applications in other categories may be funded. |

OHCS received one written comment and is outlined below.

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| <p>11/1/16</p> | <p>Darcy Strahan/ OHA Health Systems Division</p> | <p>OHA provided written comments asking that OHCS add the following language to the AAP: In the Executive Summary:</p> <ul style="list-style-type: none"> ● A high percentage of individuals who are homeless have a serious mental illness. Access to affordable housing is increasing seen as a health determinant; there is a direct correlation between stable housing and improved health outcomes. ● In the Consultation Section: Oregon was one of eight states chosen to participate in the Medicaid Innovation Accelerator Program (IAP). Through this program, OHCS, OHA, and DHS are working together to enhance efforts of Oregon’s Medicaid program and housing agencies to form partnerships in order to expand housing resources and supports for Medicaid beneficiaries by leveraging Medicaid funds. The IAP provides an opportunity to network with other state programs and utilize technical assistance made available by the Technical Assistance Collaborate as well as a platform to meet with agencies such as the Center for Medicated/Medicare Services (CMS), HUD and Us Interagency council on Homelessness. | <p>These comments were accepted and the changes made to pages 5 and 10.</p> |
|----------------|--|--|---|

Business Oregon received ten written comments. The comments and OBDD’s response are outlined below:

Based on a number of factors, OBDD-IFA has determined, the changes to the proposed 2017 Method of Distribution will not be implemented and it will remain the same as the 2016 Method of Distribution with several minor corrections of typos. The agency will be taking this opportunity to re-evaluate the program, develop and propose strategic changes and take into consideration suggestions from an upcoming U.S. Housing and Urban Development (HUD) Technical Assistance Grant. Any proposed changes will be vetted through a public hearing and public comment process as required by the Citizen Participation requirements. Thank you for your participation in the public comments.

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| | <p>Susie Marston – City Manager, Gervais (received 10/26/16)</p> <p>Jerry Thompson – Board Chair, Mid-Willamette Valley Council of Governments. (received 10/31/16)</p> <p>Mid-Willamette Valley Mayors Coalition (received 10/31/16)</p> | <p>Income Survey comment:</p> <p>The current MOD allows for special income surveys if a community is shown to be less than 51% low to moderate income (LMI), but the community believes the local economic conditions are significantly different from the LMI census data under three conditions: economic changes, non-economic changes or demographic changes. We, therefore, strongly recommend that Business Oregon eliminate the requirement to conduct an income survey only under certain conditions and allow <i>any</i> community to make the determination to conduct an income survey, at their own expense, if they feel that the cost to conduct the survey is warranted.</p> <p>Project Eligibility comment:</p> <p>We also continue to strongly support the greatest amount of latitude possible in the projects that can be funded with CDBG grant funds. This allows local citizens and their duly elected leaders to identify and prioritize community development needs. Examples of this include IFA reinstating the ability of jurisdictions to use CDBG funds for brownfield revitalization projects and for downtown revitalization projects.</p> |
| <p>11/1/16</p> | <p>Cory Misley, City Manager, La Pine</p> | <p>The City of La Pine supports flexibility with CDBG grant money. Many smaller, rural cities benefit from the ability to apply for combination grants to meet their needs.</p> |
| <p>10/31/16</p> | <p>Lynn P. Findley, City Manager, Vale</p> | <p>City of Vale strongly supports using CDBG grant money for planning cost (including water master plans). We also believe planning cost should be scored the same as construction and design grants. We feel very strongly that design/construction grants should be linked together to ensure project success. As a small city currently involved in a major Water System Upgrade we would not have been able to have started the project without the planning grant to update our Water System Master Plan. The design/construction phase goes hand in hand and without the ability to count on funding the design could not be fully completed and I believe additional time and cost would be the result of not keeping those programs linked together.</p> |

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| <p>10/31/16</p> | <p>Aaron Palmquist, City Manager, Irrigon</p> | <p>The City of Irrigon is not in support of IFA’s proposed 2017 MOD, specifically as it relates to planning, design and construction of CDBG grant funds. We strongly support the use of CDBG grant money for planning costs (Water Master and Facility Plans) and funding should be available for a combination (grant) which includes design and construction. Additionally justification and information was provided for leaving planning documents as an eligible, stand-alone activity.</p> <p>It was also noted that IFA has changed the scoring to be straight across the board for planning or construction. An example of this is that if a city is making application for a planning grant they are penalized for not having a match and now under the 2017 MOD proposal that match scoring percentage increases. It appears that IFA is making it harder for a city to be awarded a planning grant (water master or facility plan). We strongly recommend IFA revisit their figures and percentages of scoring. We do agree and understand that construction projects may and probably should have some form (percentage) of match. However, if a city has a great need and requirement a match may eliminate them from an award because it is a planning request – under the \$150,000 threshold.</p> |
| <p>10/31/16</p> | <p>Nick Ducote, Ducote Consulting LLC with concurrence from the following cities: Monument, Irrigon, and Haines</p> | <p>Elimination of Design/Construction Combination Projects – splitting Design and Construction is not the optimal approach. The City of Haines was note as an example of the difficulties experienced with a Water Compliance Project related to the splitting of Design and Construction into separate applications and awards. As we understand the status quo, Design/Construction combination grants make up many proposals. We believe this should continue an IFA should work with consultants to expedite stages like Environmental and Cultural Review.</p> <p>The elimination of CDBG-funded planning will significantly impact local agencies in Oregon, affecting Oregon’s small, poor, rural and disadvantage agencies the greatest. The changes will have unforeseen consequences that will negatively impact Oregon’s communities. Proper planning efforts, regardless of a communities’ size, are in the taxpayer’s best interest. Planning ensure funds are being spent appropriately and that all feasible options are properly developed and vetted by a licensed professional engineering performing within the engineering standards of practice (not under/over designed solutions).</p> <p>We fully understand the reality of CDBG funding for public works – the funds available for distribution is not trending up. However, abandoning planning funding will only make projects more expensive for the smallest and most disadvantaged cities. It will also put cities at risk of insolvency and increase the number of public water systems managed by counties. In cities with pools of rate-payers under 500, every customer lost to excessive rates increases rates further and there is a cascade effect.</p> |

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| <p>10/31/16</p> | <p>Nick Ducote, Ducote Consulting LLC with concurrence from the following cities: Monument, Irrigon, and Haines</p> | <p>Elimination of Planning – Master/Facility Planning is required for all projects that apply for CDBG funds. We believe that IFA cannot, and should not, exclude a statutorily-allowed activity (Water Master Planning & Wastewater Facility Planning) from funding eligibility. Rather, IFA should develop and implement an alternative scoring and funding priority metric. There are no grant-only funding sources that can adequately cover the costs of Master/Facility Planning. At most, there is \$40,000-80,000 available, but given the complex and ever-increasing regulatory requirements, master planning cannot be accomplished in many cities for that low of a cost.</p> |
| <p>11/1/16</p> | <p>Wendy Johnson, Intergovernmental Relations Associate, League of Oregon Cities</p> | <p>Chapter 1-Target Allocations: the proposed changes in this chapter simply make adjustments to the target allocations for the four grants. Specifically, the changes would significantly increase allocations for microenterprise assistance (over 90% increase from previous year) and modestly increase housing rehabilitation while effectively decreasing both public works and community development facility allocations. We understand the allocation recommendations are based largely on survey input and meetings across the state and we appreciate the public input. However, Oregon has both a documented affordable housing crisis and a public works infrastructure backlog crisis that has hit record numbers. Decreasing public works allocations and only increasing housing rehabilitation by less than \$400,000 seems to miss the mark on the needs of the state and its regions. We hope that an objective needs calculation would be clearly figured into allocations more in the future as Oregon’s CDBG program is reviewed in the upcoming year. In additional we request that the proposed percent increase in the target for microenterprise assistance would also be rejected at this time.</p> |
| <p>11/1/16</p> | <p>Wendy Johnson, Intergovernmental Relations Associate, League of Oregon Cities</p> | <p>Chapter 7: Readiness to proceed: Comments were made as to the adjustment of the scoring in the Readiness to Proceed category and the fact there was no explanation for the score adjustments except to summarily state that “OBDD-IFA considers these as important components in ensuring the readiness of the project in moving forward in a timely manner.” The comment goes on to state “having a match ends up being worth more as a percentage of the total points with the proposed changes. Whether an application has matching funds seems to go more toward the financial needs analysis and could be better considered in that category. In addition, if one has matching grant(s), the funds would be committed, and the score in the first readiness to proceed sub-category would also be impacted positively. Lastly, the rules specifically provide that matching funds are not required. In short, we disagree with the policy choice here and don’t believe it will improve readiness. At the very least, how matching fund information is scored seems like an important policy issue and the proposed changes here could have been more transparent. In such a competitive field, these points can mean funding or no funding and we want to make sure the policy issues are fully vetted and considered. Thus, we would respectfully request forgoing this proposed change at this time. We suggest that planning grants could be scored differently than traditional project grants to account for the differences. However, we suggest that such a solution is better saved for further discussion at a later date. For now, we prefer leaving the scoring as is</p> |

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| | | provided in the present MOD. |
| 11/1/16 | <p>Wendy Johnson, Intergovernmental Relations Associate, League of Oregon Cities</p> | <p>Chapter 10: Public Works: We request revision of the proposal to allow preliminary engineering/planning grants to continue to be eligible for CDBG funding. While we recognize there are other sources of funds for engineering/planning, CDBG is an important fund source that we want to maintain. Other sources are much more limited in terms of amount of grant funding available. Each city's and county's factual circumstances and financing need are different and we recommend maintaining the present flexibility to assure needs can be addressed. In addition, under the present rules, IFA has both capped engineering/planning grants at \$150,000 and capped project totals (unless there is an exception granted) at \$2.5 million (inclusive of planning grants). These restrictions provide reasonable limitations. We would be open to discussing further limitations for engineering/planning grants and scoring modifications, but outright ineligibility isn't acceptable. Thus, we request that this proposed change to make ineligible engineering/planning grants be rejected and the \$150,000 cap on such grants be restored in the MOD. To achieve this, the \$150,000 caps would need to be added back to the table on page 8-1 and eligibility would need to be restored throughout Chapter 10, including Table N.</p> <p>In addition, we request that combination grants continue to be permitted. We understand there is federal pressure to expend grant funds faster, but we are not certain eliminating combo grants is the solution. Municipalities need to be assured they will be able to pay for the construction after they finish the design. Splitting grants up may cause financing problems. In short, we are unsure of the practical effects of this proposed change. While we understand there may be federal limitations, we simply don't understand how this change would work practically and for the benefit of grant recipients. If there is a way to finesse this and still be within federal guidelines, we'd like to see that route taken, rather than eliminate of combo grants altogether. We hope that IFA's proposed changes addressed would either not be taken at this time, or modifications would be made to better address the concerns raised.</p> |