



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

State of Georgia CDBG-CV Applicants' Manual

FY 2021



Table of Contents

Item	Page No.
INTRODUCTION.....	6
Overview and History of Community Development Block Grant - CV Program (CDBG-CV).....	6
Definitions	6
Deadlines.....	11
Those local government applicants that are not in compliance with deadline requirements will not be reviewed and will not be eligible to receive funding. It is strongly advised that all applicants confirm compliance status with DCA in advance of application submission.....	
	12
PART I: GENERAL INFORMATION.....	16
Eligible Program Applicants	16
Eligibility Requirements.....	16
Restrictions on Eligibility for Competition.....	17
Threshold Requirements.....	17
Special Requirements.....	17
Joint Applications	17
Regional Applications	18
Eligible CDBG-CV Activities	18
National Objective—Low-and Moderate-Income Benefit.....	18
Definition of Low- and Moderate- Income	19
Examples of eligible activities	19
Ineligible Activities.....	21
Examples of ineligible activities:	21
Basic Compliance Rules for CDBG-CV.....	21
Citizen Participation Requirements.....	21
Sample Public Hearing Notice	24
Residential Anti-displacement and Relocation Assistance Plan.....	24
Acquisition of Property for Public Facility Projects	25
Note on Eminent Domain.....	25
Environmental Compliance.....	25
Lead-based Based Paint Poisoning Prevention in Certain Residential Structures	28
Relocation Assistance	28
Federal Labor Standards (Davis-Bacon, etc.).....	29
Civil Rights/Fair Housing and Equal Opportunity (FHEO).....	29
Addressing Basic Compliance Rules in Your CDBG-CV Application	33

PART II: GENERAL AWARD INFORMATION AND REQUIREMENTS	34
Pre-Agreement Cost Approval (PACA)	34
FY 2021 CDBG-CV Available Funds	35
Types of Grants	35
Maximum CDBG-CV Grant Amounts	35
Matching Requirements	35
Limitation on Administration and Professional Fees	36
Procurement for Application Development and other Professional Services	37
Application Submission Deadlines	41
Required Application Format	41
Overview of Rating and Selection System	42
Rating Factors	43
Project Description/Impact	43
Readiness	44
Project Need	45
Leverage	45
Reduction of Points for Omissions and Inconsistencies	46
Final Ranking and Grant Selection	47
Disposition of Applications	47
Pre-Funding Site Visits	47
Technical Assistance Policy	47
Contents of Preliminary Architectural Reports	48
Part III: INSTRUCTIONS FOR COMPLETING APPLICATION FORMS	49
Application Summary	49
Proposed Accomplishments	49
Form DCA-4: Description of Needs to be Addressed	50
Form DCA-5: Description of Activities	50
In addition, state law requires that all projects funded demonstrate that the project is not inconsistent with the community's adopted Service Delivery Strategy (O.C.G.A. §36-70-20). ...	52
Form DCA-6: Low/Moderate Income Benefit and Civil Rights Data Calculation	52
Budget Worksheet – Application Portal	54
Form DCA-9: Environmental Review Checklist	55
Form DCA-10: Certified Assurances	55
Form DCA-11: Cooperating Agreement	56
Form DCA-12: Maps	56

Form DCA-13: CDBG Disclosure Report.....57

Form: Civil Rights Compliance Certification58

Form: Evidence of Compliance with System for Award Management.....58

Form: Acknowledgement of Subrecipient Language Access Plan Requirement.....58

Form: Language Access Plan Threshold Certification58

PART IV: APPLICATION FORMS..... 59

Index to Forms Provided in the Application Portal59

Note on Activity Numbering System.....60

PART VI: APPENDICES (have their own page numbers)

- Appendix A: Eligible Activities Excerpt from Title I of the HCD Act
- Appendix B: Low- and Moderate-Income Limits
- Appendix C: Guide to Acceptable Survey Methodology & Sample Survey Form
- Appendix D: HUD National Objectives
- Appendix E: Supplemental Information and Documentation
- Appendix F: CDBG Conflict of Interest Regulations & Guidance
- Appendix G: List of Major Applicable Federal Laws
- Appendix H: Financial Plan Form (Housing Only)
- Appendix I: Programmatic Agreement on Historic Preservation
- Appendix J: DCA Policy on Adjustable Rate Mortgages
- Appendix K: Sample Floodplain Notices, 404 Permit Information, & Request for Determination of Jurisdictional Wetlands
- Appendix L: HUD Notice – Using CDBG to Address Homelessness
- Appendix M: HUD Notice – Fair Housing Agencies Eligible for CDBG Funding
- Appendix N: HUD Notice – Affirmative Furthering Fair Housing in the CDBG Program
- Appendix O: DCA Notice to the Field – Clarifications for the Annual Competition & Ineligible Procurement Practices
- Appendix P: Section 3 – FAQs and HUD Regulation
- Appendix Q: HUD CPD – 12-006 Notice – Requirement for Tribal Consultation
- Appendix R: DCA Section 3 Policy and Solicitation Package
- Appendix S: Floodplain Management and Protection of Wetlands Regulation
- Appendix T: Pre-Application Public Hearing Notice in Spanish
- Appendix U: AFFH Fact Sheet: The Duty to Affirmatively Further Fair Housing
- Appendix V: Endangered Species Act (ESA) – Northern
- Appendix W: Language Access Plan Template & Guidance
- Appendix X: Duplication of Benefits Policy

INTRODUCTION

This Applicants' Manual represents one of the key elements by which the Department addresses its administrative responsibilities for the Community Development Block Grant-CV (CDBG-CV) Program. Every effort has been made to balance the need for sufficient information upon which to make rational decisions between competing proposals and to ensure compliance with Federal law with the desire to eliminate all unnecessary paperwork and reduce the administrative burden on local governments.

It is essential that applicants prepare application documents in accordance with the instructions contained herein and as outlined at the Applicants' Workshop sessions. Applications should be clear, thorough and sufficiently detailed to provide all information required. **This is the responsibility of the applicant whether the applicant prepares the application or whether the application is prepared by a representative, agent or designee.**

This Applicants' Manual addresses only the CDBG-CV Funding. Applicants' Manuals for other CDBG programs can be downloaded from the Department of Community Affairs' (DCA's) website at <https://www.dca.ga.gov/community-economic-development/funding-programs/community-development-block-grants-cdbg>.

DCA may issue updates or amendments to this manual by notification of interested parties and posting on its website.

Overview and History of Community Development Block Grant - CV Program (CDBG-CV)

The CDBG-CV program originated from the CARES Act of 2020, enacted to provide relief in response to the COVID-19 pandemic. An allocation was made to states to "prevent, prepare \$50,707 or, and respond to" COVID-19 through funding from the Department of Housing and Urban Development (HUD). In total, Georgia received \$82,850,707 from HUD for the CDBG-CV program, including administration. Generally speaking, all typical federal requirements associated with CDBG funding apply to grantees and subgrantees. In addition to the CDBG regulations, DCA and its subgrantees must adhere to all additional requirements outlined in Federal Register Notice FR-6218-N-01.

Definitions

CDBG has a language all its own at times. This list of definitions is intended to assist applicants in understanding and using the terminology.

Affirmatively Furthering Fair Housing: The Housing and Community Development Act of 1974, as amended, is the dominant statute for the Community Development Block Grant (CDBG) program. It requires that each federal grantee certify to HUD's satisfaction that (1) the awarded grant will be carried out and administered according to the Fair Housing Act, and (2) the grantee will work diligently to affirmatively further fair housing, and (3) the grantee will maintain records to support the affirmatively furthering fair housing certification.

Certified Assurance: The document that all CDBG-CV local government applicants must sign (See DCA Form 10). It contains many “certifications” required by federal law and should be read and must be signed by the Chief Elected Official of the applicant. ***In addition, the signature must be authorized by a resolution of the governing body (i.e., city council, etc.) and submitted with the application.***

CDBG-CV: The Community Development Block Grant-CV Program as authorized by Congress. CDBG-CV requires funding be made available to both entitlement and non-entitlement communities. **However, compliance with all rules and regulations established by DCA are required, regardless of whether or not they align with the applicant’s typical CDBG requirements.**

CFD: Community Finance Division of the Georgia Department of Community Affairs. The division of DCA where the CDBG-CV program is housed.

Child Occupied Facility: A building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

Conflict of Interest: Elected officials, government employees, and their families are generally prohibited from benefiting either financially or personally from CDBG-CV funded activities. An example would be if a councilmember operated a CDBG-CV funded food pantry. See the Conflict of Interest and Certification sections of this manual for more information.

Cooperating Agreement: This is the agreement needed for joint or regional CDBG-CV applications (see DCA Form 11). It sets forth which applicant is considered the “lead applicant” responsible for all compliance considerations. *Note: DCA Form 11 is **not** required for Food Bank applications.*

Duplication of Benefits (DOB) - A **duplication of benefits** occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance. For additional information, see HUD guidance at <https://www.hudexchange.info/resource/6097/cdbg-coronavirus-response-grantee-resources-related-to-preventing-duplication-of-benefits/> for DCA guidance, see Appendix X.

The Davis-Bacon Act of 1931: Statutory requirement that persons working on Federally-supported projects be paid minimum prevailing wage rates for particular crafts or labor classifications as prescribed by the Secretary of Labor. For purposes of the CDBG-CV Program, all contracts are subject to the Act and must be monitored by DCA for compliance.

Environmental Impact Assessment: As required by the National Environmental Policy Act of 1969, and for purposes of the CDBG-CV Program, a document prepared by a recipient government which identifies and analyzes environmental impacts of a proposed project. CDBG-CV projects started before completion of the assessment and requisite findings and public notices are **NOT** eligible for CDBG-CV funding. The federal government requires DCA to monitor each individual project for compliance. (See National Environmental Policy Act.)

Equal Employment Opportunity (EEO): Term which refers to a variety of federally required activities to ensure non-discrimination in hiring, promoting, and managing employees. DCA is required to monitor each CDBG-CV recipient's compliance with EEO requirements.

Faith-Based Initiatives: A federal initiative to level the playing field for faith-based organizations when attempting to access federal grant funds. Faith-based organizations, although ineligible for direct CDBG-CV assistance, may partner with local governments to assist low- and moderate-income persons using eligible CDBG-CV activities. Please see further information at: <http://www.hud.gov/offices/fbci/>.

Fair Housing Act: Legislation first enacted in 1968 and expanded by amendments in 1974 and 1988, which provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, and familial status. DCA is required to monitor each CDBG-CV recipient's compliance with applicable requirements.

Finding of No Significant Impact (FONSI): Pursuant to NEPA, a document presenting the findings of an Environmental Assessment stating that a proposed project will not result in an action which will significantly affect the quality of human life. See 24 CFR Part 58, Directive Number: 97-8.

Food Bank: For the purpose of DCA's administration of CDBG-CV funds, food banks are the regional collection and distribution hubs designed to provide food resources to those in need. These facilities provide food pantries with resources for direct distribution of purposes of low-and-moderate incomes. Food banks will be invited to participate in the first CDBG-CV funding round. No unsolicited food bank applications will be accepted.

Food Pantry: Food pantries are defined as the facilities receiving resources from regional food banks, and other partners, for direct distribution to individuals of low- and moderate-incomes. Food pantries can be viewed as the "spokes" radiating from the food bank "hub." Any eligible applicant may apply for funding under the public facility portion for food pantry facilities, provided all eligibility requirements are satisfied.

GrAAM/eCivis: DCA's Grant Application Administration & Management (GrAAM) system, can be accessed via the following URL - <https://portal.ecivis.com/#/login>. CDBG-CV applications must be accessed and submitted via the eCivis portal. Should you have any questions or concerns about this process, please contact DCA at: cdbg-cv@dca.ga.gov. For any technical assistance, contact eCivis Client Services at (877) 232-4847 option 2 between 8:00 a.m. and 5:00 p.m. PT or email support@ecivis.com.

Household: All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

HUD: United States Department of Housing and Urban Development - the Federal agency responsible for oversight and regulation of CDBG funding to states.

Limited English Proficiency (LEP): Limited English Proficiency means persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, and may be entitled to language assistance with respect to a particular type

of service, benefit, or encounter. Note that for the purposes of gathering data for those with LEP, DCA used the U.S. Census definition as any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “not well” or “not at all”.

Limited Clientele: As the name implies, limited clientele are those people that benefit from specific services usually delivered at a particular location. For example, people that receive health services at a county health department are the “limited clientele” of that health department. Income records must be available for limited clientele beneficiaries, such as clients of Public Health facilities, food pantries, etc., and those income records must demonstrate that at least 70 percent of the limited clientele are low-to moderate-income people.

Liquidated Damages: Liquidated damages refer to contract provisions requiring payment of a fixed sum, usually accruing on a daily basis, when certain contract time-related provisions are not met. In CDBG-CV contracts, liquidated damages are assessed due to non-completion of a construction project in the time period specified in the contract in the absence of excusable delays. ***DCA encourages the use of liquidated damages in CDBG-CV funded construction contracts to encourage timely performance. Proceeds from liquidated damages are considered program income.***

Low- and Moderate-Income (also L/M income or LMI): At least 70 percent of the persons benefiting from CDBG-CV projects must be members of a family or household whose total gross family income is less than 80 percent of an area’s median family income adjusted for family size. HUD publishes these limits on an annual basis and the most recent limits are available on the HUD web site at: <https://www.hudexchange.info/resource/5334/cdbq-income-limits/>. See also Appendix B.

National Objective: The Housing and Community Development Act of 1974, as amended, sets forth three general National Objectives. Every CDBG-CV award must address at least one of the following objectives through the activities undertaken by the project: 1) benefiting low- and moderate-income persons; 2) preventing or eliminating slums or blight; and 3) meeting urgent needs. ***For the purpose of CDBG-CV funding, DCA will require that all activities either benefit low-and-moderate income persons or meet urgent needs.***

National Environmental Policy Act (NEPA): NEPA mandates a framework and procedures that Federal agencies (including States and local governments that receive CDBG-CV funds) must implement to consider all reasonably foreseeable environmental effects of their proposed actions and to involve the public in and inform the public about these environmental effects. Under the CDBG-CV Program, for ANY project where a local government fails to properly implement the NEPA procedures prior to undertaking a CDBG-CV project, DCA is generally mandated to find that project “ineligible” for reimbursement with CDBG-CV funds.

Office of Fair Housing and Equal Opportunity: The Office of Fair Housing and Equal Opportunity administers federal laws and establishes national policies that make sure all Americans have equal access to the housing of their choice. Particular activities carried out by the Office of Fair Housing and Equal Opportunity include implementing and enforcing the Fair Housing Act and other civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, and the Architectural Barriers Act of 1968.

Pre-Agreement Cost Approval (PACA): CDBG-CV regulations and DCA policy allow potential applicants to request “pre-agreement cost approval” (PACA) from DCA that authorizes the potential applicant to commence project activities and maintain project timetables while applying for CDBG-CV assistance. Upon DCA’s issuance of pre-agreement cost approval, a project may move forward prior to submission of an application or award of funds while maintaining eligibility. See the section of this manual entitled Pre-Agreement Cost Approval (PACA) for further details.

Qualified Local Government (QLG): QLG means a county or municipality which: 1) has a comprehensive plan in conformity with required minimum standards and procedures (and Capital Improvement Element Updates consistent with the Development Impact Fee Compliance Requirements, where appropriate); 2) has established regulations consistent with its comprehensive plan and with the required minimum standards and procedures; and 3) has not failed to participate in DCA’s mediation or other means of resolving conflicts in a manner which, in the judgment of DCA, reflects a good faith effort to resolve any conflict. Further, pursuant to O.C.G.A. §13-10-91(b)(7), governments that fail to provide the Georgia Department of Audits and Accounts (DOAA) with sufficient documentation of their participation in the federal government’s “federal work authorization program” (“E-Verify) 13-10-91(b)(7) forfeit their “Qualified Local Government” (QLG) status. For further information and for the Qualified Local Government status of Georgia’s cities and counties, see DCA’s web site at: <https://www.dca.ga.gov/local-government-assistance/planning/local-planning>.

Regional Commission (RC): Located in each of the 12 service regions across Georgia, these centers provide planning, grant writing and economic development assistance to local governments, usually under contract.

Regional Application: An application that includes applicants in *more than one county*, including city and county applicants. Regional applications apply to projects benefiting a multi-county region.

Rural Health Care Facility: Any facility designed to provide forms of health care to persons of low-and-moderate incomes, specifically as it pertains to care that helps “prevent, prepare for, or respond to” COVID-19 in non-entitlement communities. This may include health departments, mental health centers, or other relevant facilities for which the applicant may make the case that the requested activity satisfies the “tie-back” to COVID-19.

Section 3: This provision of the 1976 HUD law that requires CDBG-CV recipients to make a “good faith effort” to employ lower income residents of “project areas” and to direct business opportunities to such owners of businesses.

Section 106: Section 106 of the National Historic Preservation Act that requires CDBG-CV recipients and other federal programs to consider the possible effects of ‘federal programs’ on historic buildings and neighborhoods, including archeological resources. Regulations implementing Section 106 are issued by the Advisory Council on Historic Preservation, and, in Georgia, the Historic Preservation Division (HPD) at the Georgia Department of Community Affairs is the designated State Historic Preservation Office (SHPO).

Section 504: A provision of the 1976 HUD law that requires facilities and programs receiving HUD assistance to be accessible to persons with a disability.

State Statutory/Regulatory Requirements: Also, generally, those local governments that have complied with all necessary requirements to maintain eligibility for state funding, including the Service Delivery Act (HB 489), the Local Government Audit Act, the DCA Local Government Finance Report requirements, the DCA Government Management Indicators Survey (GOMI) as required by O.C.G.A. 36-81-8, and the requirements of O.C.G.A 13-10 and O.C.G.A 50-36 (Georgia's Immigration Registration and Reporting Requirements). For further information regarding the status of Georgia's cities and counties regarding the Service Delivery Act, the Government Management Indicators Survey, and the Report of Local Government Finance, see DCA's web site at: <https://www.dca.ga.gov/local-government-assistance/planning/local-planning>.

Threshold: Basic requirements for participation in the CDBG-CV Competition. Failure to meet threshold will result in the application not being scored.

Uniform Relocation Act (URA): Also known as the Uniform Act, this is the short title of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. This law and its regulations issued by U.S. DOT (49 CFR Part 24) set requirements for how property, including easements, is acquired for federally assisted projects and sets forth minimum standards for assistance for persons and businesses displaced by federally assisted projects. See also "Barney Frank" amendments. DCA is required to monitor each CDBG-CV recipient's compliance with applicable requirements.

Deadlines

All application submissions are required by 11:59 p.m. ET on the date specified.

CDBG-CV Application Process for Food Banks (ROUND 1 ONLY)

The Application Deadline for applications in Round 1 that will provide financial assistance for food banks activities that are designed to "prevent, prepare for, or respond to" COVID-19 will be November 19, 2021. It is required that the following timeline be adhered to in order for an application to be eligible for review and scoring for the following elements, at a minimum: application submission, completion of professional procurement, completion of consultation, service delivery strategy compliance check, QL/Comprehensive Planning compliance, Local Government Finance Report requirements, Government Management Indicators Survey compliance, Local Government Audit Act compliance, authority registration & financial report compliance, and satisfying compliance requirements for prior CDBG awards from DCA.

CDBG-CV Application Process for Food Pantries and Rural Health Care Facilities (ROUND 2 ONLY)

The Application Deadline for applications in Round 2 that will provide financial assistance for food pantry activities and rural health care facilities that are designed to "prevent, prepare for, or respond to" COVID-19 will be December 10, 2021. It is required that the following timeline be adhered to in order for an application to be eligible for review and scoring for the following elements, at a minimum: application submission, completion of professional procurement, completion of consultation, service delivery strategy compliance check, QL/Comprehensive Planning compliance, Local Government Finance Report requirements, Government Management Indicators Survey compliance, Local Government Audit Act compliance, authority registration & financial report compliance, and satisfying compliance requirements for prior CDBG awards from DCA.

Those local government applicants that are not in compliance with deadline requirements will not be reviewed and will not be eligible to receive funding. It is strongly advised that all applicants confirm compliance status with DCA in advance of application submission.

Applicants are responsible for understanding the contents of the entire manual. In this section, DCA has summarized the requirements for CDBG-CV. Also, read the forms and the instructions for the forms in their entirety. Additional important information may be included in these as well.

Threshold Requirements: For the CDBG-CV Competition, threshold requirements include the following standards: 1) submission of a complete application; 2) compliance with all deadline requirements as noted in this manual; 3) completion of all professional procurement requirements; and 4) completion of the Tribal Consultation portion of the Environmental Review not later than the dates noted above.

Rating and Selection: The Rating and Selection System is noted later in this manual.

Reduction of Points for Omissions and Inconsistencies: Points will be deducted for missing required components or concepts, not to exceed 10 points. Applicants will be provided an *Applicants' Manual* fully detailing application requirements.

Applications with Multi-County Impacts: Applications with multi-county impacts may be submitted by one jurisdiction provided the proposed project is located within the applicant jurisdiction's boundaries and does not require cooperation between two or more jurisdictions for project implementation, except when cooperation is limited to funding or other similar commitments that are under the direct control of each benefiting jurisdiction. For purposes of eligibility, applications that meet the requirements of this paragraph will be treated as single applications rather than joint or regional applications.

Procurement: All professional procurements must be completed prior to CDBG-CV application preparation and submission. For example, prior to CDBG-CV application submission, both grant application services and grant administration services should be solicited using the same Request for Proposal (RFP). This avoids the appearance of a conflict of interest that can be created when a grant writer in a later procurement process submits and receives an award for grant administration services. This approach is also applicable for engineering/architectural services. In other words, preliminary reports and design and construction services should all be procured upfront using the appropriate RFP or Request for Qualification (RFQ) process. **Note:** Pre-Funding procurement requires Section 3 compliance.

Local governments often rely on grant writers and engineers/architects to assist them in navigating complex federal and state requirements; however, having a grant writer or engineer/architect assist in the procurement process (e.g., developing an RFP or RFQ) can also create the appearance of a conflict of interest. DCA's procurement guidance regarding grant writing/grant administration published at <https://www.dca.ga.gov/node/5474> can assist by making the process easier for local governments by providing step-by-step instructions. DCA will also assist local governments with the procurement process by providing technical assistance as needed. Please contact Kathleen Vaughn at kathleen.vaughn@dca.ga.gov or (404) 679-0594

with your procurement questions. Always consult the latest CDBG Recipients' Manual for DCA's procurement policies and procedures. These are contained in Chapter 3, Section 4 and at: <https://www.dca.ga.gov/node/3582>.

DCA is reminding local governments that DCA's procurement policies for professional services should be followed regardless of the source of payment for those services. In other words, even if local funds pay all or part of the cost of professional services related to a CDBG-CV project, DCA's CDBG-CV procurement policies must be followed.

Requirements, effective April 28, 2019, mandate that if a bid or proposal opportunity is extended by a county, municipal corporation, or local board of education for goods, and services, or both, valued at \$100,000.00 or more, such bid or proposal opportunity shall be advertised by such respective local governmental entity in the Georgia Procurement Registry, as established in subsection (b) of Code Section 50-5-69, at no cost to the local governmental entity. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity. The Georgia Procurement Registry can be found at the following web site: <http://doas.ga.gov/state-purchasing/georgia-procurement-registry-for-local-governments>

Additional information on professional procurement is contained in other parts of this manual.

Forms: The following forms are part of a complete CDBG-CV application and must be prepared and submitted with the CDBG application. These are: 1) Civil Rights Compliance Certification—Prepare and submit; 2) Evidence of Compliance with System for Award Management (SAM)—See sample provided and submit; 3) Acknowledgement of Subrecipient Language Access Plan Requirement—Prepare and submit; 4) Language Access Plan Threshold Certification—Prepare and submit; 5) Duplication of Benefits forms; and 6) necessary legal agreements to facilitate the structuring of CDBG-CV awards.

For Round 1 (food bank) applications, ALL applicants will be required to publish public hearing notices in both English and Spanish. There will be no exceptions. DCA has provided a copy of the pre-award public hearing notice in Spanish. If assistance or further guidance is needed, please contact DCA well in advance of publishing the notice.

For Round 2 (food pantry/rural health care facility) applications, the Language Access Plan Threshold Certification form is designed to determine whether an applicant's pre-award public hearing must be advertised in English and another language (most often Spanish). Please review and prepare the form and submit with the application. If in completing the form, the applicant's jurisdiction includes a population of more than 5% LEP persons in a single language or 1,000 or more LEP persons in a single language, the pre-award public hearing must be published in the applicable language. ***See Appendix T for a copy of the pre-award public hearing notice in Spanish.***

<p>Documentation of all pre-award public hearings (including in Spanish, if required) must be submitted with the application. This will include scanned public hearing tear sheets or an affidavit from the newspaper with a copy of the ad attached, which includes the date(s) of publication. These will be the only forms of documentation that will be accepted.</p>
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Service Delivery Strategy (O.C.G.A. §36-70-20): State law requires that all projects funded be consistent with the community's adopted Service Delivery Strategy (O.C.G.A. §36-70-20). Applicants must have a current, verified SDS on file with DCA at the time of application submission.

Concentration Map Requirement: DCA has long required concentration maps from the applicant jurisdiction that show concentrations of minorities, low- and moderate-income, and housing deficiencies. **All applicants must create these maps using DCA's online tool or an approved equivalent. The proposed facility's location must be shown on the concentration maps.** Please see this tool at: <http://georgia-dca.maps.arcgis.com/home/>. This will generate consistent maps from applicants that will allow each applicant to respond to its jurisdiction's concentrations.

Updated Section on Basic Compliance Rules for CDBG: The section on Basic Compliance Rules for CDBG has been updated to include further details on Civil Rights/Fair Housing Equal Opportunity (FHEO). The section includes a listing of the Civil Rights Laws and Executive Orders that apply to the CDBG program as well as further details on the following topics: 1) Section 3; 2) Affirmatively Furthering Fair Housing; 3) Section 504; and 4) Limited English Proficiency (LEP). **At the end of the section on Basic Compliance Rules will be information about how to address the Basic Compliance Rules in your CDBG application. Also note the updated Sample Public Hearing Notice.**

Appendix W: Appendix W entitled "Language Access Plan Template & Guidance" includes DCA's Local Subrecipient Language Access Plan Template, and Local Subrecipient Language Access Plan Guidance. The Template and Guidance include important information for jurisdictions where LEP populations exceed the threshold for additional language translation services for certain public notices. In order to view DCA's Language Access Plan, please go to the following link: <https://www.dca.ga.gov/node/3285>. DCA's Language Access Plan (LAP) may be used as a reference, but the Template and Guidance in Appendix W will be the primary documents needed in order for recipients of CDBG funds to meet their LAP obligations.

Requirement to Consult with Native Americans: Note that the Tribal Consultation must be completed before application submission and is a threshold requirement for the CDBG-CV Competition.

Timeliness Criteria for the CDBG-CV Competition: These criteria will be used to evaluate CDBG-CV applications for timeliness on previously funded CDBG grants. DCA will review these criteria as of the application's due date to determine the eligibility of communities that have submitted a CDBG-CV application and also have open CDBG grants from DCA.

- ◆ For Annual Competition applications funded in 2020, the following criteria must be met:
 - ◆ All Special Conditions must be cleared.
 - ◆ DCA must have released funds.

- ◆ For Annual Competition applications funded in 2019, the following criteria must be met:
 - ◆ Seventy-five percent of budgeted funds must be drawn down and spent.

- ◆ For Annual Competition applications funded in 2018 or earlier, the following criteria must be met:

- ◆ One hundred percent of budgeted funds must be drawn down and spent.
- ◆ Project must be “conditionally closed” (or officially closed) by DCA.

Block Group ID. Applicants must provide the following geographic identifiers for the Target Area on DCA 1: Block Group ID (12-digit code including State Code, County Code, Census Tract and Block Group), Target Area Address (with city, and zip), and the Target Area Longitude and Latitude. Both the Block Group ID and Longitude and Latitude are available on the DCA Concentration Maps. This requirement has been added because HUD is now requiring this information in order to be able to show graphically where CDBG-CV activities are taking place around the country. DCA requires Block Group ID information for all geographic areas included within the target area. See the directions for DCA-1 for further information. Applicants may look up addresses' census tract, block group, and block numbers at <http://georgia-dca.maps.arcgis.com/home/index.html> (then click to the right until you see the CDBG-CV applicant's Concentration map) or for additional information also please see the following census web site: <https://data.census.gov/cedsci/> .

Architectural Reports. Preliminary Engineering Reports (PERs) and Preliminary Architectural Reports (PARs) are often the heart of many grant applications. Please remember to carefully review the section of the manual entitled *Making Your Application More Competitive*. *Some Preliminary Architectural Reports (PARs) are not including existing floor plans with overall and room-by-room dimensions along with current use by room. Scores will be reduced if the information in this paragraph is not provided. Because the quality of Preliminary Architectural Reports varies by applicant, DCA has provided detailed guidance concerning what should be included in these reports. See pages 64-66.*

Maps. All applicants, regardless of the type of application submitted, must submit a map (or maps) where the facility is located.

Procurement by Regional Commissions (RC). RCs that wish to subcontract directly with private consultants must use the appropriate procurement procedures outlined in this manual and follow the requirements of the *2020 CDBG Recipients' Manual* before entering subcontracts with private consultants. Alternately, the local government may contract separately with both an RC and a private consultant provided the procurement procedures in this manual and the *2020 CDBG Recipients' Manual* are followed for the procurement of the private consultant.

Submission. *DCA encourages applicants to contact staff for technical assistance in the preparation of their applications.* DCA staff will do its best to respond in a timely manner to these requests. We encourage applicants to seek advice from various DCA staff resources as well as RCs, private grant consultants, and architectural and engineering firms.

Technical Assistance and Other DCA Rulings Regarding Application Preparation and consultants and engineers and architects when preparing applications. If a question is critical to the eligibility or competitiveness of an application and this manual does not clearly provide an answer to the question, please contact DCA in writing before the application deadline for a response.

For Questions About:	Contact:	Phone:
Departmental and Division Policy	Rusty Haygood, Deputy Commissioner for Community Development, Finance & Hist. Pres.	404-679-3152
CDBG-CV Applications	Kimberly Carter, Division Director, Community Finance	404-679-0604
	Tommy Lowmon, Director, Office of Community Development	404-977-0929

PART I: GENERAL INFORMATION

Eligible Program Applicants

- ◆ All units of general-purpose local government (cities or counties) are potentially eligible for CDBG-CV funding. This includes entitlement and non-entitlement local governments.
- ◆ Funding for the Food Bank set-aside portion will be considered on an invitation-only basis.

Eligibility Requirements

- ◆ Applications may be submitted by general purpose local governments (entitlement or non-entitlement) to support food-bank activities, by invitation only.
- ◆ Applications may be submitted by any general-purpose local government for food pantry activities.
- ◆ Applications may be submitted by any non-entitlement general purpose local government for rural health care facility activities.
- ◆ DCA will exercise all discretion necessary to ensure awarding of funds satisfies all requirements imposed upon the state by HUD.
- ◆ Local governments may submit applications in both the first round of funding (for food banks only) and the second round of funding (food pantries and rural health care facilities). However, there is no certainty of funding in either or both rounds.

Under State statutes, applicants must comply with State planning and financial reporting laws. These laws include:

- ◆ The Georgia Planning Act (O.C.G.A. 45-12-200 et seq. and 50-8-1 et seq.),
- ◆ The Service Delivery Act (O.C.G.A. 36-70-20 et seq.),
- ◆ Government Management Indicators Survey (O.C.G.A. 36-81-8)
- ◆ DCA Local Government Finance Report requirements (O.C.G.A. 36-81-8), and
- ◆ Local Government Audit Act (36-81-1 et seq.).

In certain instances of non-compliance, these laws prohibit the Department of Community Affairs from providing grant assistance. For information on a community's Qualified Local Government Status (QLG), i.e., the status of a community's compliance with the first four requirements listed above, please go to the following web site: <https://apps.dca.ga.gov/LocalGovStatus/planning.asp>. For information on a community's compliance with the Local Government Audit Act, please

contact Jacqueline E. Neubert at the Georgia Department of Audits at (404) 651-8938 or neubertj@audits.ga.gov or see the following link: [http://www.audits.ga.gov/NALGAD/Local Government Audits.html](http://www.audits.ga.gov/NALGAD/Local_Government_Audits.html).

Restrictions on Eligibility for Competition

The following restrictions may affect 2021 CDBG-CV Competition applications:

- a) **Threshold Requirements:** For the 2021 CDBG-CV Competition, threshold requirements include the following standards: 1) submission of a complete application; 2) compliance with all deadline requirements as noted in this manual; 3) completion of all professional procurement requirements; and 4) completion of the Tribal Consultation portion of the Environmental Review by the date(s) specified in this manual, and 5) status of prior financial awards made to the applicant by DCA. ***Timeliness criteria as noted on page 14.***

All CDBG-CV recipients are anticipated to be required to expend one hundred percent (100%) of all funds **by December 31, 2023**. **Applicants should not anticipate extensions due to HUD's expenditure requirements imposed upon the state by HUD.**

- b) Recipients of prior CDBG funding must resolve all outstanding CDBG-related audit and/or monitoring findings before submission of an application to DCA.
- c) There is no "sit-out" provision imposed upon CDBG-CV applications. (For example, applicants funded in the 2020 Annual Competition are eligible to apply for CDBG-CV funds. Those communities that have applied in the 2021 Annual Competition are also eligible for CDBG-CV funds, with no bearing on their pending application. There will be no required "sit-out" for the 2022 Annual Competition imposed upon CDBG-CV recipients. Also, applicants may request funding under the Food Bank round, as well as the food pantry/rural health care facility round, when applicable. However, HUD regulations and compliance with DCA-imposed requirements may impact future funding considerations.)

Threshold Requirements

For the 2021 CDBG-CV Competition, threshold requirements include the following standards: 1) submission of a complete application; 2) compliance with all deadline requirements as noted in this manual; 3) completion all professional procurement requirements (any sole source requests must be submitted to DCA prior to October 15, 2021); 4) completion of the Tribal Consultation portion of the Environmental Review not later than dates specified within this manual, and 5) status of prior financial awards made to the applicant by DCA.

Special Requirements

Joint Applications

Joint applications are generally required when less than 51 percent of the beneficiaries are located within the jurisdiction of the applicant unit of general-purpose local government. Activities may serve beneficiaries outside the jurisdiction of the applicant, provided the unit of general-purpose local government has identified such a need as an overall community-wide housing and community development need and 51 percent or more of the beneficiaries are located within the applicant's jurisdiction. Exceptions may be made in writing by DCA on a case-by-case basis using

guidance provided by law and regulation, the applicable local service delivery strategy, and written support for the exception from the county government. **Please consult with DCA for guidance concerning the need for joint applications. Requests for exceptions should be made to DCA as early as possible, but no later than September 1, 2021.**

Joint Applications must include:

- ◆ A copy of the Cooperating Agreement entered into by the cooperating units of government. This agreement should designate the unit of government that will serve as lead applicant. A sample cooperating agreement is included as Form DCA-11.
- ◆ Separate "Certified Assurances" (Form DCA10) for each jurisdiction.
- ◆ Evidence of separate public hearings for each jurisdiction. A single public hearing, however, may serve the needs of each jurisdiction, provided that (a) each jurisdiction shares a central location and (b) the hearing is clearly publicized by both (or jointly publicized by each) jurisdictions. If a single hearing is proposed, please contact DCA for guidance. For further information, please refer to *Citizens Participation Requirements* further outlined in this manual.

Regional Applications

- ◆ Regional applications are intended to allow an applicant to address problems and apply for a project benefiting a multi-county region where multi-county cooperation and agreements are required (e.g., purchase and sale agreements, management agreements, memorandums of understand, etc.). In order to encourage regional solutions, successful local applicants for regional projects (including all local applicants that are part of a regional application) will not be required to "sit out the next competition" and may apply the following year for a different or new project provided DCA timeliness criteria are met.
- ◆ Regional applications must meet the *Special Requirements for Joint Applications* outlined above. In addition, Regional applications should include a letter(s) from the appropriate Regional Commission (RC) certifying that the project is consistent with any local and regional plans that exist and has multicounty benefits. Please contact DCA prior to submission for guidance.

"What is the difference between Joint and Regional applications?"

Joint applications are usually required when less than 51% of the beneficiaries reside in the primary applicant's jurisdiction. Regional applications apply to projects benefiting a multi-county region.

Eligible CDBG-CV Activities

National Objective—Low-and Moderate-Income Benefit

All CDBG-CV funded activities must be eligible under the Housing and Community Development Act of 1974 and must meet a National Objective and comply with additional requirements outlined in FR-6218-N-01. See Appendix A for a copy of Section 105 of the Act which enumerates eligible activities and Appendix D for a copy of 24 CFR Part 570.483 which provides the criteria for meeting the HUD National Objectives.

Definition of Low- and Moderate- Income

CDBG-CV regulations specify the maximum income of program beneficiaries as summarized below:

- ◆ A low- and moderate-income (LMI income) person is defined as a member of a household having an income equal to or less than the Section 8 Housing Assistance Program low income limit established by the U.S. Department of Housing and Urban Development (HUD).
- ◆ A household includes, but is not limited to: a person who lives alone or intends to live alone, or two or more persons sharing residency whose income and resources are available to meet the household's needs and who are either related by blood, marriage, or operation of law, or who have a stable family relationship.
- ◆ The CDBG-CV Income Limits (same as Adjusted HOME Income Limits, but not the same as Section 8 Income Limits) are available for each county and are based on 80 percent of the county's median income or 80 percent of the statewide non-metropolitan median income, whichever is greater, with adjustments for family size. They are published each spring and are distributed by HUD and DCA. Refer to Appendix B for the most recently calculated income limits. Also see HUD Exchange at <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.
- ◆ Family income is defined as follows: "the anticipated gross income from all sources (except those specifically excluded by HUD) received by all family members 18 years of age and older, including those who are temporarily absent from the unit."

In the case of buildings serving LMI persons, do not "double count" clients. DCA is interested in the total number of people using the facility -- not the number of visits to the facility. DCA counts the unduplicated number of beneficiaries over a year's time.

- Each activity listed in this section is eligible only to the extent to which it addresses the needs described on Form DCA-4 and benefits at least 70% low- and moderate-income persons. This determination must be satisfactorily demonstrated on Form DCA6. Failure to adequately demonstrate low- and moderate-income benefit may lead to application denial.

Examples of eligible activities

Examples of activities DCA will consider for CDBG-CV funding include:

- ◆ **Acquisition of Real Property** in whole or in part by purchase, long term- lease, donation or otherwise by the applicant, another public agency, a nonprofit, and/or private individuals and for- profits- for the purpose of carrying out housing rehabilitation, economic development activities, public facilities, or other eligible activities.
- ◆ **Public Facilities and Improvements**, including the acquisition, construction,

reconstruction, rehabilitation and/or installation of the same. This activity includes, but is not limited to, water and sewer facilities, flood and drainage improvements, parking, streets, curbs, gutters, sidewalks, parks, and playgrounds. Other activities may include the development of shelters for homeless, elderly, mentally ill, abused, and impaired persons. Public facility activities may also include the development of medical, community, senior and handicapped centers, or centers for literacy training.

- ◆ **Relocation** or temporary relocation of families and individuals, businesses, or other organizations. Relocation of persons or businesses that are displaced due to a federally funded project is required by Federal law and regulation (the Uniform Relocation and Real Properties Acquisition Act of 1970 (URA), and pursuant regulations). Temporary relocation for owner occupants who may be temporarily displaced by a rehabilitation or reconstruction project may be "optional" and subject to local policy approved by DCA based upon need. Temporary relocation of tenants is required under URA. *Temporary relocation activities associated with housing rehabilitation (including lead-based paint hazard control) or reconstruction should be budgeted within the appropriate activity line item (rehabilitation or reconstruction) on the budget worksheet Only permanent relocation activities should be included in the relocation line items..*
- ◆ **Removal of Architectural Barrier** activity includes modifications to existing structures that are necessary to remove material and architectural barriers that restrict the mobility and accessibility of the elderly or handicapped to publicly or privately owned buildings, facilities, or improvements.
- ◆ **Project related soft costs** including appraisal costs and cost related to reviews under the Programmatic Agreement or costs required for extraordinary environmental compliance.
- ◆ **Administrative costs** necessary to carry out a CDBG-CV project. These costs include expenses for:
 - ✓ *General management, oversight, and coordination.* This category refers to the direct costs of overall program management, coordination, monitoring and evaluation. It also includes similar costs associated with carrying out projects with multiple activities. (For example, salaries, related expenses, and all other costs directly related to the overall management, oversight, and coordination of a project with several activities, such as within a defined concentrated project area should be charged to this category).
 - ✓ *Citizen participation.* Costs related to citizen participation in the planning, implementation and assessment of the program, including, but not limited to, the costs of providing program information to the public, providing technical assistance to citizens and citizen organizations, publishing notices, and holding hearings.
 - ✓ *Reasonable costs of environmental studies* (including historic preservation clearances, project specific environmental assessments, and clearances for eligible activities) necessary to comply with Federal, State, and local law, and other eligible administrative costs.
 - ✓ *Translation services.* Please see DCA's Citizen's Participation and Language

Access Plan requirements.

Ineligible Activities

Generally speaking, activities are ineligible if they do not meet HUD's National Objectives or activities identified by DCA as being eligible within this manual.

Examples of ineligible activities:

- ✓ Acquisition of furnishings, movable equipment, machinery, and land write-downs.
- ✓ Operating and maintenance expenses.
- ✓ Construction or rehabilitation of buildings for the general conduct of government.
- ✓ Purchase of construction equipment.
- ✓ Any form of direct grant assistance to a business or industry (for-profit entity) is ineligible.

Basic Compliance Rules for CDBG-CV

This section of the CDBG-CV Applicants' Manual describes some of the critical laws and regulations CDBG-CV applicants must consider when planning a CDBG-CV Project. Note that a complete list of applicable laws and regulations can be found in Appendix G.

It is the responsibility of the applicant's certifying official to ensure that the proposed program, activities, goals, and timetables are in compliance with all applicable Federal and State laws, regulations and executive orders.

An important part of the application feasibility score is how well the proposal addresses compliance with applicable laws and regulations. Applicants should use the Description of Activity Form (DCA-5) to describe compliance actions to be undertaken by local government applicants and, if funded, grant recipients. ***Applications that fail to demonstrate compliance with applicable laws and regulation will lose points in the rating and selection process.*** If a CDBG-CV grant is awarded, the Department of Community Affairs will provide local government representatives additional compliance training at subsequent trainings.

Citizen Participation Requirements

The Housing and Community Development Act emphasizes efforts to involve citizens, especially low- and moderate-income citizens, in all aspects of the CDBG-CV Program. Also, see DCA's Language Access Plan in Appendix W and the Manual's section on Basic Compliance Rules for CDBG-CV for details regarding outreach to those with Limited English Proficiency. Also note the revised Sample Public Hearing Notice below.

As required by the Housing and Community Development Act, the Georgia Department of Community Affairs has adopted a written Citizen Participation Plan, available on the DCA website at <https://www.dca.ga.gov/node/4567>.

Applicants for and recipients of CDBG-CV funds certify that they will follow this plan that requires that local units of government will provide for and encourage participation in the planning, implementation and assessment of their CDBG-CV program.

In order to meet these goals, applicants must, at a minimum, meet the following requirements:

- ◆ Hold at least one (1) public hearing in the locality prior to submission of an application to DCA. The purpose of the hearing will be to obtain citizens' views and to respond to proposals and questions concerning previous CDBG funded projects (if any) and to obtain citizen participation in the development of new proposals including identification of community needs and proposed activities. The applicant must furnish information including the estimated amount of funds proposed to be used for activities benefiting low- and moderate-income persons and its plan to minimize displacement and assist displaced persons.
- ◆ A notice advertising the public hearing must be published not less than five (5) calendar days prior to the date of the hearing in the non-legal section of a local newspaper of general circulation. (A sample public hearing notice is included on the next page and use of this formatting is strongly encouraged.) Local governments are encouraged to take other actions to provide adequate notice to potentially interested persons.

A full five days must pass from the Public Notice publication date to the public hearing date. The first full day is the day after the Notice is published. For example: If the Notice is published on a Thursday the earliest the Hearing can be held is the following Wednesday. Another example: The hearing is scheduled for a Friday afternoon. Counting backward, day one (1) is Thursday and day five (5) is Sunday. The notice must be in a paper earlier than Sunday, i.e.: Saturday's paper or earlier.

- ◆ Round 1 applicants (for food bank activities) will be required to publish a Public Notice in **both English and Spanish**. There are no exceptions.
- ◆ Please note that those Round 2 (food pantry/rural health care facility) applicants from jurisdictions where 1,000 or more residents of a language group with limited English proficiency reside or where more than 5% of residents are from a language group with limited English proficiency must advertise the pre-award public hearing in the applicable language, usually Spanish. To determine whether either of these thresholds are met, please refer to the most recent data release of American Community Survey Table S1601 (Language Spoken at Home) published in December of each year. ***Please source all data provided to DCA. Please also use these tables to fill out the Language Access Plan Threshold Certification. See Appendix T for a copy of the pre-award public hearing notice in Spanish.***
- ◆ For as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the CARES Act authorizes virtual hearings in lieu of in-person public hearings for CDBG-CV grants. The virtual hearing must allow for questions in real time, with answers coming directly from the elected representatives or its representatives to all attendees. As with an in-person hearing, the local government must select a virtual hearing method or

platform that provides for accessibility for persons with disabilities and LEP to participate. All notice requirements remain in effect and must be documented. For more information please reference [FR-6218-N-01: Notice of Program Rules, Waivers, and Alternative Requirements Under the CARES Act for CDBG-CV Grants, FY 2019 and 2020 CDBG Grants, and for Other Formula Programs.](#)

- ◆ A copy of the application as submitted to DCA must be available for public review and the public must be notified of its availability for review.
- ◆ Hearings must be held at times and locations convenient to potential or actual beneficiaries and with accommodations for the disabled. The needs of non-English speaking residents must be met for public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. Contact DCA for any required assistance.

Applicant files must contain documentary evidence that the actions listed in this section have been taken, including copies of actual notices, agendas, and minutes of hearings.

- ◆ Applicants and recipients must provide technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals, *with the level and type of assistance to be determined by the local unit of government.*
- ◆ Citizens must be provided with reasonable and timely access to local meetings, information and records relating to the local government's proposed and actual use of CDBG-CV funds as required by HUD regulations, state law, or DCA policy.
- ◆ **This section should not be construed to restrict the responsibility or authority of the local government for the development and execution of its community development program.**
- ◆ The applicant must certify in the Certified Assurances component of the application (Form DCA-10) that the requirements above have been met.

Note: *Georgia Law requires that "all state, county and municipal records, except those which by order of a court of this state or by law are prohibited from being open to inspection by the general public, shall be open for a personal inspection of any citizen of this state at a reasonable time and place, and those in charge of such records shall not refuse this privilege to any citizen" (501870, O.C.G.A.). This means that past and current records on the use of CDBG funds are required to be open for public inspection.*

Sample Public Hearing Notice

The (city or county) of (name of city or county) is considering applying to the Georgia Department of Community Affairs for a Community Development Block Grant-CV of up to \$(amount of funds). These funds must be used to primarily benefit low- and moderate-income persons.

The activities for which these funds may be used are in the area of public facilities "to prevent, prepare for, or respond to" COVID-19. More specific details regarding eligible activities, plans to assist displaced persons (if any), the estimated amount of funds proposed to be used for activities to benefit low- and moderate-income persons, and the rating system will be provided at a public hearing which will be held at (place/address) on (date), at (time).

The purpose of this hearing will be to obtain citizen input into the development of the application and to review progress on the previous CDBG-CV grant (if applicable). The (City or County) of (name of City or County) is committed to providing all persons with equal access to its services, programs, activities, education and employment regardless of race, color, national origin, religion, sex, familial status, disability or age. Persons with special needs relating to handicapped accessibility or foreign language shall contact (name/phone) prior to (date). This person can be located at (complete address) between the hours of (hours am - pm), Monday through Friday, except holidays. Persons with hearing disabilities can contact us at our TDD number (AC + number). [Applicants who do not have a TDD phone may consider using the Georgia Relay Service, at (TDD) 1-800-255-0056 or (Voice) 1-800-255-0135.]



The applicant must maintain detailed minutes of this hearing, a "tear sheet" or affidavit pertaining to the public notice and documentation as to whether meeting "special needs" was required and, if applicable, addressed. This documentation must be submitted with the application by the submission deadline of noted within this application.

Residential Anti-displacement and Relocation Assistance Plan

A unit of general local government receiving funds from the State must certify to the State that it has in effect and is following a residential anti-displacement and relocation assistance plan, and that it will minimize displacement of persons as a result of assisted activities. Relocation activities are subject to The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (46 U.S.C. 4601) and regulations at 49 CFR, Part 24. Additionally, Section 104(D) of the Housing and Community Development Act, as amended has two major requirements (see 24 CFR Part 42): (1) the one-for-one replacement of certain housing units demolished or converted to non-low/moderate income status as a direct result of a CDBG-CV project, and (2) the expanded relocation assistance benefit payment for certain displaced occupants. This requirement will affect certain program design strategies of any applicant proposing housing demolition and/or relocation activities.

Acquisition of Property for Public Facility Projects

The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended, and as implemented by DOT regulations 49 CFR Part 24, applies whenever a local government recipient of CDBG-CV funds needs to acquire property, such as land for a building, easements, Right-of-Way (ROW) for public infrastructure such as water or sewer lines, street paving, or drainage improvements.

The basic requirements are:

- The property owner must be offered the Fair Market Value (FMV) of the property based on an appraisal;
- Prior to the purchase offer, owners must be provided with information concerning their rights under the law; and
- Donations are possible but only after the owner has been informed of the government's obligation to pay FMV and executes a waiver.

URA procedures must be followed for CDBG-CV projects even if the local government recipient is using other federal funds, its own non-federal funds, or other non-federal funds to pay for the property.

Applicants should address the status of any property needed for the project using Form DCA-5.

Note on Eminent Domain

The State of Georgia in 2006 passed legislation (HB 1313) restricting the use of eminent domain by the political subdivisions of the state. Please note these restrictions when planning your CDBG-CV project. For further information, please review HB 1313. This legislation amended portions of Titles 8, 22, 23, and 36.

Environmental Compliance

There are many federal and state environmental protection laws and regulations to consider when planning and implementing CDBG-CV funded projects. It is important to note that compliance is often required for all funding sources, public and private, and for all components of the entire project. By planning at the application and predevelopment stages, CDBG-CV recipients can avoid future compliance complications and time delays.

Form DCA-9 captures some of the important environmental compliance information needed to complete the environmental review required by NEPA.

National Environmental Policies Act of 1969 (NEPA) and HUD regulations implementing NEPA titled "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities" (24 CFR Part 58).

All CDBG-CV projects must take certain actions to comply with this regulation before committing funds for acquisition or construction. This generally includes the completion of an environmental impact assessment, documenting actions taken to comply with other environmental laws (such as those listed in the Appendix G and described below), and public notices.

The assessment is a written document which evaluates both the negative and positive environmental effects of a project. It looks at the human, social and natural environment. At the planning stage, CDBG-CV applicants should consider potentially negative environmental effects and propose solutions which minimize or mitigate these effects.

Endangered Species Act (ESA): As a reminder, the U.S. Fish and Wildlife Service published a final 4(d) rule on January 14, 2016 that established prohibitions against the purposeful and incidental take of the Northern Long-Eared Bat (NLEB) as part of the Endangered Species Act. See Appendix V for more information.

Environmental Review Requirement: The environmental review of multi-family housing with five or more dwelling units (including leasing) or the development of non-residential property (buildings such as Head Start Centers, Senior Centers, etc.) must include, as part of the environmental assessment, an evaluation of previous uses of the site or other evidence of contamination on or near the site to ensure that the occupants of proposed sites are not adversely affected by hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. Typically, this would be a "Phase One Environmental Assessment" conducted in accordance with American Society for Testing and Materials (ASTM) E1527-05 Standard.

Grantees shall use current techniques by qualified professionals to undertake any investigations determined necessary [24CFR Part 58.5 (i)(2)(ii)]. The Environmental Professional must be a:

- ◆ Professional Engineer or Geologist with 3 years of relevant fulltime experience; or
- ◆ Licensed or certified to perform All Appropriate Inquiries (AAI) and three years of relevant fulltime experience; or
- ◆ Engineering of Science Baccalaureate degree or higher and three years of fulltime relevant experience; or
- ◆ The equivalent of 10 years relevant experience.

Requirement to Consult with Native Americans: This is a threshold requirement for CDBG-CV applicants. On June 15, 2012, HUD published a Notice the states that CDBG Recipients (regardless of whether CDBG or CDBG-CV) "must consult with tribes to determine whether a project may adversely affect historic properties of religious and cultural significance, and if so, how the adverse effect could be avoided, minimized or mitigated." This is applicable to projects on and off tribal lands and to many of Georgia's CDBG-CV Recipients. The HUD Notice (CPD-12-006) and the HUD Assessment Tool describe in detail the required protocol. Note that the revised Request for Release of Funds and Certification (form HUD 7015.15) includes a certification that this protocol was followed. Please use the Tribal Directory Assessment Tool (TDAT) for current information on tribal contacts. The tool is available at <https://egis.hud.gov/tdat/>. Print the results of the search for your local Environmental Review Record (ERR) to document the search and the tribes listed at the time the search was conducted. In contacting tribes, please keep in mind that the initiative must come from the Grantee and can be made by mail or e-mail. See Appendix Q for a copy of CPD Notice 12-006.

A copy of the Notice and revised RROF/Certification can be found via the following web links:

The HUD Notice (CPD-12-006) may be acquired through the following web-link:

http://portal.hud.gov/hudportal/documents/huddoc?id=env_notice_tribe_con.pdf

The revised Request for Release of Funds and Certification (form HUD 7015.15) may be acquired through the following web-link:

<https://www.hud.gov/sites/documents/7015.15.PDF>

Additional tools for compliance can be found at the HUD Environmental Assessment Tool at the following web site:

<https://www.hudexchange.info/programs/environmental-review/>

Floodplain Protection

HUD has issued regulations (24 CFR Part 55) intended to minimize floodplain development. As part of the overall environmental review process, CDBG-CV recipients will have to document compliance with this regulation. At the application stage, refer to FEMA floodplain maps to determine if any component of your planned project takes place in the floodplain. For further information on FEMA floodplain maps, please see FEMA's web site at www.fema.gov.

Also, a series of Public Notices is required prior to any floodplain disturbing actions. Please see Appendix K for samples of the required notices. These notices are not required prior to submission of an application unless the applicant is undertaking the environmental review early in order to earn bonus points or has requested a PACA that requires completion of an environmental review.

In addition, HUD requires any community using CDBG-CV funds for any activity affecting a FEMA mapped floodplain to be a participating jurisdiction with the federal flood insurance program and to have FEMA approved local floodplain development restrictions. Any CDBG-CV funded activity affecting the floodplain must also be in compliance with these local ordinances.

Wetland Protection

Similar to floodplain development restrictions, the Army Corp of Engineers (ACE) under the authority of Section 404 of the Clean Water Act has authority over "jurisdictional wetlands" and restricts their development. In addition, a Section 404 ACE permit may be required for projects disturbing a wetland. Also, a series of Public Notices is required prior to any wetland disturbing actions. Please see Appendix K for samples of the required notices. These notices are not required prior to submission of an application unless the applicant is undertaking the environmental review early in order to earn bonus points or has requested a PACA that requires completion of an environmental review. For further information on Section 404 permitting requirements, please see Appendix K. This appendix also contains information concerning the recognition of wetlands and an ACE form to request a determination of ACE jurisdiction over properties applicable to the proposed project. More information can be obtained at Georgia's ACE district office web site at www.sas.usace.army.mil/.

Historic Preservation Compliance Requirements

Section 106 of the National Historic Preservation Act and the implementing regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) require all CDBG-CV applicants and recipients, in consultation with the State Historic Preservation Office (SHPO), to determine if any buildings, neighborhoods or archeological sites and resources listed or eligible for listing on the National Register of Historic Places are in the "Area of Potential Effect" (APE), and to determine the effect of the project on the APE. If the effect is adverse, the regulation requires the negotiation of ways to minimize or mitigate the effect.

Use Form DCA-9 and its attachment from DCA/HPD to identify eligible and potentially eligible areas and buildings. Photographs keyed to a map (not the same photographs used to document the “severity of need” for the project) should be included with this form. The instructions for this form have more information on the photographic and data needs. Note that there is an attachment to the form with additional information that CA/HPD needs to review your project in a timely manner.

DCA’s Community Finance Division will forward projects under consideration for funding awards to the State Historic Preservation Office for review and comments. The results of this review will be included in funding awards as Special Conditions which must be complied with as part of the required Environmental Review. To hasten the process, consider seeking comments from SHPO prior to submitting an application to DCA as part of your own planning and project development.

The additional cost of negotiated mitigation measures is an eligible CDBG-CV cost.

Note that further details regarding Environmental Review requirements can be found in the most recent *CDBG Recipients’ Manual*. Please see the following website for additional information: <https://www.dca.ga.gov/node/3582>.

Lead-based Based Paint Poisoning Prevention in Certain Residential Structures

HUD regulation 24 CFR Part 35 provides for the evaluation and control of lead-based paint hazards in Target Housing units and Child Occupied Facilities built prior to January 1, 1978. Requirements for compliance with this regulation vary, depending on the activity undertaken using federal funds. Every program utilizing federal funds (including CDBG-CV) is required to comply with this regulation for activities including, but not limited to, rehabilitation, and homebuyer assistance. Further guidance is available in the *Guidelines for CDBG Residential Rehabilitation Program Manual*, or DCA staff is available on request to provide technical assistance.

Relocation Assistance

The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended, and as implemented by DOT regulations 49 CFR Part 24 applies if tenants or homeowners (regardless of income) are displaced in conjunction with a CDBG-CV activity. See also the applicability of the URA to property acquisition above.

The purpose of this part is: (a) to ensure that owners of real property to be acquired for Federal and federally-assisted projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in Federal and federally-assisted land acquisition programs; (b) to ensure that persons displaced as a direct result of Federal or federally-assisted projects are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole; and (c) to ensure that agencies implement these regulations in a manner that is efficient and cost effective. Further guidance is available in HUD Handbook 1378 or DCA staff is available on request to provide technical assistance.

Federal Labor Standards (Davis-Bacon, etc.)

These federal labor standards require the payment of US Department of Labor “prevailing wages” (at a minimum) for most construction projects. There are also extensive reporting and project monitoring requirements.

Civil Rights/Fair Housing and Equal Opportunity (FHEO)

A. General - Fair Housing Laws and Presidential Executive Orders

Fair Housing Act

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

Title VI of the Civil Rights Act of 1964

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

Section 109 of Title I of the Housing and Community Development Act of 1974

Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's CDBG-CV Program.

Title II of the Americans with Disabilities Act of 1990

Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

Architectural Barriers Act of 1968

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.

Age Discrimination Act of 1975

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Title IX of the Education Amendments Act of 1972

Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

Executive Order 11063

Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

Executive Order 11246

Executive Order 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin.

Executive Order 12892

Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

Executive Order 12898

Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin.

Executive Order 13166

Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted and federally conducted programs and activities.

Executive Order 13217

Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

B. Section 3

Section 3 of the Housing and Development Act of 1968, as amended and as implemented by HUD regulations at 24 CFR Part 135. Section 3 provides that, to the greatest extent feasible, training and employment opportunities shall be made available to lower income residents of the project areas where applicable programs are being carried out and that contracts be awarded to businesses owned in substantial part by lower income residents. The "project area" is the county in which the grant is made. See more details in the Appendices and also see DCA's adopted Section 3 Policy in Appendix R.

C. Affirmatively Furthering Fair Housing

Local government officials, in agreeing to accept CDBG-CV funds, certify that they will "affirmatively further fair housing". This section outlines various options available to local government in meeting this grant obligation.

While the law does not specify what type of action recipients must take, it is clear that by virtue of receipt of CDBG-CV funds, local government recipients are obligated to take some sort of action to affirmatively further the national goal of fair housing.

DCA does not dictate what sort of action recipients must take. DCA must, however, monitor local government recipients to determine what sorts of actions are taken. To accomplish this monitoring DCA has developed a **Fair Housing Checklist** which will be completed by the CDBG-CV Program Representative as part of the normal project review process. A copy of this checklist is in the *Recipients' Manual*.

In order to document what you have done to affirmatively further Fair Housing, it is important to keep records of actions taken. Copies of brochures provided to those relocated, minutes of meetings where fair housing is discussed, and any other records, must be available for review by your CDBG-CV Program Representative.

The following checklist of possible fair housing activities is not meant to be all inclusive. It is meant to suggest the range of activities which would satisfy your obligation. Technical assistance is available from DCA if you wish to implement any of these suggestions.

Possible Actions to Affirmatively Further Fair Housing

- Analyze issues affecting fair housing choice which may exist in your community. Contact HUD or DCA for an analysis of any fair housing complaints from your area.
- Review local zoning laws and procedures to determine whether they contribute to, or detract from, progress in fair housing. Establish a collection of zoning and land use planning material to have available for the use of local fair housing groups as well as recipient staff.
- Provide funding for local fair housing groups or provide financial or technical assistance to citizens wishing to organize such a group.
- Adopt a local Fair Housing Ordinance or a resolution supporting the state and/or federal law.
- Distribute brochures outlining fair housing law to persons attending community meetings or CDBG-CV Public Hearings.
- Post a fair housing poster at City Hall or Courthouse.
- Require owners of rental property receiving CDBG-CV assisted rehabilitation loans to sign fair housing agreements as a condition of receiving assistance.
- Develop an active public information and educational campaign to promote fair housing awareness in the community.
- Include a discussion of fair housing in public meeting agendas.
- Provide persons relocated to new housing with fair housing information and referrals.

Remember to document and keep records of everything you do in the area of fair housing.

Fair Housing Resources

- HUD, "Your Housing Rights: Live Where you Want to Live" (Fact Sheet). Copies are available from HUD.
- Fair Housing Poster, available from DCA.

D. Section 504 Requirements

Local government recipients and sub-recipients must comply with Section 504 of the Rehabilitation Act of 1973, as amended. This requirement is similar to the "Americans with Disability Act" (ADA) which is also applicable. HUD has published implementation regulations at 24 CFR Part 8.

The general requirement is that no otherwise qualified individual with a disability (physical or mental) shall, because a recipient's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, denied benefits, or otherwise be subjected to discrimination under any program or activity that receives CDBG-CV assistance. The definition of disability includes physical and mental factors and also includes those who may be regarded as handicapped (such as the spouse or children of a person with AIDS). Both building accessibility and employment practices are covered by Section 504.

There are seven (7) specific requirements which have an immediate effect on CDBG-CV Recipients:

1. CDBG-CV recipients must file an assurance of compliance. The Certified Assurances in the CDBG-CV Application include this assurance.
2. CDBG-CV recipients must issue periodic public notices of non-discrimination. This can be accomplished by including appropriate language in public hearing notices. The sample hearing notices included in this Manual reflects this requirement.
3. Employment practices are also covered by Section 504. Any CDBG-CV recipient employing 15 or more persons must:
 - a. Designate at least one person to coordinate efforts to comply with the regulation (Section 504 Coordinator); and
 - b. Adopt formal grievance procedures that incorporate due process standards and that provide for the prompt and equitable resolution of discrimination complaints.
4. Communications: When a recipient communicates with applicants and beneficiaries by telephone, a telecommunication device for deaf persons (TDD's) or an equally effective system is required. The Georgia Relay Service (voice at 1-800-255-0135 or TDD at 1-800-255-0056 or at 711) is also available to provide this service. Georgia Relay makes it easy for Spanish-speaking TTY users and hearing callers to communicate by phone with Spanish Relay, which includes both Spanish-to-Spanish and Spanish-to-English service. To initiate a Spanish Relay call, dial 1-888-202-3972.
5. All meeting and public hearing spaces must be accessible and procedures should be in place to ensure that persons with impaired vision or hearing can notify the local government that assistance is required.
6. The regulations require each recipient to conduct a self-evaluation. The evaluation must be done in consultation with interested persons, including individuals with handicaps or organizations representing such people.
7. When the self-evaluation identifies structural changes as being required, a written transition plan must also be prepared. The transition plan sets forth the steps necessary to complete the changes, including a time schedule. The plan should identify the agency official responsible for implementation of the plan.

E. Limited English Proficiency

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons).

LEP persons means those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Note that for the purposes of gathering data for those with LEP, DCA used the U.S. Census definition as any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “not well” or “not at all”.

DCA has taken a number of steps to address the needs of its LEP population, including requiring all recipients of CDBG-CV funds to prepare a Language Access Plan within 60 days of award and requiring all applicants to acknowledge this requirement by preparing and submitting with the CDBG-CV application the Acknowledgement of Subrecipient Language Access Plan Requirement and by preparing and submitting with the application the Language Access Plan Threshold Certification. The Language Access Plan Threshold Certification form is designed to determine whether an applicant’s pre-award public hearing must be advertised in English and another language (most often Spanish). If in completing the form, the applicant’s jurisdiction includes a population of more than 5% LEP persons in a single language or 1,000 or more LEP persons in a single language, the pre-award public hearing must be published in the applicable language. **See Appendix T for a copy of the pre-award public hearing notice in Spanish.**

F. For Further Information

Review these HUD websites for more information or for a listing of applicable Fair Housing Laws and Presidential Executive Orders:

HUD FHEO Library

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/library#Guidance

AFFH Resources and Training Material

<https://www.hudexchange.info/programs/affh/resources/>

Addressing Basic Compliance Rules in Your CDBG-CV Application

In order to maximize an applicant’s competitiveness on the Feasibility criterion, applicants should briefly address the major compliance laws, regulations, requirements, or policies that will be important factors in the proper implementation of their proposals. A brief statement (approximately one paragraph) on each of the major compliance areas on DCA 5 (Description of Activities) should convey to reviewers the applicant’s intent to comply with the applicable laws and regulations and should also convey a basic understanding of the requirements.

All applicants should address the following, where applicable:

- Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA)
 - Property Acquisition
 - Relocation Assistance
- Section 104(d) of the Housing and Community Development Act

- National Environmental Policies Act (NEPA) and Floodplain and Wetland Protection
- Historic Preservation Compliance
- Compliance with Lead-Based Paint regulations (for housing activities or Child Occupied Facilities).
- Labor Standards
- Civil Rights/Fair Housing and Equal Opportunity (FHEO)
 - Section 3
 - Affirmatively Furthering Fair Housing
 - Limited English Proficiency (when applicable)

In addressing these major compliance areas, applicants need to become familiar with recent updates to DCA polices regarding Civil Rights/Fair Housing and Equal Opportunity (FHEO). These updates can be found in Appendix R of this Manual. These updates include a Section 3 Policy, updated on October 1, 2017, a Language Access Plan, and a Solicitation Package. This Appendix also includes a listing of applicable civil rights laws, their applicable regulations and coverage. Applicants should also be familiar with the Civil Rights/FHEO information provided in this Manual and in HUD's CPD Grantee Monitoring Handbook that can be found at: <https://www.hudexchange.info/resource/290/hud-community-planning-and-development-monitoring-handbook-65092-rev6/>

Note: Pre-Funding procurement requires Section 3 compliance.

PART II: GENERAL AWARD INFORMATION AND REQUIREMENTS

Pre-Agreement Cost Approval (PACA)

Because projects often run on schedules that are time-sensitive, CDBG-CV regulations and DCA policy allow potential applicants to request pre-agreement cost approval (PACA) from DCA that authorizes the potential applicant to commence project activities and maintain project timetables while applying for CDBG-CV assistance. Upon DCA's issuance of pre-agreement cost approval, a project may move forward prior to submission of an application or award of funds while maintaining the eligibility of the activities that take place prior to submission of an application and receipt of a grant award.

DCA strongly recommends that potential applicants contact DCA (through its Community Finance Division, Office of Community Development in Atlanta) to discuss pre-agreement cost approval prior to submission of a written request for pre-agreement cost approval.

DCA will only grant pre-agreement cost approvals that are in compliance with 24 CFR §570.489(b) and 24 CFR Part 58. Upon approval of pre-agreement costs, the applicant is eligible for reimbursement of eligible expenses *if* a CDBG-CV award is made. Eligible expenses in compliance with DCA's written pre-agreement cost approval may also be counted as leverage.

IN NO EVENT WILL PRE-AGREEMENT COST APPROVALS ISSUED BY DCA ENSURE DCA FUNDING FOR THE REQUESTED PROJECTS. THE CDBG-CV PROCESS WILL LIKELY BE VERY COMPETITIVE, AND PRE-AGREEMENT COST APPROVAL DOES NOT IN ANY WAY INCREASE AN APPLICANT'S COMPETITIVENESS. ALL COSTS INCURRED BY APPLICANTS PRIOR TO THE CDBG-CV AWARD DATE ARE AT THE APPLICANTS' OWN RISK.

FY 2021 CDBG-CV Available Funds

Approximately \$75,000,000 in CDBG-CV funds is estimated to be available for distribution under the CDBG-CV Competition – approximately \$50,000,000 in Round 1 and \$25,000,000 in Round 2. However, and unawarded funds from Round 1 shall be included as available for award to Round 2 applicants.

Types of Grants

Applications under the CDBG-CV Competition must be for food bank, food pantry, or rural health care facility activities.

Maximum CDBG-CV Grant Amounts

<u>Food Banks</u>	<u>Food Pantry/Rural Health Care Facility</u>
No maximum	\$1,000,000

Application proposals should be developed that are consistent with the community's needs and ability to complete the program in a timely fashion. The DCA review process emphasizes the establishment of realistic goals and the development of resources needed to address the goals. Applicants are also encouraged to utilize any other funds at their disposal to address their community development needs.

Matching Requirements

All awards under the CDBG-CV program must be matched by the recipient.

<p><i>Required cash match:</i></p> <p>FOOD BANK activities</p> <ul style="list-style-type: none"> • 25% of the total project cost <p>FOOD PANTRY/RURAL HEALTH CARE FACILITY activities</p> <ul style="list-style-type: none"> • 10% of the total project cost

The match must be cash, whether loans, bond proceeds, grants, fundraising, or other committed funds. The source can be either private or other non-CDBG public funds. "In Kind" Services are

not considered cash. Match cannot be designated for excessive grant administration nor may match be designated for contingencies.

DCA also considers "leveraging" of other funds and resources in the rating and review process. Any match contributed over and above the required minimum cash match will be counted as leverage when reviewing each application.

In accordance with applicable regulations, preliminary costs such as engineering estimates or fees for preparation of applications spent prior to a formal award are ineligible costs and may not be reimbursed or recovered if a grant award is made. However, the portion of these costs directly attributable to the submitted project may be counted as match or leverage. DCA will count up to \$5,000 each toward the cost of grant writing services or the cost of preliminary engineering/architectural reports provided that adequate documentation is included in the application.

A separate letter(s) must be included documenting any funds/services to be included as match or leverage. Although the match must be a cash match and cannot consist of in-kind services, its source can be local public funds, other state or federal funds, or private investments or contributions. Whatever the source, to be counted as match or leverage, it must be evidenced by a firm written commitment, either a resolution or letter. Costs incurred prior to the submission of the application (and award) must be documented by invoices, cancelled checks or other acceptable documentation and meet all applicable requirements. Please refer to the instructions for Form DCA -8.

Limitation on Administration and Professional Fees

Note: DCA reserves the right to reduce the overall level of administrative or professional fees depending on the scope of the proposed project.

Use the following limits for administrative, engineering and/or architectural costs paid for with CDBG-CV funds.

<u>Type of Project</u>	<u>Administrative Cost Limit</u>	<u>Engineering/Architectural Cost Limit</u>
Public Facility - Food Bank	6% of grant, capped at \$120,000	-Engineering @ 12% of CDBG construction amount; capped at \$240,000* -Architectural @ 10% of CDBG construction amount; capped at \$200,000*
-Public Facility - Food Pantry/Rural Health Care Facility	6% of grant	-Engineering @ 12% of CDBG construction amount -Architectural @ 10% of CDBG construction amount
Special Note: Regardless of grant amount, a minimum of \$25,000 for administrative fees is allowed.		

*Unless prior approval is authorized by DCA. The limit for CDBG-CV engineering and/or architectural services cost is based on construction cost paid for with CDBG-CV funds. Contingency line items included in Preliminary Engineering and Architectural Reports are not considered construction costs and may not be included in the calculation of maximum engineering and architectural fees.

Note: Up to \$1,000 for financial audit costs are also an allowable CDBG-CV administrative expense, in addition to the percentages specified above.

Procurement for Application Development and other Professional Services

REMINDER FOR CDBG-CV APPLICATION CYCLE

Note the following updates for procurement of Application Development and other Professional Services below:

All professional procurements should be done prior to CDBG-CV application preparation and submission. For example, prior to CDBG-CV application submission, both grant application services and grant administration services should be solicited using the same Request for Proposal (RFP). This avoids the appearance of a conflict of interest that can be created when a grant writer in a later procurement process submits and receives an award for grant administration services. This approach is also applicable for engineering/architectural services. In other words, preliminary reports and design and construction services should all be procured using the appropriate RFP or Request for Qualification (RFQ) process.

Local governments often rely on grant writers and engineers/architects to assist them in navigating complex federal and state requirements; however, having a grant writer or engineer/architect assist in the procurement process (e.g., developing an RFP or RFQ) can also create the appearance of a conflict of interest. DCA's procurement guidance regarding grant writing/grant administration published at <https://www.dca.ga.gov/node/5474> can assist by making the process easier for local governments by providing step-by-step instructions. DCA will also assist local governments with the procurement process by providing technical assistance as needed. Please contact Kathleen Vaughn at kathleen.vaughn@dca.ga.gov or (404) 679-0594 with your procurement questions. Always consult the latest CDBG-CCV Recipients' Manual for DCA's procurement policies and procedures. These are contained in Chapter 3, Section 4 and at: <https://www.dca.ga.gov/node/3582>.

DCA is also reminding local governments that DCA's procurement policies for professional services should be followed regardless of the source of payment for those services. In the words, even if local funds pay all or part of the cost of professional services related to a CDBG-CV project, DCA's CDBG-CV procurement policies should be followed.

Newly enacted requirements (effective April 28, 2019) based on the passage of House Bill 322, which amends, Code Section 36-80-27 and reads as follows: If a bid or proposal opportunity is extended by a county, municipal corporation, or local board of education for goods, and services, or both, valued at \$100,000.00 or more, such bid or proposal opportunity shall be advertised by such respective local governmental entity in the Georgia Procurement Registry, as established in subsection (b) of Code Section 50-5-69, at no cost to the local governmental

entity. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity. The Georgia Procurement Registry can be found at the following web site: <http://doas.ga.gov/state-purchasing/georgia-procurement-registry-for-local-governments>.

CDBG-CV payments for professional services are subject to the “competitive negotiation” requirements of the most recent version of the *CDBG Recipients' Manual*. These provisions apply, typically, to contracts with private consultants, engineers and architects, and are not necessary when contracting with Regional Commissions. Note, however, that RCs that wish to subcontract directly with private consultants must use the procedures in this section and follow the requirements of the *CDBG Recipients' Manual* before entering into subcontracts with private consultants. Alternately, the local government may contract with both an RC and private consultant provided the requirements herein are followed for the procurement of the private consultant.

To comply, the applicant government (not the individual or firm proposing to provide services) must:

◆ **Step 1. Establish or appoint a local Selection Review Committee**

The city or county must establish a Selection Review Committee to determine the evaluation criteria and to rate proposals for services. This committee may consist of the entire local governing body (council/board of commissioners), a subset of this council/ board, as appointed by the Mayor/Chairman, or a combination of elected officials and city/county staff. Cities/counties should have a minimum of three members on the committee.

Committee members may not have any potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings) and no person who might potentially receive benefits from CDBG-CV assisted activities may participate in the selection, award, or administration of a contract supported by CDBG-CV funding if he or she has a real or apparent conflict of interest. For further guidance regarding potential conflicts of interest, please see the most recent version of the CDBG-CV Recipients' Manual at the following web page: <https://www.dca.ga.gov/node/3582>.

◆ **Step 2. Determine the Selection Criteria to Evaluate Respondents**

Determine what evaluation criteria will be used to rate the proposals submitted to the city/county. Prepare a Ratings Criterion Score sheet to evaluate and score each proposal received.

◆ **Step 3. Develop the Request for Proposals (RFP) Package**

Develop a Request for Proposal (RFP) package that includes “evaluation factors” selected by the Review Committee and their level of importance. The RFP package should include the submission deadline and instructions for submission, a local point of contact for any questions regarding the RFP, and a format for a Statement of Qualifications.

◆ **Step 4. Advertise the RFP**

Federal Section 3 requires communities to advertise the RFP in three locations. The three locations include the local government web site and/or by publishing it in the

applicant's "legal organ," along with posting the opportunity at any of the following, for a total of 3 locations: A) city hall/county courthouse; B) most widely distributed newspaper; C) Local GA Department of Labor office and/or Local Workforce Board office; D) local DFCS office; E) local Public Health department; F) local Housing Authority management office. If the contract will be for more than \$100,000 it must be advertised on the Georgia Procurement Registry (https://ssl.doas.state.ga.us/PRSapp/PR_login.jsp). Allow 30 days for responses. The publication must state this is a Section 3 contract opportunity.

Send an email or letter with a copy of the solicitation package (including Section 3 materials) to a minimum of 7 "known providers" when soliciting firms to develop applications/administer projects. When soliciting engineering/architectural services, the solicitation package (including Section 3 materials) should be sent to at least 10 known providers. If sending letters by mail, DCA requires that letters be sent certified return receipt to provide the required documentation. Sole source approval is required from DCA when only one response is received. Emails must be sent with a Request Delivery Receipt and Request Read Receipt to provide equivalent documentation when using this method.

As a service to applicants, recipients and others, DCA maintains a list of consultants who have expressed an interest in making proposals on CDBG-CV projects. This is not an "approved" list. DCA does not approve or disapprove consultants. This is the applicant's or recipient's responsibility. The list can be found on the DCA web site.

◆ **Step 5. Review and rate proposals**

After the submittal deadline, the committee should review and rate each of the proposals received. Committee members should use the evaluation criteria established in step 2 above. Each committee member should score the proposals; all scores can then be averaged to determine the highest scoring proposal. The firm with the highest average points should be selected.

If a Section 3 business submits a bid and requests a preference, the city/county must give priority to the greatest extent possible to the business. In this instance, the city/county should contact Kathleen Vaughn at (404) 679-0594 or kathleen.vaughn@dca.ga.gov for further guidance to ensure compliance with the federal Section 3 requirements.

◆ **Step 6. Approve the selected contractor and award contract**

The City Council/Board of Commissioners has final authority to award the contract to the selected contractor. The review committee should present a recommendation to the city/county attorney and to the governing board for final approval. A contract for services should be prepared between the city/county and the selected consultant.

Letter(s) or emails thanking unsuccessful respondents for making a proposal should then be sent. Based on evaluation criteria contained in the RFP, this letter should briefly state the reasons why the respondent was not hired.

◆ **Step 7: Record keeping**

The city/county must maintain and make available all documentation utilized during the RFP process, including but not limited to:

- Copy of the full RFP
- Proof of publication of the RFP (by full tear sheet from newspaper or screen shot of web site; photo of posting on bulletin board)
- List of firms/individuals that were sent RFPs
- Copies of proposals received
- Scoring sheet that shows the rankings for each of the submitted proposals
- Meeting minutes indicating the council/board approved the selection of the selected firm for service
- Executed contract for services with applicable federal language
- Documentation of any correspondence with a Section 3 business

Also, consult with the Procurement Instructions for Grant Writing/Administration at the following link in order to ensure that required steps in the procurement process are followed: <https://www.dca.ga.gov/node/5474>.

Because CDBG-CV funds cannot be used to pay for any application development costs, applicants are cautioned only to obligate CDBG-CV funds for grant administration services and not for grant writing services. Contracts should initially only obligate the applicant to pay for costs of application development using local or other non-CDBG-CV sources. Communities are encouraged to include a contingent contract for administrative services that will become effective if the CDBG-CV application is funded. **Note: Even if local sources of funds are planned for grant administration services and no CDBG-CV funds are budgeted for this activity, this procurement process described herein and in the most recent version of the CDBG-CV Recipients' Manual must be followed for both grant writing and grant administration services based on the requirements of federal regulations.**

All professional procurement requires Section 3 compliance.

If an acceptable procurement process was followed for an application that is being resubmitted because it was denied in the previous program year, it is not necessary for the local government to re-advertise for professional services if they choose to retain the same firm for the same application for the same project. (Please note, however, if the procurement process did not include the applicable Section 3 compliance requirements, then a new advertisement and RFP solicitation is required). Any older procurements will not be valid, and a new advertisement and solicitation of RFP's is required. **Complete documentation including a copy of the advertisement, Georgia Procurement Registry evidence (if applicable), award and contract documents, including the local government's meeting minutes approving the selection committee's recommendation, and a summary of all Request for Qualification/Proposal responses will be required to be submitted in Appendix A of the application.**

Sole Source Requests: For procurement processes that result in requests for sole source approval from DCA, the procurement process must be fully documented to DCA's satisfaction before DCA will grant approval, including but not limited to the following: 1) a description of the procurement process; 2) documentation of advertisement of the Request for Proposals; 3) a list of the active, qualified consultants or engineers/architects that were emailed/mailed the Request for Proposals; 4) certified return receipt documentation that the Request for Proposals were mailed to the required number of active, qualified consultants or engineers/architects, or adequate

email documentation that the Request for Proposals were delivered as required; and 5) an opinion from the local government's attorney stating the project was advertised in compliance with all applicable laws, rules, and regulations. All sole source requests must be submitted prior to the application deadline. For further guidance regarding procurement for professional services, please see the most recent version of the CDBG Recipients' Manual at the following web page: <https://www.dca.ga.gov/node/3582>.

For further guidance on the steps required for professional procurement, please see the following DCA web link: <https://www.dca.ga.gov/node/3741/documents/10>.

Application Submission Deadlines

To participate in the CDBG-CV Competition, **all applications must be submitted to DCA by the applicable date(s) noted within this manual**. Applications must be submitted through DCA's GrAAM system via the [Application Portal](#) by 11:59 p.m. Eastern Time on the applicable date.

Required Application Format

CDBG applications must be accessed and submitted via the eCivis portal (<https://portal.ecivis.com/#/login>). Should you have any questions or concerns about this process, please contact DCA at: grantmanagementproject@dca.ga.gov.

Instructions for accessing applications and monitoring an application's progress can be found in the [GrAAM user guide](#).

DCA-1:	Application Summary 1.A Resolution to Submit
DCA-2:	Proposed Accomplishments
DCA-4:	Description of Needs to be Addressed 4.A Photo Documentation of Need 4.B DCA-4 Photo Key Map
DCA-5:	Description of Activities 5.A Financial Plan Form (Housing & Multi-Activity applications only)
DCA-6:	Low- and Moderate-Income Benefit Calculation 6.A LMI and Minority Calculation Worksheets 6.B Summary Table of Survey 6.C Sample Survey Forms 6.D Supplemental Beneficiary Documentation
Budget Worksheet:	Formerly DCA-7 & DCA-8 8.A Documentation of Match and Leverage 8.B Supplemental Budget Documentation
DCA-9:	Environmental Review Information 9.A Section 106 Review Form 9.B Photos of Project Area of Potential Effect 9.C DCA-9 Photo Key Map 9.D State Historic Preservation Office Findings 9.E Concurrent Notice / Request for Release of Funds
DCA-10:	Certified Assurances

Applications will be rated and scored against each of the following factors, using any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by DCA for purposes of evaluating, rating, and selecting applicants under this program. The maximum score is 100points.

<u>Categories</u>	<u>Maximum Points</u>
Project Description/Impact	30
Project Need	40
Project Readiness	25
Leverage of Additional Resources	5
Point Reduction for Missing Elements	Up to -10 points
Maximum Total Points	100

Rating Factors

Project Description/Impact

A maximum of 30 points will be determined in part by the following factors and will be compared to other Applicants: 1) scope of work; 2) expected outcomes and why/how the community will be uniquely impacted by completion of this project; 3) frequency of use & how new or increased level of service impacts availability, accessibility, or affordability; 4) organizational capacity to manage grant; 5) organizational capacity to implement project; 6) budget expenses that are eligible and reasonable; and 7) ensuring no duplication of benefit.

Points will be awarded by a review panel based on how well the applicant, compared to others, addresses the aforementioned factors.

Note: the review panel has the discretion to assign 0 points to the Project Description/Impact category when a National Objective is not met or the project is otherwise ineligible.

NOTES: Maps and Related Topics

Wetland and Floodplain Maps: Wetland and floodplain maps should be included with the application to assist DCA in determining project feasibility in addition to USGS topographic maps from the 7.5 minute, 1: 24,000-scale quadrangle series. All Preliminary Engineering Reports and Preliminary Architectural Reports should include an original signature and the appropriate professional stamp. Points may not be awarded for feasibility without these features.

Service Delivery Strategy (O.C.G.A. §36-70-20): In addition, state law requires that all projects funded be consistent with the community's adopted Service Delivery Strategy (O.C.G.A. §36-70-20). If the applicant lacks an approved, adopted Strategy by the date(s) specified in this manual, it will not be eligible for funding.

Concentration Map Requirement: DCA has long required concentration maps from the applicant jurisdiction that show concentrations of minorities, low- and moderate-income, and housing deficiencies. DCA requires that concentration maps be prepared using DCA's online mapping tool or an approved equivalent. Please see this tool at: <http://georgia-dca.maps.arcgis.com/home/>. This will generate consistent maps from applicants that will allow

each applicant to respond to its jurisdiction's concentrations. All applicants must create these maps using DCA's online tool. The proposed facility's location must be identified on each map.

Readiness

The Readiness criterion is designed to ensure that the project has the ability to be completed by December 31, 2023. As DCA has strict time requirements imposed upon it by HUD, these same requirements are being imposed upon CDBG-CV grant recipients. The ability for a project to be successfully initiated, undertaken, and completed within two years is critical. Projects that fail to demonstrate such ability may receive a score of 0 in Project Readiness and will, therefore, be ineligible to receive funding. The following factors are considered in an analysis of readiness: 1) have funding commitments in place; 2) adequate documentation supporting plan for operation and maintenance; 3) adequate documentation supporting day-to-day operations; 4) committed partnerships; 5) reasonableness of timeline; and 6) lack of issues or concerns with the overall application.

A maximum of 25 points for Readiness will be awarded by a review panel based on how well each applicant, compared to others, addresses the feasibility factors.

Note that the review panel has the discretion to assign 0 points to the Readiness category when the review panel cannot receive assurances that the project will be successfully implemented within the timelines established by DCA.

Buildings/Limited Clientele Applications

1. All funded CDBG-CV projects that propose and implement the construction or renovation of buildings for the purpose of serving a limited clientele population must also adhere to DCA's Continued Use Policy for a period of 10 years. This policy is made part of the grant conditions upon award. The purpose of the Continued Use Policy is to ensure that buildings funded by CDBG-CV funds are used for their intended purpose for a minimum of 10 years. The primary means for enforcing the Policy is through the grant conditions, DCA monitoring, and local oversight. Due to the length of time involved, 10 years, and the possibility for divergence from the original grant purpose over time, DCA is providing template documents to assist applicants and subrecipients for building projects that will provide basic information regarding building ownership, lease terms (where applicable), and other means of building control (where applicable). Th

Because the only eligible applicants for CDBG-CV funds are local governments and because local government ownership of CDBG-CV funded buildings helps ensure local oversight of continued use requirements, this approach has historically been the most common ownership structure; however, other approaches that involve strong public-private partnerships are also possible. These approaches require additional explanation to assist DCA in understanding how the Continued Use Policy will be enforced, especially in the event of dissolution of the private entity when the private entity owns the building. In the event of funding, DCA may also add Special Conditions to the grant award to require any agreements needed to ensure positive outcomes for the dollars provided.

Special agreements have been drawn up to address ownership issues for Food Bank applications, as well as some potential food pantry applications, as they are non-traditional activities for funding through DCA's various CDBG programs.

Project Need

The purpose of the Need score is to assess the potential benefit to CDBG-CV being used to assist in the proposed activity, improving conditions for low- and moderate-income persons. Critical to this assessment is the level of need posed in the application. In addition, clear documentation of all conditions described in the stated need must be included in the application. Without documentation, the described need, regardless of how dire, will not receive points. Any applicant that scores 0 points on this criterion will be ineligible for funding. Factors to be considered by DCA include: 1) the number of persons the facility will serve; 2) benefit to individuals of low- and moderate-incomes; 3) a tieback to COVID-19; 4) an explanation of how the proposed project identifies and addresses the severity of the problem and the needs of the community (which includes, but is not limited to: existing conditions of the facility; severity/extent/frequency of the problems; lack of facility/service; age or deterioration affecting the facility; lack of capacity at the facility preventing essential functions from being performed; health/safety concerns; accessibility issues affecting the facility/restroom; financial implications of undertaking/not undertaking the project).

Strongest need documentation	
	Lease cancellations (for Building projects)
	Inspections reports (for Building projects)
	Photographs (keyed and dated)
Moderate need documentation	News articles
	Work orders/invoices
	Third party letters
Basic need documentation	Public hearing comments
	Prior citizen complaints
	letters

A maximum of 40 points for program Need will be awarded by a review panel based on how well each applicant, compared to others, addresses the need factors.

Leverage

Leverage includes additional resources committed to and directly related to the project, including cash above the required minimum cash match amount, the purchase of equipment and furnishings with non-CDBG-CV funds, and additional grants and loans from other sources. Only items that would not otherwise have been provided will be counted. A "reasonable" value, including valuation methodology, must be assigned to donated and "in-kind" items. Up to 5 points can be assigned for leverage of additional resources.

Leverage amounts will only be assigned when firm commitments from all claimed funding sources are included in the application.

DCA reserves the right to use a different method in calculating proportionality if required by the circumstances of an applicant's proposal.

Leverage must be specifically for the CDBG-CV activity for which funding is created unless otherwise provided in writing by DCA (e.g., furnishings and equipment may be counted as leverage).

All leveraged funds must be related and timely.

What is not leverage?

- ◆ On-going operation and maintenance costs are not counted as leveraged resources.
- ◆ Costs not clearly related in terms of location or benefit to the proposed project beneficiaries are not counted as leverage.
- ◆ Costs of CDBG-CV audits above \$1,000 will not be counted as leverage.
- ◆ Contingencies will not be counted as leverage.
- ◆ Applicants are advised to justify all leverage claims.

The leverage score will be calculated as follows:

- 1) For Round 1 (food bank) applicants: one point will be awarded to applicants providing between 25.1 and 35% of the total project cost; two points will be awarded to applicants providing 35.1 and 45% of the total project cost; three points will be awarded to applicants providing 45.1 and 55% of the total project cost; four points will be awarded to applicants providing 55.1 and 65%; and five points will be awarded to applicants providing in excess of 65% of the total project cost.
- 2) For Round 2 (food pantry/rural health care facility) applicants: one point will be awarded to applicants providing between 10.1 and 20% of the total project cost; two points will be awarded to applicants providing between 20.1 and 40% of the total project cost; three points will be awarded to applicants providing between 40.1 and 60% of the total project cost; four points will be awarded to applicants providing between 60.1 and 80% of the total project cost; and five points will be provided to applicants providing in excess of 80% of the total project cost.
- 3) Applications will be assigned to a group specifically focused on that type of activity:
 - ❖ Food Bank
 - ❖ Food Pantry
 - ❖ Rural Health Care Facility

Reduction of Points for Omissions and Inconsistencies

Points will be deducted for missing required components or concepts, not to exceed 10 points. Applicants will be provided an Applicants' Manual fully detailing application requirements.

Final Ranking and Grant Selection

For Round 1 (food bank) applications, a threshold score of 70 will be required to achieve funding.

For Round 2 (food pantry/rural health care facility) applications, scores will be totaled and ranked accordingly. Grant awards will be based on this final ranking to the extent funds are available, and complying with distribution requirements imposed by HUD. In case of ties, the applicant with the highest percentage of funds benefitting low- and moderate-income persons will be awarded funding.

Disposition of Applications

Grant commitments will be forwarded to local units of government whose applications are approved for funding. For the CDBG-CV Competition, DCA will work to announce commitments by approximately December 31, 2021 for Round 1 applicants and by January 31, 2022 for Round 2 applicants.

Applicants whose programs are denied will be notified of the denial. DCA's decisions regarding awards and denials will be based on this Applicants' Manual, the rating and selection criteria outlined herein, and the final ranking of all applications based on the points awarded to each applicant. DCA will fund the applications in order of rank beginning with the top-ranked application until funds are depleted. DCA's funding decisions are final and DCA may waive any irregularities consistent with the Method of Distribution and this Manual. After the awards, the CDBG-CV staff will review applications with local official's staff or their designees at the request of the certifying representative of the local government.

Pre-Funding Site Visits

The Department of Community Affairs may make at least one unannounced site visit to the applicant's projects area(s) during the application review process. The purpose of the visits will be to verify information contained in the application and to compare similarly proposed projects.

Technical Assistance Policy

The Department of Community Affairs will provide technical assistance on request from the unit of local government. In addition to the Applicants' Workshop, a Recipients' Workshop will take place after grant commitments have been made that will explain the fundamentals of program implementation.

Other workshops more narrowly focused on specific topics such as contracts, financial management, acquisition, relocation, environmental review, and housing may be sponsored by the Department from time to time.

Please note that although DCA staff can provide technical assistance in the form of guidance and information at the application stage, staff cannot write application proposals for local governments. The CDBG-CV process is competitive. Any technical assistance provided by DCA staff does not guarantee project funding.

Contents of Preliminary Architectural Reports

Preliminary Architectural Reports generally take the following format.

Executive Summary

- Brief description of Project Area needs, Conclusions and Recommendations

Introduction

- Purpose and Scope
- Authorization
- Previous Studies

Background

- Project Area conditions including description of needs to be addressed
- Description of existing facilities, if any, including existing floor plan with all dimensions and descriptive labels for all rooms.
- Projections of future needs

Evaluation of Alternatives

- Descriptions of alternative solutions considered (new construction, renovation, additions to existing structures), including cost estimates for each alternative
- Site selection criteria
- Location relative to population served
- Adequacy of infrastructure (access, water, fire protection, sanitary sewer, storm drainage)
- Soil conditions, and topographic constraints
- Assessment of impacts on existing residents & property owners if any

Description of Proposed Project

- Identification of applicable federal, state, and local design standards
- Preliminary Site Plan showing proposed ingress – egress, vehicle circulation on-site, drop-off area, regular parking and accessible parking, service access (dumpster location with truck access, mechanical room access), extensions of utilities (water, sanitary, electric, telephone), access road improvements, emergency vehicle access
- Description of storm drainage outfall(s) and consideration of downstream impacts
- Description of proposed/improved facilities, including preliminary floor plan with all dimensions and descriptive labels for all rooms
- Required permits

Detailed Project Budget

- Construction and material costs
- Design and oversight fees
- Grant Administration
- Funding sources
- Projected Operating Revenues and Expenses (if applicable)

Project Schedule

All Preliminary Architectural Reports should include an original signature and an architectural stamp. Points may be deducted for feasibility without these required features.

Part III: INSTRUCTIONS FOR COMPLETING APPLICATION FORMS

Note that all required forms are available at the DCA web site and should be accessed from Application Portal

Application Summary

Please complete the information fields in the following manner:

- ◆ **Section 1:** Enter name of applicant, official mailing address, DUNS number, Block Group ID, project Longitude, Project Latitude, project address, e-mail, and telephone number and area code of the city or county who is making the application. Applicants must provide the following geographic identifiers for the Target Area on DCA 1: Block Group ID (12-digit code including State Code, County Code, Census Tract and Block Group), Target Area Address (with city, and zip), and the Target Area Longitude and Latitude. (Note: List all Block Group IDs in the project target area. Do not specify block groups when the entire census tract is covered. If specifying block groups for a project covering more than one census tract, please indicate which tract includes the given block groups.)
- ◆ **Section 2:** Enter name, job title, agency, mailing address, e-mail, and telephone number and area code of the grant writer/contact person regarding the application. This person may be contacted during the review process to answer direct questions or to provide additional information regarding the application. If applicable, enter name, job title, agency, mailing address, e-mail, and telephone number and area code of the grant administrator (if known).
- ◆ **Section 3:** Briefly title the program (e.g., "Example County Food Bank Facility Expansion") and provide a brief description of project activities. Please include all activities and briefly quantify the described activities. A needs description is not necessary for this item. An example of a brief title and description might be:

"Expansion of the current food bank facility by 50,000 square feet to address 65% increase in demand for services."

Choose the "Type of Applicant" from the drop-down menu: City, County, Joint, or Regional. Attach a project location map. Enter the program duration in months, the program proposed start date, the program proposed end date, the total CDBG-CV funds requested, and indicate the application type by selecting the appropriate radial button.

- ◆ **Section 4:** Enter the Certifying Official's information and attach the resolution to submit.

Proposed Accomplishments

The purpose of this information is to provide a quantified summary of the accomplishments proposed by the applicant to be undertaken with CDBG-CV funds. Note that similar details will be provided at project completion to collect data on actual accomplishments. Be sure to make an entry for all proposed CDBG-CV funded activities.

- ◆ **Header:** The program and project name should auto populate from the information from populated into the Section 1: Application Summary.
- ◆ **Activity and Measure Columns:** Enter the proposed accomplishments in the input fields situated to the right of the appropriate CDBG-CV activity. For example, if the application proposes building renovations to benefit a program with 56 enrollees, enter “1” for the number of facilities proposed and “56” for the number of persons served.

Application Goals

Program: FY2021 CDBG Annual Competition
Project name: N/A

a. Acquisition, Disposition - Number of Structures:

b. Acquisition, Disposition - Number of Parcels:

c. Clearance - Number of Structures:

d. Clearance - Number of Parcels:

e. Public Building - Number of Facilities:

f. Public Building - Number of Persons Served:

Note: See instructions for DCA-6 for detailed information on counting persons to benefit.

Form DCA-4: Description of Needs to be Addressed

This form asks you to describe the community development needs to be addressed by your grant request, i.e., the project need(s). The next form, DCA-5, is where you describe how those needs will be addressed through the activities funded by the grant and through other local efforts. Please keep this distinction in mind when filling out these two forms.

- ◆ For all applicants, describe the project needs which have been identified and how the project will address those needs.
- Description of citizen participation efforts should addressed.

Form DCA-5: Description of Activities

- ◆ **Header:** Indicate the name of the jurisdiction for which the application has been prepared. Check whether this is an Original Application form or an Amended form. Include date of amendment if applicable. DCA will write in the project number if funded. This number should be included on any amended forms.
- ◆ Do not repeat information included on form DCA4. Describe in detail each activity,

identifying each activity by name and activity number, to be undertaken with CDBG funds. This description should be specific and provide sufficient detail concerning the nature, scope, location and purpose of activities, how those activities are designed to “prevent, prepare for, or respond to” Coronavirus and how they relate to each other in accordance with applicable laws and regulations.

Note: When preparing cost estimates keep in mind that the work under the program, if it is funded, may occur as far as 28 months after submission of the grant application.

Note: Rehabilitation of units built prior to 1978 is required to conform to HUD Regulations 24 CFR Part 35 (Lead Based Paint Poisoning Prevention). The application should demonstrate an understanding of the requirements of this rule (and budget for required activities accordingly).

- ◆ Applicants are instructed to list administration as the last activity. Architectural design or engineering, and related activities should be considered as a component of each activity and not as a part of the program’s administrative costs. Please refer to the description of eligible activities in Part I of this Manual and/or contact DCA staff for further guidance.
- ◆ DCA will consider activity line item (not administrative) budget requests for “extraordinary compliance or administrative measures” when the applicant can demonstrate that administrative allowances are insufficient to adequately compensate for costs such as archeological surveys, archival photographs or other unforeseen costs of complying with the Programmatic Agreement on Historic Preservation, environmental impact statements, etc., or other compliance or administrative measures necessary due to a high number of complex and complicated cases relative to property that must be acquired in order for the project to proceed. DCA will consider such requests as outlined above on a case-by-case basis and may deny or amend the request. DCA recommends that such requests be discussed with DCA prior to application submission.
- ◆ Applicants should be aware that DCA may request reviewing comments from State, Federal and other agencies involved financially or with any other interest in the proposed project. Any comment with significant adverse impact upon project feasibility or strategy may reduce the score. Applicants may choose, therefore, to solicit reviewing agency comments at the outset, and, as necessary, incorporate reviewing comments into application narratives, engineering reports, etc., prior to application submission.
- ◆ Applicants are further advised to discuss the impact proposed activities will have upon the needs identified in DCA-4. Applicants are encouraged to address most, or all of the project needs identified in Form DCA-4, whether through proposed CDBG-CV activities or other local efforts. All applicants should also describe how activities will interrelate with each other to address the identified project community development needs.

Applicants should also include a project implementation schedule with Form DCA-5.

The following example is included for guidance.

<u>Activity</u>	<u>Initiate</u>	<u>Completion date</u>
Award	N/A	November 2021
Clearance of all Grant Award conditions	December 2021	March 2022

Complete environmental, floodplain & historic assessment etc. and receive release of funds	December 2021	March 2022
Final Design of Facility	December 2021	March 2022
Acquisition titles & plats for easements	December 2021	March 2022
Design approvals	April 2022	May 2022
Bidding	May 2022	June 2022
Award and Construction	June 2022	July 2022
Construction	August 2022	November 2023
Initiate & complete close-out	December 2023	January 2024

Conformance with the **Georgia Planning Act**: One of the review factors considered as a project strategy question is the conformance of the proposal with the locally adopted Comprehensive Plan, as approved by DCA. In order to demonstrate conformance, applicants should discuss on Form DCA-5 how the proposal conforms to the Plan, including citations or quotes from pertinent pages of the Plan.

In addition, state law requires that all projects funded demonstrate that the project is not inconsistent with the community's adopted Service Delivery Strategy (O.C.G.A. §36-70-20).

Form DCA-6: Low/Moderate Income Benefit and Civil Rights Data Calculation

Under the CDBG-CV program, applications are required to have at least a 70% benefit to low- and moderate-income persons for each activity (administrative budgets are excluded). Income limits are included in this manual as Appendix B. The applicant is also advised to refer to Part I of this Manual for the definition of "low- and moderate-income". In addition, data must be provided to demonstrate compliance with applicable civil rights statutes. Appendix C, *Guide to Acceptable Survey Methodology*, includes a sample of an income survey form applicants may consider using.

Applicants for Round 1 CDBG-CV funding must use Form DCA-6 – Food Banks. Detailed instructions are provided on the form.

Applicants for Round 2 CDBG-CV funding must use Form DCA-6 for display of the information.

- ◆ In column 1 list each CDBG-CV funded activity number. Do not include administration. If the same activity will be implemented in different areas of the community, provide a separate line for each component (i.e., Area 1 and Area 2). See Note on Activity

Numbering System preceding the forms, and the numbering scheme on DCA-7.

- ◆ In column 2 show the total number of persons that the activity will serve.
- ◆ In column 3 provide the total number of minorities who will be served by the activity. "Minority" is defined as any non-white (including Hispanic) person.
- ◆ In column 4 provide the total number of non-minority persons who will be served by the activity. A "non-minority" is defined as a white person. The sum of columns 3 and 4 should equal column 2.
- ◆ In column 5 show the number of low- and moderate-income persons that the activity will serve.
- ◆ In column 6, divide column 5 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
- ◆ In column 7 show the amount of CDBG-CV funds requested for the activity.
- ◆ In column 8 multiply column 7 by column 6 to show the amount of the funds for the activity that will be used to benefit low- and moderate-income persons.
- ◆ At the bottom of column 7 show the total amount of funds requested by adding up the amounts for each activity.
- ◆ At the bottom of column 8 show the total amount of funds that will benefit low- and moderate-income persons by adding up the amount of funds to benefit low- and moderate-income persons for each activity.
- ◆ In box 9 determine the overall benefit to low- and moderate-income persons by dividing the total of column 8 by the total of column 7 and enter the percent in the "Total Benefit".
- ◆ Describe the methodology used to determine the number of minorities/ non-minorities and the number of low and moderate-income persons to be served by each activity. Attach additional sheets if needed and include any survey form used to determine benefit.

Applications may be considered ineligible for competition without a complete, appropriate and acceptable description of the method used.

In the case of public buildings in which a service is provided, list the current total number of persons using the facility and the number who are low- and moderate-income. **Do not provide the number of visits to the facility.** If applicable, also list the projected number of persons to be served and the number of these who are low- and moderate-income.

Also for public buildings, provide the source of the information and indicate how low- and moderate-income status is documented. Note that for certain "limited clientele" buildings, L/M income status is generally presumed to be 100%. This includes elderly persons, handicapped persons, abused children and certain other groups. Contact DCA for guidance if needed.

For certain other public buildings, including health centers, information on family size and income of center users **must** be available to document low- and moderate-income benefit.

Budget Worksheet – Application Portal

Forms DCA-7 and 8 have been consolidated into a single budget worksheet within the application portal. The budget worksheet should include an assessment of CDBG-CV funds budgeted for the project and be consistent with activity and cost summaries outlined on forms DCA-5 (activities summary). Instructions for accessing and completing the Budget Worksheet can be found in the eCivis User Guide, Unit 2 of the *Pre-award Grants Management for Applicants* Section. The user guide can be accessed at <https://s3.amazonaws.com/files.ecivis.com/training/eCivis+Grants+Network+Master+User+Guide+2020.pdf>.

- ✓ There are 3 basic sections to the budget worksheet: budget settings and summary, line items, and narrative.
- ✓ Amounts allocated for each type of activity being undertaken (admin, engineering/architect, public facility, other) in the line items section will be populated in the summary section.
- ✓ Please refer to the Eligible Activities section in Part I, Appendix A, and Appendix G, for assistance in determining the eligibility of specific activities.
- ✓ The match/leverage input field is located in the budget line items as “cost share”. Numerical values placed into the line item fields will be reflected in the Budget Settings and Summary section, as shown in the figures below:

Budget Settings				Budget Summary	
Indirect Costs	Not App <input type="checkbox"/>	0.00	%	\$225,000.00	Total Direct Costs
Match / Cost Share	Itemize <input type="checkbox"/>	22.22	%	\$ 50,000.00	Total Indirect Costs
Budget Stage:	Pre-Award			\$225,000.00	Total Amount (Direct + Indirect)
Actions	<input type="button" value="Save"/> <input type="button" value="Cancel"/> <input type="button" value="Print"/>			\$50,000.00	Match / Cost Share
				\$0.00	Program Income

- Note that a **cash match** contribution is required of all projects except for CDBG-CV applications as follows: a) 25% of total project cost for food bank activities; b) 10% of total project cost for food pantry/rural health care facility activities.
- Finally, please note that DCA will assign "leveraging" points for other funds and resources, over and above the required minimum cash match. All leverage claims must be listed on this form. Leverage will also include documented fees/in-kind donations for planning and preliminary engineering services specific to the CDBG project paid, invoiced, or otherwise documented prior to application submission. A separate letter must be included documenting any funds/services to be included as leverage. Please see the section on *Leverage of Additional Resources* in this

manual for more complete instructions on what may be counted as leverage.

- *In accordance with applicable regulations, preliminary costs such as engineering estimates or fees for preparation of applications spent prior to a formal award are ineligible costs and may not be reimbursed or recovered if a grant award is made. However, the portion of these costs directly attributable to the submitted project may be counted as match or leverage. DCA will count up to \$5,000 each toward the cost of grant writing services or the cost of preliminary engineering/architectural reports provided that adequate documentation is included in the application.*

✓ General Administration - Enter the eligible CDBG-CV costs of general administration. Note that contingencies may not be listed as a separate line item. Contingencies may be included as part of other construction line item budgets and should be described and listed on preliminary cost estimates such as PERs and housing cost estimates.

- ✓ A separate line item has been placed at the bottom of this section for program income. Enter the amount of program income expected to be received (if any) and applied to program activity costs. This would include any income received from previous CDBG-CV projects that is not reserved, by DCA approved local policy, for economic development activities.
- ✓ The purpose of the narrative section is to allow applicants to describe, in detail, the resources available, or to be made available, for each activity. Applicants are encouraged to provide sufficient quantifiable data and to describe supporting efforts for the proposed program.

Form DCA-9: Environmental Review Checklist

Note: *This form is self-explanatory.*

Form DCA-10: Certified Assurances

Note: *This form is self-explanatory. Be sure to attach a description of any possible conflict of interest situation and a copy of the resolution authorizing submittal of the application.*

**BE ENSURE CHIEF ELECTED OFFICIALS THOROUGHLY
REVIEW THIS DOCUMENT PRIOR TO SIGNING.**

Accompanying the Certified Assurances will be information necessary to ensure Duplication of Benefits does not occur by recipients of CDBG-CV funds.

1. As part of the CARES Act and described in FR-6218-N-01, the CDBG-CV Federal Register Notice, HUD must ensure that there are adequate procedures in place to prevent any Duplication of Benefit as required by Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by section 1210 of the Disaster Recovery Reform Act (DRRA) of 2018. To ensure HUD complies with this requirement, this responsibility is passed on to all CDBG-CV grantees and their subgrantees.

2. To ensure compliance with this requirement, DCA has drafted a sample policy and accompanying documents which must be completed and submitted with the application.
 - a. Proof of Duplication of Benefits Policy Adoption by the Local Government
 - b. Pre-Construction Duplication of Benefits Worksheet – Signed and Completed
 - c. Fully Executed Duplication of Benefits Subrogation Agreement
 - d. Post-Construction Verification of Benefits Worksheet, if awarded after construction has been completed

These documents can be located in the eCivis/GrAAM portal in the documents section of the CDBG-CV Food Bank solicitation.

Form DCA-11: Cooperating Agreement

Note: *This form is self-explanatory.*

Form DCA-12: Maps

Applicants must submit map(s) that are clearly legible and will enable DCA staff to find the proposed activity site(s) without local assistance during a site visit.

All map(s) must include a scale, north arrow and legend. More than one scale of map may be used to show detail, but all scale(s) must be indicated on the respective maps. A larger community-wide map should indicate the boundary of the area represented by more detailed maps. More than one type of requested information can be included on a map if it is clearly legible. A legend must be included to indicate what different colors or patterns represent. **In addition, applicants should provide complete source information for all data provided on their submitted maps.**

Maps must, at a minimum, include the following information:

- ◆ Project activity location(s). **All project activity maps should include existing land use information, i.e., lot lines, housing, commercial, and industrial units, and if possible, whether units are owner or renter occupied. Maps must include identifiers for ALL major structures (sheds, or similar appurtenances may be excluded) surrounding the proposed project location with a map key identifying occupancy, condition, type of construction, and activity proposed for the unit (where applicable).**
- ◆ For public facility activities show the locations of facilities proposed, together with the location(s) of facilities to be replaced.
- ◆ For the applicant's jurisdiction, the location of areas of concentration of low- and moderate-income persons, using DCA's online mapping tool at <http://georgia-dca.maps.arcgis.com/home/>.
- ◆ For the applicant's jurisdiction, the location of areas of concentrations of minorities, using DCA's online mapping tool at <http://georgia-dca.maps.arcgis.com/home/>; and
- ◆ For the applicant's jurisdiction, the location of areas of concentration of housing deficiencies, using DCA's online mapping tool at <http://georgia-dca.maps.arcgis.com/home/>.

Note: In cases when low- and moderate-income persons, substandard housing units and/or minority individuals are dispersed throughout the community, indicate this on the map's legend; and 1) display the location of the proposed activity(s); 2) indicate the numbers and percent of L/M income families, minorities and substandard housing located within the jurisdiction making application; and 3) provide the same data for the location's service area(s).

Any required information excluded from required maps may lead to a reduction in the applicant's score.

In order for review panels to assess feasibility, strategy and compliance with floodplain and wetland requirements, applicants are encouraged to submit with their applications USGS topographic maps from the 7.5 minute, 1:24,000-scale quadrangle series.

Form DCA-13: CDBG Disclosure Report

All applicants must complete and submit Parts I and II of the Disclosure Report. At the completion of Part II of the report, some applicants will find that they must complete Parts III, IV, V and VI of the Report.

Part I requires the applicant's name, address, phone number; indication as to whether this is an initial report or an update; the amount of CDBG-CV funds being requested; the amount of any CDBG program income that will be used with the CDBG-CV grant; and the total amount of CDBG-CV assistance.

Part II asks two questions. If the answer to both questions is "no," the applicant must provide the certification at the end of Part II but is not required to complete the remainder of the report. If the answer to either question is "yes" then the applicant must complete the remainder of the Report.

Part III requires information on any other Federal, State and/or local assistance that is to be used in conjunction with the CDBG-CV project.

Part IV requires the identification of interested parties. Interested parties are persons and entities with a reportable financial interest in the project. If an entity (such as a corporation, partnership, etc.) is being disclosed, the disclosure in Part IV must include an identification of each officer, director, principal stockholder or other official of the entity. Please indicate if the person or entity is a "sole proprietorship." All consultants, developers or contractors involved in the application for CDBG-CV assistance, or in the planning, development or implementation of the project, must be identified as an interested party. Also, any other person or entity that has a pecuniary interest in the project that exceeds \$50,000 or 10 percent of the CDBG-CV assistance, whichever is lower, must be listed as an interested party. Pecuniary interest means any financial involvement in the project, including (but not limited to) situations in which a person or entity has an equity interest in the project, shares in any profit on resale or any distribution of surplus cash or other assets of the project or receives compensation for any goods or services provided in connection with the project. (The following are not considered interested parties: local CDBG-CV administrative staff, recipients of housing assistance, and rehabilitation contractors as long as the rehabilitation agreement is between the property owner and the contractor.)

Part V requires applicants to identify the sources and uses of all funds to be used in conjunction with the CDBG-CV funded project. The sources and uses must include all the other assistance identified in Part III as well as the CDBG- funds identified in Part I, items 3a, and 3b).

Part VI requires the certification of the Chief Elected Official.

Form: Civil Rights Compliance Certification

All applicants must complete the form and submit a signed certification with the application.

Form: Evidence of Compliance with System for Award Management

All applicants must ensure they have a current SAM account and must submit documentation of the account with the application. See sample provided.

Form: Acknowledgement of Subrecipient Language Access Plan Requirement

All Round 2 applications must submit the required Acknowledgement with the application.

Form: Language Access Plan Threshold Certification

All applicants must complete the form and submit a signed certification with the application.

PART IV: APPLICATION FORMS
Index to Forms Provided in the Application Portal

<i>Form</i>	<i>Title</i>
DCA-4	Description of Needs to be Addressed
DCA-5	Description of Activities
DCA-6	Low- and Moderate-Income Benefit and Civil Rights Data Calculation Budget Summary & Analysis
DCA-9	Environmental Review Information
DCA-9A	DCA/HPD Environmental Review Form
DCA-10	Certified Assurances
DCA-11	Cooperating Agreement
DCA-12	Map(s)
DCA-13	CDBG-CV Disclosure Report Civil Rights Compliance Certification Evidence of Compliance with System for Award Management (SAM) Acknowledgement of Subrecipient Language Access Plan Requirement Language Access Plan Threshold Certification

Note on Activity Numbering System

The activity number is used in this application on the Description of Activities (DCA-5), Low- and Moderate-Income Benefit and Civil Rights Data Calculation (DCA-6), and the Budget Worksheet. In all instances, the activity should be referred to both by the activity number and activity name, as it appears on the Budget Worksheet.

The activity number system has two components:

- The prefixes indicate the purpose of the activity as follows:
 - A = Administration
 - E = Economic Development
 - H = Housing
 - P = Public Facility
 - T = Engineering
 - S = Architecture

- The second component is the budget code. The codes can be found on the Budget Summary Form (DCA-7). Every code is comprised of three (3) alpha or numeric characters followed by a hyphen and then two (2) additional numeric characters. This code indicates the type of activity.

For example:

- P-001-00 = Acquisition of Property for a Public Facility
- A-21A-00 = Grant Administration