

**NOTICE OF
PUBLIC COMMENT
AND
INTENT TO AMEND THE RULES FOR THE
EQUITY FUND PROGRAM**

Notice is hereby given that the OneGeorgia Authority will accept public comments in accordance with the Administrative Procedures Act, O.C.G.A. §50-13-1, et seq. The comment period will afford all interested persons reasonable opportunity to provide data, views, or arguments regarding proposed rules for the Equity Fund program (Rules of the Georgia Department of Community Affairs, Chapter 50-34-1, et seq.).

Any party wishing to provide data, views, or arguments regarding the proposed amended rules in writing may do so by submitting them to: gina.webb@dca.ga.gov. These written comments should be received no later than 5:00 P.M. on May 22, 2023.

Notice is hereby given that at the OneGeorgia Authority Board meeting in June 2023, in the Governor's Conference Room 107 at the Georgia State Capitol, 206 Washington St SW, Atlanta, Georgia 30334, the Board of the OneGeorgia Authority intends to adopt the amended rules of the Equity Fund program (Rules of the Georgia Department of Community Affairs, Chapter 110-36-1, et seq.). If adopted by the Board of the OneGeorgia Authority, the proposed rules will become effective on or about July 13, 2023.

The Department's authority to administer this program is recognized in O.C.G.A. 50-34-1, et seq. A complete copy of these proposed rules is available for public inspection in the Community Development and Finance Division, Georgia Department of Community Affairs, 60 Executive Park South, N.E., Atlanta, Georgia 30329, between the hours of 8:30 a.m. and 4:30 p.m., each Monday through Friday (excluding State holidays). A complete copy of the proposed rules can also be obtained by contacting Gina Webb at (404) 387-1429 or by accessing it on the Department's website at <https://www.dca.ga.gov/community-economic-development/funding-programs/onegeorgia-authority>.

This 20th day of April 2023.

Christopher Nunn
Commissioner



Synopsis of Proposed Rules Amendments OneGeorgia Authority's Equity Fund Program

The Equity Fund Program (O.C.G.A. §50-34-1), passed by the General Assembly in October 2000, charged the OneGeorgia Authority to provide a program of financial investments that includes grants, loans, grant/loan combinations and any other forms of assistance authorized to finance activities that will assist applicants in promoting the economic security and creation and retention of economic opportunities for the citizens of the state through the development and retention of employment opportunities in rural areas of the state. In carrying out the purposes of the Equity program, proposals that invoke cooperation, collaboration and regional partnerships between local governments and public and private-sector partners shall always receive the greatest consideration for assistance.

In June 2023, OneGeorgia Authority intends to adopt the amended Equity Fund program rules. These rules shall be adopted to provide the framework through which the program will operate.

The OneGeorgia Authority developed the proposed amended rules to govern the operation and oversight of the program. The proposed rules seek to establish the following:

- **PROVIDING DEFINITIONS OF TERMS NECESSARY TO IMPLEMENT THE PROGRAM**
Ensure clarity in terminology associated with the Equity Fund program.
- **PROVIDING PURPOSE OF THE EQUITY FUND**
Provide a program of financial investments that includes grants, loans, grant/loan combinations and any other forms of assistance authorized to finance activities that will assist applicants in promoting the economic security and creation and retention of economic opportunities for the citizens of the state through the development and retention of employment opportunities in rural areas of the state.
- **PROVIDING DEFINITION OF THE ELIGIBLE APPLICANTS AND RECIPIENTS**
Providing the definition of eligible applicants and recipients of grant and loan funds awarded under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities and joint or multicounty authorities. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding comprehensive planning, report of local government finances, local service delivery strategies, government management indicators survey, and local government authorities.
- **PROVIDING DEFINITION OF THE ELIGIBLE ACTIVITIES**
Eligible uses of funds provided under the Equity Fund include those activities and the provision of facilities and services as described in O.C.G.A. [50-34-1 et seq.](#) Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements as: rail access, road improvements, water and sewer improvements, technology infrastructure, drainage improvements, other public utilities, public facilities and services specifically designed to increase economic opportunities through job training, workforce development, education, workforce housing, and other employment support



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services, the acquisition, clearance and disposition of real property, site preparation, site improvements, real property rehabilitation, and the provision of planning services and technical assistance. In addition, the Equity Fund may provide assistance to eligible applicants to finance facilities, projects and project costs for use by businesses and enterprises, purchase or lease of equipment or other assets or any other community or economic development and business assistance activity or purpose. In general, public acquisition or improvements of public facilities and infrastructure can be undertaken directly by the applicant with Equity Fund monies. The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Equity Fund provides

- **PROVIDING CLARIFICATION ON FUNDING AVAILABILITY**
Providing the clarification that funding will be established and announced when available. The OneGeorgia Authority will accept applications throughout the fiscal year. An initial project assessment will be required to be submitted for consideration of funding. If the initial project assessment is approved, then eligible applicants must apply for funding in a format and manner required by the OneGeorgia Authority. Award amounts are limited and will be specifically detailed in the Notice of Funding Availability. Specific terms and conditions of any funding will be detailed in award agreements between the OneGeorgia Authority and the recipient.
- **PROVIDING APPLICATION SUBMISSION PROCEDURES**
Providing definition of the application submission procedures, which include an Initial Project Assessment and a separate application.
- **PROVIDING PROCESS FOR REVIEW OF APPLICATION**
Providing a structure for the review of the application. Site visits may be conducted for potential projects.
- **PROVIDING RATING AND SELECTION CRITERIA**
Providing the rating and selection criteria which include score for demographics, program feasibility, program impact, program strategy, and regional bonus points.
- **PROVIDING AWARDING OF FUNDS**
Providing the limits of funds awarded.

| PROPOSED REVISIONS | | PAGE |
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| Rule 413-1-.05 Eligible activities will explicitly include “workforce housing”, although it is implied at this point. | | 2 |
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**Synopsis of Proposed Rules Amendments
OneGeorgia Authority's Equity Fund Program**

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| <p>Rule 413-1-.06 When program funds are available, the OneGeorgia Authority will publish notices of funding availability (NOFA) to make eligible applicants aware of the funding criteria and application process. NOFA's will be published on the OneGeorgia Authority's website and at the discretion of the Authority, may also be made available to eligible applicants through other means, such as associations, advertisements, or other publications.</p> | <p>3</p> |
| <p>Rule 413-1-.07 Amendments to this section allow for the procedures on Initial Project Assessments, separate applications, and address Pre-Agreement Cost Approval.</p> | <p>3-4</p> |
| <p>Rule 413-1-.08 The amendments to this rule discuss the review of the application, conducting site visits, and applications scoring at least 300 will be considered for recommendation to the Authority.</p> | <p>4-5</p> |
| <p>Rule 413-1-.09 The section notes the project evaluation and that an application will be reviewed based specific criteria. The specific points allowed per category are addressed in this section.</p> | <p>5-7</p> |
| <p>Rule 413-1-.10 This section allows for specific award limits to be defined in the Notice of Funding Availability.</p> | <p>7</p> |

Chapter 413-1. EQUITY FUND.

Rule 413-1-.01. Scope of Rule.

This regulation governs the operation of the OneGeorgia Equity Fund Program as established by the OneGeorgia Authority (O.C.G.A. [50-34-1](#)) through its resolution adopted on October 6, 2000. In said resolution, the OneGeorgia Authority authorized the Department of Community Affairs (hereinafter referred to as "DCA" or the "agent") as the implementing entity for purposes of the Equity Fund Program's operation and administration. Authority O.C.G.A. [50-34-1](#) *et seq.*

Cite as Ga. Comp. R. & Regs. R. 413-1-.01 Authority:

O.C.G.A. Secs. [50-34-1](#) *et seq.*

History. Original grant description entitled "Scope of Rule" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.02. Definitions.

- (1) The definitions for purposes of this regulation are identical in all respects to the terms defined in O.C.G.A. [50-34-2](#).
- (2) "Rural County", which is not defined in O.C.G.A. [50-34-2](#), shall be defined using the most recent data and estimates from the U.S. Bureau of the Census to mean a county with a population less than 50,000 where 10% or more of the population lives in poverty.

Cite as Ga. Comp. R. & Regs. R. 413-1-.02 Authority:

O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Definitions" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.03. Purpose.

The purpose of the OneGeorgia Equity Fund is to provide a program of financial investments that includes grants, loans, grant/loan combinations and any other forms of assistance authorized by (O.C.G.A. [50-34-1](#) *et seq.*) to finance activities that will assist applicants in promoting the economic security and creation and retention of economic opportunities for the citizens of the state through the development and retention of employment opportunities in rural areas of the state. In carrying out the purposes of the Equity Program, proposals that invoke cooperation, collaboration and regional partnerships between local governments and public and private-sector partners shall always receive the greatest consideration for assistance.

Cite as Ga. Comp. R. & Regs. R. 413-1-.03 Authority:

O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Purpose" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.04. Eligible Applicants.

Eligible applicants and recipients of grant and loan funds awarded under this program shall include, but not be limited to, general-purpose local governments (municipalities and counties), local government authorities and joint or multicounty authorities. All local government units that are party to an application must be in compliance, where applicable, with the requirements regarding comprehensive planning (O.C.G.A. [50-8-1](#) *et seq.*), report of local government finances (O.C.G.A. [36-81-8](#)[b]), local service delivery strategies (O.C.G.A. [36-70-1](#) *et seq.*), government management indicators survey (O.C.G.A. [36-81-8](#)[h]) and local government authorities' registration (O.C.G.A. [36-80-8](#) *et seq.*).

Cite as Ga. Comp. R. & Regs. R. 413-1-.04 Authority:

O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Eligible Applicants" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.05. Eligible Activities.

- (1) Eligible uses of funds provided under the Equity Fund include those activities and the provision of facilities and services as described in O.C.G.A. [50-34-1](#) *et seq.* Such activities include, but are not limited to, the provision of such public infrastructure, services, facilities and improvements as: rail access, road improvements, water and sewer improvements, technology infrastructure, drainage improvements, other public utilities, public facilities and services specifically designed to increase economic opportunities through job training, workforce development, education, workforce housing, and other employment support services, the acquisition, clearance and disposition of real property, site preparation, site improvements, real property rehabilitation, and the provision of planning services and technical assistance.
- (2) In addition, the Equity Fund may provide assistance to eligible applicants to finance facilities, projects and project costs for use by businesses and enterprises, purchase or lease of equipment or other assets or any other community or economic development and business assistance activity or purpose identified in O.C.G.A. [50-34-1](#) *et seq.* It is important to note that the proposed use of Equity Fund monies will dictate whether the funds can be provided to the applicant to undertake an activity, or whether they will be provided to the applicant but require a loan, lease or other agreement between the applicant and participating business or enterprise.
- (3) In general, public acquisition or improvements of public facilities and infrastructure can be undertaken directly by the applicant with Equity Fund monies. Where Equity Fund monies are expended for the public acquisition and/or improvements of privately used land, buildings, machinery and equipment, or other private assets, the financed assets must generally be owned or controlled by the applicant and leased, subleased or sold to the business or enterprise in accordance with O.C.G.A. [36-62-7](#) and/or O.C.G.A. [50-34-6](#). In order to maximize their competitiveness for public water, wastewater, and solid-waste management projects, applicants are encouraged to discuss their project with the Georgia Environmental Facilities Authority (GEFA) before submitting a proposal to the Authority.

- (4) The OneGeorgia Authority reserves the right to establish criteria regarding the nature, types and forms of financial assistance that the Equity Fund provides. In general, assistance will take the form of grants, low-interest loans or loan/grant combinations. The exact structure and amount will be determined by the activity to be financed, the financial capacity of the applicant, business and/or enterprise. Loans will be structured using generally accepted public and private financing instruments and procedures. All recaptured funds must be returned to the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-1-.05

Authority: O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Fund Availability" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.06. Fund Availability.

- (1) When program funds are available, the OneGeorgia Authority will publish notices of funding availability (NOFA) to make eligible applicants aware of the funding criteria and application process. NOFA's will be published on the OneGeorgia Authority's website and at the discretion of the Authority, may also be made available to eligible applicants through other means, such as associations, advertisements, or other publications.
- (2) The OneGeorgia Authority's NOFA will establish application submission guidelines and deadlines. Generally, applications will be accepted throughout the submission period and will be reviewed based upon the criteria provided in Section 413-1.09 and the NOFA.
- (3) Eligible applicants must apply for assistance under this program in a format and manner prescribed by the OneGeorgia Authority. Application guides and guidelines may be obtained from the OneGeorgia Authority's website.

Cite as Ga. Comp. R. & Regs. R. 413-1-.06

Authority: O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Eligible Activities" submitted November 1, 2000.

Submitted: April 17, 2023

Rule 413-1-.07. Application Submission Procedures.

- (1) The application process for the Equity Program includes an Initial Project Assessment and a separate Application. The purpose of the Initial Project Assessment is:
 - A) To determine whether a proposed activity or activities is eligible for Equity Program funds;
 - B) To determine whether the proposed activity or activities meet the basic Equity Program thresholds, and the project meets the competitive objectives of the

NOFA. The proposed project must be competitive under the rating and review system as outlined in Section [413-1-.09](#);

- C) To enable eligible and conditionally eligible applicants, as referenced in the OneGeorgia Authority eligibility map, to obtain Pre-Agreement Cost Approval (PACA) from the Authority so that projects can pursue interim financing and proceed with necessary project activities prior to the Authority's application determination;
 - D) To afford adequate time for the Authority to offer technical assistance and applicants to make necessary application revisions in advance of the deadline.
- (2) Eligible applicants may submit Initial Project Assessments and/or Applications for consideration at any time prior to the Application deadline. The OneGeorgia Authority requires potential applicants to contact the Authority or DCA to arrange a technical assistance review prior to submitting an Initial Project Assessment or Application.
 - (3) Initial Project Assessments and/or Applications may be submitted individually by an eligible applicant, or jointly, by two or more applicants. Joint submissions must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The Agreement should designate the applicant that will serve as lead recipient should the project be funded.
 - (4) Initial Project Assessments and Applications for the Equity program must be submitted in conformance with the format and applicable instructions specified by the OneGeorgia Authority.

Cite as Ga. Comp. R. & Regs. R. 413-1-.07

Authority: O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Review of Applications" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.08. Review of Applications.

- (1) Upon receipt of an Initial Project Assessment, Authority staff will conduct a timely review to determine eligibility and conformance with basic threshold criteria. Potential applicants will then be notified to proceed, with general guidance about perceived competitiveness and limited technical assistance based on the preliminary information provided. Such assistance may involve DCA regional representatives; however, in no case will the Authority or DCA assist in the writing of the Application.

- (2) Upon receipt of a completed Application, the Application will be reviewed using the rating and selection factors specified in Section [413-1-.09](#) of these regulations, as well as any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by the Authority or DCA. Applications that contain insufficient information or documentation may be returned to the applicant for further information.

- (3) Staff may conduct site visits and hold discussions with applicants and proposed sub-recipients for the purposes of confirming and evaluating information contained in the Initial Project Assessment or Application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in Initial Project Assessments and/or Applications.

- (4) The scores obtained for the various selection factors will be totaled and applicants with scores of at least 300 points that meet all appropriate funding criteria that conform to the objectives of O.C.G.A. 50-34, as amended, and that can be carried out in compliance with all applicable state or local law, regulations or requirements will be recommended to the Authority for funding consideration.

Cite as Ga. Comp. R. & Regs. R. 413-1-.08 Authority:

O.C.G.A. Sec. [50-34-1](#) et seq.

History. Original grant description entitled "Awarding of Funds" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.09. Rating and Selection Criteria.

| Criteria | Points |
|-------------------------------|------------|
| Threshold Requirements | 0 |
| Demographics | 100 |
| Feasibility | 120 |
| Impact | 120 |
| Strategy | 100 |
| Regional Bonus | 60 |
| | |
| Total Available Points | 500 |

- (1) Threshold Requirements (In order to be rated and reviewed, an application must meet all threshold requirements identified below):
 - a. The Application is from an eligible applicant;
 - b. The project takes place within a rural county or a conditionally eligible county, in which case the project must demonstrate significant regional benefit with tacit support from a bordering rural county.
 - c. The proposed use of funds are for eligible activities and will be carried out in a manner consistent with the state constitution, state law, program rules and objectives and in accordance with the applicant's (or sub-recipient's) enabling legislation and authority; and
 - d. The proposed activities are consistent with local and regional plans developed under the provisions of the Georgia Planning Act and the Service Delivery Strategies developed in accordance with O.C.G.A. [36-70-1](#) *et seq.*

- (2) Demographics (100 Points Maximum): On an annual basis, demographic scores will be calculated for each county in the state. For purposes of assigning a demographic score for applications submitted by multiple applicants or an authority made up of multiple entities, the highest score from the group of counties which has endorsed the project or are members of the regional authority will be used. Applications will be rated and scored against each of the following demographic factors as calculated by the Department of Community Affairs using the most recent population, poverty and income estimates:
 - a. Demographic Need - total population of the Applicant County (joint applications will consider the county with the lowest population): Counties will be compared in terms of their total population level. Counties with a population less than 10,000 will receive 50 points; populations of 10,000 and 19,999 will receive 40 points; populations of 20,000 and 29,999 will receive 35 points; populations of 30,000 and 39,999 will receive 30 points; and populations greater than 40,000 will receive 25 points.
 - b. Demographic Need - percent of people in poverty: Counties will be compared in terms of the percentage of population below the poverty level. Counties with an overall poverty rate of 20% or greater shall receive 50 points. For counties with a poverty rate between 19.99% to 15%, the applicant will receive 40 points. For counties with a poverty rate between 14.99% to 10%, the applicant will receive 30 points. For counties with a poverty rate less than 10%, the applicant will receive 20 points. For joint applications, OGA or DCA will review and rank order each county's percentage of poverty.

- (3) Project Feasibility (120 Points Maximum) Applications will be awarded "feasibility" points according to specifics, that are included but not limited to, clearly defined in the NOFA.

- (4) Project Impact (120 Points Maximum) Applications will be awarded "impact" points according to specifics, that are included but not limited to, clearly defined in the NOFA.

- (5) Program Strategy (100 Points Maximum) Applications will be awarded “strategy” points according to specifics, that are included but not limited to, clearly defined in the NOFA.
- (6) Regional Bonus (60 Points Maximum) Applications will be awarded regional bonus points and can receive larger grant amounts as described in section [413-1-.10\(1\)](#) based upon a project’s demonstration of significant and quantifiable regional cooperation or impact using the criteria outlined below:
 - a. “Regional Cooperation” (60 points)- the proposed project is a regional initiative that evidences significant and quantifiable regional cooperation or impact.
- (7) The criteria in this rule ([413-1-.07](#)) are designed to assist the OneGeorgia Authority and/or its agent in making a decision and only constitute minimum standards. Additional factors may be considered depending on the nature of particular projects and their relative merit compared to competing proposals and depending on the availability of funding at the time of application. The decisions made by the OneGeorgia Authority shall be final and conclusive.

Cite as Ga. Comp. R. & Regs. R. 413-1-.09 Authority:

O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Statement of Conditions" submitted November 1, 2000.

Submitted: April 17, 2023.

Rule 413-1-.10. Awarding of Funds.

- (1) Award limits under the Equity’s Program are typically set at \$500,000 per project; however, specific limits will be published in a NOFA for a defined application period. Generally speaking, alternative funding limits will be applicable for funding specifically set-aside to accomplish objectives by the Authority.
- (2) Limits may be waived upon recommendation of DCA Commissioner and approval of the OneGeorgia Authority’s Board of Directors or upon recommendation and approval of the OneGeorgia Authority’s Board of Directors.

Cite as Ga. Comp. R. & Regs. R. 413-1-.10 Authority:

O.C.G.A. Sec. [50-34-1](#) *et seq.*

History. Original grant description entitled "Awarding of Funds" submitted February 12, 2007.

Submitted: April 17, 2023.