Texas Community Development Block Grant Program

2021 Rural Economic Development
Downtown Revitalization Program

Application Guide

December 2020

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TxCDBG Goals and Requirements

The goal of the Texas Community Development Block Grant (TxCDBG) Program is to develop viable communities by providing decent housing and a suitable living environment, as well as by expanding economic opportunities, principally for persons of low-to-moderate income. In awarding funding pursuant to Government Code Section 487.351(c), the Texas Department of Agriculture (TDA) shall give priority to eligible activities in the areas of economic development, community development, rural health and rural housing to support workforce development.

The objectives of the TxCDBG Program are:

1. To improve public facilities to meet basic human needs, principally for low-to-moderate income persons;
2. To improve housing conditions, principally for persons of low-to-moderate income;
3. To expand economic opportunities by creating or retaining jobs, principally for low-to-moderate income persons; and
4. To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

Recommended Steps in Application Process

Although certain steps may be completed at any point in the grant application process, TDA recommends completing the application as follows:

1. Review the Application Guide and consider potential eligible projects that would meet local needs.
2. Identify an Application Preparer. This may be a local staff person or a third-party consultant procured using TDA's Pre-Qualified Administrator procurement process. More information regarding this process can be found on the TxCDBG Professional Services web page.
3. Conduct public hearing to solicit feedback from community members regarding community needs. Notice of the public hearing must be provided no less than 72 hours prior to the hearing.
4. Discuss most feasible projects with the Application Preparer and decide which project(s) to pursue.
5. Identify an Application Engineer. This may be a local staff person or a third party consultant procured using TDA's Chapter 5 Professional Services procurement process. More information regarding this process can be found on the TxCDBG Implementation Manual web page.
6. With Application Engineer, identify service area of the project(s) and preliminary cost estimate.
7. With Application Preparer, identify LMI beneficiaries of the service area via HUD data or income survey. More information on beneficiary documentation can be found on the TxCDBG Beneficiary Documentation web page.
8. If project area qualifies, continue preparing application data with Application Preparer.
9. Present local resolution to local governing body to authorize submission of the application – this resolution includes the project description and commitment of any matching funds and must be passed after conducting the public hearing.
10. Finalize the application.
11. Publish notice of application availability. The application must be available for public review for no less than five (5) days:
    a. after the local resolution is passed;
    b. after the notice of availability; and
    c. prior to the application submittal deadline.
12. Submit the application to TDA.

Part I: DRP Fund-specific and other Program Requirements

DRP Fund Application Submittal and Deadline Requirements

The application procedures for the 2021 Downtown Revitalization (DRP) program are included in this Application Guide. The procedures in this application guide supersede those published in all previous application guides.

The Downtown Revitalization Program will be available on a competitive basis to eligible applicants statewide. Applications for the 2021 program year are due by 11:59 p.m. C.T. on June 1, 2021. Technical assistance from TDA staff will be unavailable after 5:00 p.m. on the final day of submission.

TDA is introducing a new online grant management system, called Texas Department of Agriculture – Grants Online (TDA-GO!). This application is anticipated to be launched for public access in January 2021 and submissions shall be accepted though TDA-GO! System. TDA encourages communities to spend the next few months selecting a project and documenting the National Program Objective. Once the online application is released, the data and supporting documentation can be entered relatively quickly.

Funding Request Amounts

This represents the minimum and maximum amount that may be requested/awarded for a project. These amounts apply to any project funded under the Downtown Revitalization Program.

Minimum $50,000 Maximum $500,000

The program can fund only the actual, allowable, and reasonable costs of the proposed project, and may not exceed these amounts. All projects awarded under the TxCDBG program are subject to final agreement between TDA and the applicant regarding the final award amount, but at no time will the award exceed the amount originally requested in the application.

National Program Objective (NPO)

For the Downtown Revitalization Fund, a community must meet the Elimination of Slum and/or Blight Conditions NPO. Proposed activities must address the NPO of eliminating slum or blight. The requested assistance must be for public infrastructure improvements which will address one or more of the conditions that contributed to the deterioration of an area designated as slum or blighted in the downtown or main street area of the community. To qualify under this objective, the project area **must**:

1. be officially designated by the applicant through passed/adopted city council resolution (see Sample, Appendix II);
2. meet a definition of a slum, blighted, deteriorated, or deteriorating area under State or local law; and
3. exhibit physical signs of blight or decay.

The documentation required to show that this objective will be met must include a designation of the boundaries of the project area, a description of the conditions which qualified it as slum or blighted at the time of its designation, and the way in which each activity addresses one or more of the conditions that qualified the area as slum or blighted. The official designation of an area as slum or blighted should be within 5 years of the application deadline.

An area within a municipality may be considered as slum or blighted if the area is detrimental to the public health, safety, morals, and welfare of the municipality because the area:

1. Has a predominance of buildings or other improvements that are dilapidated, deteriorated, or obsolete due to age or other reasons;

2. Is prone to high population densities and overcrowding due to inadequate provision for open space;
3. Is composed of open land that, because of its location within municipal limits, is necessary for sound community growth through replatting, planning, and development for predominantly residential uses; or
4. Has conditions that exist which:
    a. Endanger life or property by fire or other causes; or
    b. Are conducive to the ill health of the residents, disease transmission, abnormally high rates of infant mortality, abnormally high rates of juvenile delinquency and crime, or disorderly development because of inadequate or improper platting for adequate residential development of lots, streets, and public utilities.

Projects that are located within the downtown area but have not demonstrated current blighted conditions have NOT met the requirements of the Downtown Revitalization Program.

Additional information regarding documentation for National Program Objectives can be found in the TxCDBG Guide to National Objectives.

Eligible Downtown Revitalization Applicants

Eligible applicants must be an incorporated municipality. All proposed infrastructure improvements must be located on public property within the designated downtown district or Main Street area. Typically, a downtown district will meet the following criteria:

1. The city's historic area of commerce or economic center of the community;
2. May be the area around the courthouse or city square, if the improvements will primarily serve non-governmental buildings;
3. The retail area for the community that does not include single-family dwellings.

TDA recommends including a map that identifies the businesses served by the proposed improvements.

TDA will make the final decision for any downtown districts determined to not meet the above criteria.

Main Street Set-Aside

Communities with a designation as an official Texas Historical Commission (THC) Main Street City shall be scored and ranked separately from communities that are not participating in THC's Main Street Program. Applicants participating in the program must remain a participating city for the duration of the award/contract.

Eligible Activities

TxCDBG monies are only available for public infrastructure improvements or activities explicitly needed to eliminate slum and blight conditions in the downtown or main street area. For all proposed uses, requested funds may not exceed the minimum necessary to meet the needs of the area. Excess/speculative improvements, extra connections or excessive looping will not be funded.

Funds may be provided for the following activities IF they address the existing blighted conditions:

- Sidewalks and lighting
- Activities required to eliminate architectural barriers for the disabled
- Water and/or sewer lines
- Road construction/rehabilitation, to include curb and gutter and related drainage
- Natural gas lines and related items
- Electric power lines and transformers
- Utilities including natural gas, and electric
- High-speed internet infrastructure, with prior approval from TDA
- Grant administration – up to 16% of TxCDBG funds requested for construction and acquisition activities or $35,000, whichever is less

- Engineering services– up to 25% of TxCDBG funds requested for construction and acquisition activities or $55,000, whichever is less
- Demolition and clearance activity of non-residential structures

Ineligible Activities

The applicant may not use funds for the following:

- Grant or otherwise transfer TxCDBG monies to a business
- Building rehabilitation, building construction, machinery, equipment, or working capital
- Landscaping, benches, ornamental signs or trash cans
- Operation & maintenance activities, such as re-striping or sealcoating
- Refinancing or to repay the applicant, a local related economic development entity, a benefiting business or its owners and related parties for expenditures
- Demolition of a historic building and/or housing units
- Parking facilities and parking lots
- Otherwise eligible activities that will significantly benefit residential structures
- Otherwise eligible activities that will provide benefit beyond the identified project area

Section 106 Compliance

Each applicant is required to provide verification of compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101 et seq.). The regulation requires the applicant to consult with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the activity, and notifying the federal grantor agency of the existence of any such properties. In addition, the applicant must comply with all requirements established by the federal grantor agency to avoid or mitigate adverse effects upon such properties.

The application must include a copy of the letter submitted for determination of historic district eligibility to the History Division's National Register Program, at the Texas Historical Commission (THC) and any written response. A verification of electronic submission through THC's E-TRAC system or fax copy of this letter will be acceptable. If grant award is received and eligibility or existence of a National Historic District is determined, the project construction plans must be submitted to the Architecture Division at the Texas Historical Commission in order to be in compliance with Section 106 of the National Historic Preservation Act of 1966, Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (54 U.S.C. 312501 et seq.). Please contact THC for more information.

Additional information about the National Historic Preservation Act and the Section 106 process may be obtained from the following web sites:

- Advisory Council on Historic Preservation web site: http://www.achp.gov/
- Advisory Council on Historic Preservation, National Historic Preservation Act/Section 106 guidance: http://www.achp.gov/work106.html
- "Protecting Historic Properties, A Citizen's Guide to Section 106 Review": http://www.achp.gov/pubs-citizensguide.html
- Section 106 reviewer contacts from Archeology and History Programs can be found at: http://www.thc.state.tx.us/about/contact

TxDOT Compliance

Each applicant will be required to indicate whether the proposed infrastructure improvements will be located within a Texas Department of Transportation (TxDOT) controlled highway, road, or right of way. If yes, the applicant will be required to provide documentation to TDA which indicates that the applicant has notified and/or consulted with TxDOT of its proposed improvements prior to the TxCDBG contract execution date.

Scoring Criteria (Max. 100 Total Points)

Median Household Income (10 Points): Awarded if the applicant's median household income is lower than the annual state household income using the most recent ACS 5-year estimate as follows:

1. Applicant's Median Household Income (MHI) divided by Texas MHI = MHI %
2. Subtract applicant's MHI % from 1 to calculate the applicant's MHI Factor
3. MHI Factor multiplied by 10 = Points Received

Applicants whose Median Household Income is above the statewide median household income shall receive zero (0) points.

Unemployment Rate (2 Points): Awarded if the applicant's unemployment rate exceeds the state unemployment rate using the most recent ACS 5-year estimate as follows:

1. Applicant's unemployment rate divided by Texas unemployment rate = % Unemp
2. Subtract the applicant's % Unemp from 1 to calculate the applicant's Unemployment Factor
3. Unemployment Factor multiplied by 2 = Points Received

Applicants whose Unemployment rate is below the statewide unemployment rate shall receive zero (0) points.

Match Ratio (15 Points): A minimum 3.5% cash match is required. Awarded for the commitment of additional matching funds relative to the amount of CDBG funds requested as follows:

Match equals at least 5% of TxCDBG Request	5 Points
Match equals at least 10% of TxCDBG Request	10 Points
Match equals at least 15% of TxCDBG Request	15 Points

Additional match may be cash and/or in-kind. The applicant must provide a resolution from the city council authorizing the match expenditure. The resolution must include the commitment amount and the proposed use of the funds. If other eligible sources of funding are injected into the project, a commitment letter from the sources must also be submitted.

Economic Development Tax (10 Points): Awarded if the city has passed and adopted a local economic development tax.

Project Priority (10 Points): Awarded for the percentage of CDBG funds requested for sidewalk/ADA compliance relative to the total CDBG funds requested.

Note: Each activity funded by TxCDBG, regardless of type, must address one or more of the conditions that qualified the area as an area of slum or blight.

50% or more of the requested funds will be used for sidewalk and/or ADA compliance activities	10 Points

Benefit to Low- to-Moderate Income (LMI) Population (5 Points):

Awarded if the applicant's citywide LMI population is greater than 51% using most recently available Low to Moderate Income Summary Data (LMISD) PLACE data as follows:

Points Received = LMI % multiplied by 10, minus 5.1000

For example: The City of Scoresville's LMISD PLACE data indicates its LMI percentage is 67.17%.

= 0.6717 * 10 = 6.7170
= 6.7170 – 5.1000 = 1.617 Points Received

This information shall be obtained from the most recent income limits on the U.S. Department of Housing and Urban Development's website.

Previous Funding (17 Points):

Applicant has received 0 DRP or MS award in the previous six (6) fund cycles	17 Points
Applicant has received 1 DRP or MS awards in the previous six (6) fund cycles	11 Points
Applicant has received 2 DRP or MS awards in the previous six (6) fund cycles	5 Points
Applicant has received 3 or more DRP or MS awards in the previous six (6) fund cycles	0 Points

Main Street Application Scoring Criteria (10 Points):

Only applicants participating in Texas Historical Commission's (TCH) Main Street community program will be scored on the following criteria.

Applicant's continuous participation in the Texas Main Street program	1 point for every calendar year of continuous participation in the Main Street program

Points will not be broken into half points for increments less than one year. If a city leaves the Main Street program and then returns at a later date, "continuous participation" will be calculated from the year the applicant returned to the program. Applicants will receive the maximum amount of points if they have participated in the program for 10 continuous years.

Downtown Revitalization Application Scoring Criteria (10 Points):

Applicants NOT participating in THC's Main Street Program will be scored on the following criteria.

Applicant actively participates in and/or financially supports an economic development organization, such as an Economic Development Corporation	1 point for every calendar year of continuous participation in a local economic development organization

Points will not be broken into half points for increments less than two-years. If a city ceases to participate in the economic development organization, and then resumes participation at a later date, "continuous participation" will be calculated from the year the applicant resumed participation. Applicants will receive the maximum amount of points if they have participated in the program for 10 continuous years.

Citizen Participation Five (5) points shall be received for applicants that conducted the public hearing, a component of the required citizen participation process, at least 90 days prior to the application deadline.	
Past Performance on previously awarded contracts (Awarded 2/1/2016 – 9/1/2020) Methodology: Each applicant is initially awarded full points in each Past Performance score factor. Points are deducted based upon performance of an applicant on a previously awarded contract. The final Past Performance score will be the average of points for each contract awarded between 2/1/2016 – 9/1/2020.	
• **Timely submission of closeout reports** Five (5) points will be deducted for applicants that did not submit close-out report within 60 days from the end date of the contract.	5 Points
• **Timeliness of environmental clearance** Zero (0) points will be deducted for applicants that completed the environmental review within 30 days of the environmental clearance milestone (210 days after the contract start date) One (1) point will be deducted for applicants that completed the environmental review within 60 days of the environmental clearance milestone (240 days after the contract start date) Three (3) points will be deducted for applicants that completed the environmental review within 90 days of the environmental clearance milestone (270 days after the contract start date) Five (5) points will be deducted for applicants that did not complete the environmental review within 90 days of the environmental clearance milestone (271+ days after the contract state date)	5 Points
• **Maximum utilization of grant funds awarded** Zero (0) points shall be deducted for completed contracts that fully expended the grant funds, or deobligated less than the threshold amount ($10,000). Five (5) points shall be deducted for contracts that deobligated an amount equal to or greater than the threshold for any reason. Exception: This scoring criterion will not apply to Texas Capital Fund Real Estate/Infrastructure contracts that completed the minimum necessary AND fulfilled 100% of the job commitment.	5 Points
• **Timeliness of completing projects (i.e., extension of contracts)** One (1) point will be deducted for applicants that received an extension on a previous contract.	1 Point

Tie Breaker
In the event of a tie, applicants shall be ranked starting with the lowest median household income. Data Source: Most recently available ACS 5-Year Estimate, Table DP03. If a tie still exists after applying the first criteria, then applications shall be ranked starting with the highest unemployment rate. Data Source: Table DP03

Part II. General TxCDBG Application Requirements

Application Completeness

Any application that is incomplete, noncompliant with program requirements, or received late will be disqualified. Applications lacking information necessary to make a determination concerning the eligibility of the activity (e.g., data on low-to-moderate income beneficiaries) or compliance with TxCDBG and Federal program requirements (e.g., citizen participation requirements) will be disqualified. A substantially complete TxCDBG application must include all of the following information:

- All application forms, fully completed;
- Accurate beneficiary data for the proposed project activities;
- A passed/adopted Local Government Resolution authorizing submission of the application;
- Evidence of compliance with the TxCDBG Citizen Participation Plan including the Public Hearing Notice and Notice of Application Availability
- Legible, quality maps;
- Annual Audit (See Attachments Section); and
- Active SAM.gov registration for applicant.

Applications lacking any of the items listed above will be disqualified..

Completed applications received by the deadline may be subject to disqualification including but not limited to any of the following reasons:

- The applicant is not a unit of general local government;
- The project is located in an entitlement area;
- The application contains ineligible activities;
- The applicant does not comply with the TxCDBG Citizen Participation Plan requirements;
- The applicant does not meet the Applicant Threshold Requirements;
- The application contains false information;
- The applicant did not comply with the TxCDBG survey requirements;
- The same or substantially the same application has been submitted under two or more TxCDBG fund categories;
- The application does not contain adequate or acceptable information to show that each proposed application activity meets a National Program Objective;
- The application does not comply with the requirement concerning the preparation of an assessment of the applicant's housing and community development needs prior to submission of a TxCDBG application;
- The applicant does not provide the information required in the TxCDBG Applicant/Recipient Disclosure/Update section of the Application;
- The applicant does not respond, refuses to respond, or does not provide an adequate response to requests for revisions or additional information within the prescribed timeline.

Applications must propose project(s) that are fully developed. The proposed project scope cannot be changed after the application deadline, unless at the direction of TDA staff. The citizen participation process is intended to identify community priorities, and TDA will not approve a change in project scope based on changing priorities of the local government. Placeholder applications – those proposing a potential project with the intent of securing funding, then making local decisions regarding actual locations and project details after an award – will be considered substantially incomplete and will be subject to disqualification. Applications must justify any amount requested in the application and the amount requested is subject to review.

Applicant Threshold Requirements

To be eligible to apply for or to receive funding under the TxCDBG Program, a community must meet the following criteria, as described in Title 4, Part 1, Chapter 30, Subchapter A, Division 2, Section 30.25 of the Texas Administrative Code (TAC):

(1) Grant administration. Demonstrate the ability to manage and administer the proposed project.
(2) Financial capacity. Demonstrate the financial management capacity to sustain operation and maintenance of any improvements made in conjunction with the proposed project.
(3) Proposed benefits. Demonstrate the ability to meet all proposed benefits identified in its application.
(4) Levy and collect tax. Levy and collect a local property tax or local sales tax option.
(5) Past performance. Demonstrate satisfactory performance on previously awarded TxCDBG contracts.
(6) Pending TxCDBG contracts. Demonstrate compliance with progress threshold requirements for existing TxCDBG grant awards to be eligible for TxCDBG funding, as follows – details regarding documentation for meeting these thresholds can be found in the TxCDBG Project Implementation Manual:

Fund Category	Contract Period	Progress Threshold #1	Progress Threshold #2
Disaster Relief	12 months	Obligate 50% of TxCDBG contract funds at 9 months	Construction complete, PCR and final draw submitted at 12 months
FAST Fund	18 months	Obligate 50% of TxCDBG contract funds at 9 months	Construction complete, PCR and final draw submitted at 18 months
Community Development	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Downtown Revitalization/Main Street and Small and Micro-enterprise Revolving Fund	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Colonia Fund (CFC, CFP, CEDAP, NOT CSH)	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
Planning Capacity Building	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Planning complete, reports & maps and final draw submitted at 24 months
Community Enhancement	24 months	Obligate 50% of TxCDBG contract funds at 12 months	Construction complete, PCR and final draw submitted at 24 months
TCF Infrastructure/Real Estate	36 months	Obligate 50% of TxCDBG contract funds at 18 months	Construction complete, PCR and final draw submitted at 36 months

(7) Delinquent audits. A community must submit any past due audits to the department within the timeframes prescribed by the department. (For audit requirements, see 4 TAC §30.26.)
(8) Other application requirements. Other threshold requirements relevant to a particular fund category may be included in the applicable application guidelines.

Basic Eligibility Documentation Requirements

Resolutions

TxCDBG applications require a resolution from the local governing body (i.e., County Commissioners Court or City Council) authorizing the submission of that application. The governing body must adopt/pass the resolution before the application submission and after the application public hearing. Failure to comply with these resolution requirements may result in disqualification of the application.

The language of the resolution must, at a minimum:

1. Authorize the submission of an application for funding under the Texas Community Development Block Grant Program.
2. Designate the fund category under which the application is to be considered.
3. Designate the activities addressed in the application.
4. Designate the dollar amount being requested.
5. Designate a person(s) (e.g., County Judge, County Commissioner, or Mayor) who will be authorized to execute documents in conjunction with the application, and any resulting grant contract.
6. Commit to the provision of resources by source and use (if applicable) in support of the proposed project activities, including the specific source (e.g., General Fund, Water/Sewer Fund, General Obligation Bonds) and use of those resources.
7. Commit to compliance with all federal, state, and program requirements, including environmental review, labor standards, procurement, acquisition of property, civil rights, and administrative requirements.

In a multi-jurisdiction application, a cooperative agreement must also be included and signed by all participating local governments, and must state which participant will serve as the lead administrative entity if the project is funded. Additionally, each locality participating in a multi-jurisdiction application must submit a resolution adhering to the guidelines above.

For a sample resolution, see Appendix VI: Form/Document Samples.

Published Notices of Public Hearing and Application Activities

Prior to the preparation and submission of an application for TxCDBG funds, each applicant must hold at least one public hearing and publish a notice that describes the application activities and the availability of the application(s) for public review.

The public hearing gives citizens information about the Texas Community Development Block Grant Program and eligible program activities, as well as opportunities to participate in the development of the applicant's community development and housing needs and the development of TxCDBG applications.

The public notice gives citizens information on proposed uses for the funds and an opportunity to review and comment on the application(s) prior to submission.

Other requirements include:

- Public notices should be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community service providers.
- Ensure nondiscrimination by taking reasonable steps to ensure meaningful access for persons with Limited English Proficiency (LEP) by providing language assistance as appropriate.
- Persons with disabilities must be able to attend the hearing and an applicant must make arrangements for individuals who require auxiliary aids or services, if contacted at least two days prior to the hearing.
- Local organizations that provide services or housing for low-to-moderate income persons, including the local Public Housing Authority, Health and Human Services office, Faith-based organizations, and Mental Health and Mental Retardation office, must receive written notification concerning the date, time, location and topics to be covered at the public hearing.

The written notification sent to local service providers for the public hearing must include the date, time, location and topics of discussion at the public hearing (a copy of the notice will suffice if it includes all required information). Send this notification to service providers serving the jurisdiction's residents – if a local office is located in the community, then that office should receive the notification. If a local office is not located in the community, send the notification to the local or regional office location that serves the jurisdiction's residents.

The following items are required as evidence of adherence with public hearing and public notice requirements:

1. A copy of the actual published public hearing notice (full page of the newspaper with publication title and date or publisher's affidavit and a copy of the notice) for the required public hearing. The notice must conform to the requirements of the Citizen Participation Plan, including specifics such as the date, time, location of the hearing and the topics to be discussed.
2. A copy of the actual published notice of the application(s) activities and availability of the application(s) for public review. This may be either a full newspaper page with the publication title and date or publisher's affidavit and a copy of the notice. The notice must conform to the requirements of the Citizen Participation Plan including the timing of the published notice and the information included in the notice.
3. A listing of the local service providers that received written notification of the public hearing. Copies of the written notifications must be kept by the applicant and will be reviewed by TDA staff during site visits. Again, the written notification must conform to the requirements of the Citizen Participation Plan including specifying the date, time, and location of the hearing and the topics of discussion.

TDA recommends verifying that the public notices are published on the correct days, as well as allowing sufficient time for publication and public hearing issues to be resolved rather than completing these steps just prior to submitting the application.

For sample public notices, see Appendix VI: Form/Document Samples.

Evidence of Active SAM Registration

TxCDBG applicants must demonstrate an active registration in the System for Award Management (SAM) to be eligible for funding. The applicant shall include a screen-shot from the SAM website at https://sam.gov verifying the entity's registration is active. Without evidence of an active SAM registration, the application is ineligible to receive HUD funds and will be disqualified.

Annual Audit

Applicants must comply with the audit requirements in the Texas Local Government Code for the fiscal year ending 2019 or later. The applicant is required to submit its most recent annual audit or audit opinion letter with its application to demonstrate financial capacity. The audit opinion letter is preferred to the whole audit (Note: not the management letter). A certified public accountant (CPA) who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy must conduct the audit and prepare the annual financial statement. Applicants may not submit self-performed audits. The audit must be an organizational-wide audit and cannot be limited to certain parts of the organization. Annual audits for fiscal years ending on or before December 31, 2018 will not be accepted. Failure to submit an audit for FY 2019 or FY 2020 by the application deadline will result in automatic disqualification.

Project-Specific Documentation Requirements

Project Maps including Census Maps

Each application for TxCDBG funding must include a project map, or maps, which clearly show the following information:

- The boundaries of the applicant's jurisdiction;
- The boundaries of the county;
- Location(s) of the benefit area community or communities; and
- Location(s) of all proposed project activities (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, water wells, wastewater treatment plants, public facility improvements, etc.)

Applicants using HUD-Census-based data (LMISD) to document project beneficiaries must provide maps that clearly show:

- All of the Census geographic areas (e.g., census tracts, block numbering areas, block groups) within the applicant's jurisdiction if LMISD data is used to document project beneficiaries;
- Locations of the project activities (on the same census maps), including the clearly defined boundaries of the proposed project's service area.; and
- The census tract numbers, block numbering area numbers, and block group numbers must be legible.

In addition, applicants requesting a project within a floodplain should submit a FEMA Flood Map with the project location identified. If this map documents that any part of the project is located in a flood way, the applicant must provide evidence that the project is eligible for consideration in accordance with 24 CFR 55.1(c). Maps are available at https://msc.fema.gov

The project area or service area boundaries MUST also be delineated on all maps.

Maps must be reproducible. Care should be taken in copying maps so that project activities that may have been designated by a colored mark are still identifiable.

Applicants are advised to note any property owners that may be in and/or adjacent to the benefit area to ensure that no potential conflict of interest exists. (See the *"Conflict of Interest"* section of this Guide) Identification of property owners is not required to be noted or submitted with the application, but failure to identify potential conflicts of interest may be subject to the sanctions described in the *"False Information on Applications"* section of this guide.

Documentation of Beneficiaries

Each application for TxCDBG funding must include clear documentation of the persons served by the project for each benefit area. Detailed instructions are provided in Part I. above, and in the *TxCDBG Guide to National Program Objectives*.

Documentation of Match

The following guidelines serve to clarify the type of match acceptable under the Texas Community Development Block Grant Program. Acceptable types of match can be any of the following:

1. Cash only;
2. In-kind services/equipment use;
3. Materials or supplies;
4. Land; or
5. Any combination of the above.

For more information on the acceptability of each of the different types of match, refer to Appendix II: Matching Funds.

While other resources are strongly encouraged, the commitments for these matching funds must be fully documented as to source, type, use, and minimum dollar amount before they can be considered in the scoring of an application.

Local government resource commitments must be made in the form of a Resolution from the City Council or County Commissioners Court. This resolution should indicate, at a minimum, the type of resource (e.g., land, labor, materials, money, etc.) and the source, a minimum dollar value to be provided, and for what purpose(s) this resource will be used. Please note here that local match can only be counted for expenditures that would not occur if the proposed application is not funded, with the exception of local funds expended for consultant engineering and administrative services.

Resource commitments provided by other local entities (e.g., public housing authority, special utility districts, private financial institutions or other similar sources leveraging loan funds with a local housing rehabilitation program or other TxCDBG-eligible activity) must be documented in a letter signed by a person authorized by that entity to make such a commitment. This letter should identify the type of resource, a minimum dollar value, and for what purpose this resource will be used. Applicants who are unsure about the eligibility of a commitment from other local entities should contact TDA staff.

Commitments for other State or Federal funds (e.g., Texas Water Development Board, UDSA) must be supported by a grant/loan offer, contract award letter, etc., signed by a person authorized to make such a commitment for that agency for an activity directly related to activities included in the TxCDBG funding request. This evidence must include identification of the resource, a minimum dollar value, and the purpose for which this resource will be used. These resources cannot have been expended before the application is submitted.

All resources committed in an application and considered in the scoring of that application must be provided in the event that the project is selected for funding. If these resources are not made available, the locality may be subject to the sanctions described in the *"False Information on Applications"* section of this guide.

Additionally, the use of other funds (e.g., federal, state, or local) in conjunction with TxCDBG funds generally triggers a series of compliance requirements that might not be applicable if those funds were to be used independently. These requirements include but are not limited to environmental review, labor standards, real property acquisition (including easements), prohibition of special assessments, and financial management procedures.

Waiting List and Selection Guidelines for Housing Activities (If Applicable)

Applicants with projects that include the provision of first-time on-site sewage facilities (OSSF), replacement of on-site sewage facilities, or scattered first-time water or sewer service yard lines (that are not associated with the installation of a main trunk line) must provide a waiting list of homeowners (including addresses) that have indicated a need and willingness to participate in the program. At a minimum, this waiting list must include the address and LMI status of the potential beneficiaries.

Additionally, the applicant must also submit a **draft** of the selection guidelines that will govern the selection process of the households that will receive benefit. Samples of housing rehabilitation and OSSF guidelines can be found in the TxCDBG Project Implementation Manual on the TDA website. If the applicant has already received TDA approval for the same activity and benefit area, include a copy of the approval documentation with the guidelines.

Jurisdiction of Applications

The applicant (city or county) requesting TxCDBG funding must have jurisdiction to provide oversight for the project. Specifically, the project beneficiaries must reside within the applicant's jurisdiction.

Partnering Jurisdictions

If only a portion of the project beneficiaries are located within the applicant's jurisdiction, the applicant must partner with another eligible unit of general local government that has jurisdiction.

- In addition to the citizen participation requirements for the Applicant, each participating jurisdiction must conduct a separate public hearing. This hearing will address the community's housing and community development needs and how the proposed activities are designed to meet those needs.
- The Applicant and each participating jurisdiction must enter into an interlocal agreement, outlining the responsibilities of each participant and establishing the Applicant's authority to implement the project outside its own jurisdiction. See Appendix VI for a sample agreement.
- All jurisdictions participating within the application must be TxCDBG eligible. For example, if a city and county are partnering on an application and the city is currently ineligible due to past performance issues, the application is ineligible.
- For projects with multiple benefit areas, the application must establish a NPO for each benefit/service area, regardless of jurisdiction. For example: a WSC provides service inside city limits and in the unincorporated county. Rehabilitation of water well shall benefit both City and County residents and shall be considered one service area. Additionally, residential water lines will be replaced in an unincorporated area of the county and shall be considered a separate service area. Appropriate beneficiary documentation must be provided for both service areas.
- For activities with a single service area due to their nature, such as the sewage treatment plant that would serve each of the participating jurisdictions, the application should consider this a single benefit area.

Partnering with an Applicant will not prevent the partnering jurisdiction from submitting a separate unrelated application in the same round of funding, so long as:

- projects in separate applications do not serve the same (or substantially the same) service area; and
- projects in separate applications will not be conducted in the same physical location.

TDA will make the final decision for any service areas and/or locations determined to be substantially the same.

Examples:

- Construction of a library that will serve all county residents, including residents of incorporated cities (Cities of A, B, and C) within the county. The library shall be located in City B.
    - The county has jurisdiction over all county residents and may apply without establishing the cities as partners, OR
    - Since the project is located in City B, the city has jurisdiction over the project and may apply after establishing the County as a partnering jurisdiction. The County may then submit a separate unrelated application.
- Water improvement project that will serve residents of both County A and County B.
    - Either county may apply, but must establish the other county as a partnering jurisdiction.
    - The county not submitting the application may apply for a separate unrelated project.
- Improvements to a Wastewater Treatment Plant that serves residents of City A and its ETJ.
    - Either the City or the County may apply for funding, as both have jurisdiction over the service area and beneficiaries.
- Improvements to a Water Treatment Plant that serves residents of City A and its ETJ – improvements to the main pump station are submitted by City A, while County B requests funding to replace the clarifier.
    - Even though the plant may require extensive investment and there are two viable applicants, only one application will be accepted to improve the plant or provide other system-wide benefits. If both are

submitted, TDA will require the two entities to choose which application to withdraw prior to scoring being completed.

- Water improvements for a Water District – City A requests line replacement within the city limits, while the County will construct a new water well to serve the entire district.
    - TDA must evaluate the Benefit Areas for substantial overlap. If determined to not serve substantially the same Benefit Area, both applications may be submitted without requiring a partnering jurisdiction.

Other Program Policies

Conflict of Interest

Applicants to the TxCDBG Program must avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For the procurement of goods and services, no employee, officer, or agent of the Grant Recipient or subrecipient may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. (24 CFR 570.489(g), Uniform Grant Management Standards (UGMS) of the Texas Comptroller of Public Accounts, 2 CFR 200.318(c)(1)).

For all other cases other than the procurement of goods and services, non-procurement conflict of interest provisions are applicable to any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards.

Under these provisions, a conflict of interest would exist if an employee, elected official, or their family members receive benefit from an activity. For example, if a member of a mayor's family was selected to receive CDBG assistance or would benefit from or receive a CDBG award, abstention from voting does not clear the conflict of interest. Another example where a conflict of interest would exist (business ties) is a situation where a consultant, who is employed by an engineering firm, has been selected by a city to provide administration services for the TxCDBG contract and the city is considering the selection of an engineer from that same firm to provide engineering services for the TxCDBG contract.

TDA may grant an exception, upon written request from the Grant Recipient, to the non-procurement conflict of interest provisions on a case-by-case basis if TDA determines that such exception will serve to further the purpose of the TxCDBG project and the effective and efficient administration of the project. An exception may be considered only upon written request from the applicant that includes the following documentation:

- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
- An opinion of the attorney for the applicant that the interest for which the exception is sought would not violate state or local law.
- Where the exception would provide a significant cost benefit or an essential degree of expertise to the project that would not be available otherwise.
- Whether an opportunity was provided for open competitive bidding or negotiation.
- Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception would permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.

- Whether the person affected has withdrawn from their functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question.
- Whether the interest or benefit was present before the affected person was in the position as an employee, agent, consultant, officer, or elected official of the governing body, or of any designated public agencies, or sub-recipients that are receiving CDBG funds.
- Whether undue hardship will result to the city or persons affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

Local Certifications

Each applicant for TxCDBG funding must certify by signing the 424 Form that it has adhered to the Local Certifications included in this application guide in the preparation of any TxCDBG application. Adherence to these certifications must be ongoing in the event that the application is successful.

With respect to the expenditure of funds provided under a Texas Community Development Block Grant contract, each TxCDBG contractor is required to certify that:

1. It will minimize displacement of persons as a result of activities assisted with such funds.
2. The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) and the Fair Housing Act (42 USC 3601-20), and that it will affirmatively further fair housing, as specified by TDA.
3. It will provide opportunities for citizen participation, hearings and access to information with respect to its community development programs, and that it is following the TxCDBG Program Citizen Participation Plan.
4. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of low-to-moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless: (A) such funds are used to pay the proportion of such fee or assessment related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (B) for purposes of assessing any amount against properties owned and occupied by persons of low-to-moderate income who are not persons of very low income, the contractor certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (A).
5. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulations at 49 CFR Part 24, and the requirements of section 570.606 including the following of a residential anti-displacement and relocation assistance plan, as specified by TDA, in the event that displacement of residential dwellings will occur in connection with a project assisted with TxCDBG funds.
6. It has adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
7. To the best of the TxCDBG contractors' knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the TxCDBG Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
8. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the TxCDBG Contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

9. The TxCDBG contractor must require that the language of this certification be included in the award documents for all sub-awards at all levels (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

False Information on Applications

The following actions may be taken, on a case-by-case basis, where TDA finds that an applicant provided false information in its application for TxCDBG funding.

If the applicant provides false information in a TxCDBG Fund application that has the effect of increasing the applicant's competitive advantage, or false beneficiary information that increases the number or percentage of potential beneficiaries, TDA TxCDBG staff shall make a recommendation for action to the Director of the State TxCDBG Program.

Actions that the Director may make include, but are not limited to:

1. Disqualification of the application and holding the locality ineligible to apply for TxCDBG funding for a period of at least one year not to exceed two program years.
2. Even if an award has been made, the locality may be liable for funds expended if adjustment to the scores would have resulted in a change in rankings for the purpose of funding.
3. Holding the locality ineligible to apply for TxCDBG funding for a period of two program years or until any issue of restitution is resolved, whichever is longer.

An applicant may appeal a decision of the State TxCDBG Director by filing an appeal with the Director of the Office of Rural Affairs.

Appeals Process

Refer to 4 TAC §30.6.

Part III. General CDBG Federal Requirements

Eligible Applicants

Eligible applicants are non-entitlement units of general local government, incorporated cities and counties not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant Program. Non-entitlement cities that are not participating in urban county programs through existing participation agreements are eligible applicants unless the city's population counts toward the urban county CDBG allocation.

Non-entitlement cities are located predominately in rural areas and are generally:

- cities with populations of less than 50,000 persons;
- cities that are not designated as a central city of a metropolitan statistical area; or
- cities that are not participating in urban county programs.

Non-entitlement counties are also predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas located in the county.

While non-entitlement units of general local government are the only eligible applicants for TxCDBG funding, these applicants may submit applications that will provide benefits through other sub-recipient groups serving the jurisdiction.

For example, a county could submit an application for water distribution line improvements to a water system that is owned and operated by a public utility district. The improvements themselves would become the property of the public utility district, but the programmatic and fiscal compliance responsibilities would remain with the applicant (the county).

As another example, a city could submit an application for the construction of a building to house a social services agency providing primary benefit within the city. Again, the facility could be placed under the control of the agency (through title transfer or lease arrangement), but compliance responsibilities would remain with the city.

Eligible Activities

TxCDBG eligible activities include:

- Water System Improvements
- Wastewater System Improvements
- Drainage Improvements
- Housing Rehabilitation
- Gas System Improvements
- Road/Street Improvements
- Fire Protection Facilities
- Accessibility Improvements to Public Buildings
- Solid Waste Disposal/Landfills/Transfer Stations
- Community/Senior/Social Service Centers
- Shelters for Persons With Special Needs

Additional guidance and further definition concerning eligible and ineligible activities for some of the TxCDBG eligible activities are included in Section 105(a) of the Housing and Community Development Act of 1974 (HCDA).

Ineligible Activities

In general, any type of activity not described or referred to in Section 105(a) of the HCDA, as amended, is ineligible for TxCDBG funding. Specific ineligible activities under the TxCDBG Program include:

- Construction of buildings and facilities used for the general conduct of government (e.g., city halls and courthouses).The only exception is for improvements made to these buildings solely to provide complete access for elderly persons and persons with severe disabilities;
- Financing of political activities;

- Purchase of construction equipment;
- Income payments, such as housing allowances;
- Activities in a floodway may be ineligible; see Implementation Manual, Chapter 3 for specific guidance;
- New housing construction; and
- Operation and maintenance expenses of public facilities, improvements and services

Various methods used to identify specific sections of wastewater line that require maintenance to reduce or eliminate the amount of inflow or infiltration routed to the treatment facilities, such as smoke testing, televising (TV'ing), and line cleaning (vacuuming, jetting, etc.), are considered maintenance tools. The process of identifying benefit areas for wastewater line replacement must be completed prior to the submission of an application in order for the scope of the project to be fully identified and to expedite construction completion. Similar methods may also be used as a part of construction and inspection of the new lines. Maintenance tools will not be accepted as a CDBG eligible activity in an application and such costs will be eliminated from the application. Sludge removal from a wastewater facility may be considered eligible if additional documentation is provided in the application to indicate why it is not operation and maintenance.

Citizen Participation Plan Requirements

Each applicant must complete a citizen participation process that complies with the TxCDBG Citizen Participation Plan requirements as described in this guide prior to submitting an application.

A locality can only receive a TxCDBG grant if the locality certifies that it follows a detailed citizen participation plan that provides for and encourages citizen participation at all stages of the community development program.

TxCDBG applicants and funded localities are required to carry out citizen participation in accordance with the Citizen Participation Plan adopted for the TxCDBG Program. Each applicant certifies by signing a 424 Form that it has and will comply with the requirements of this Citizen Participation Plan.

Each applicant must maintain a citizen participation file that includes a copy of this Plan, the applicant's complaint procedures, any technical assistance provided by the applicant, and public notices, minutes, and attendance lists for public hearings.

Complaint Procedures:
The applicant/recipient must have written citizen complaint procedures that provide a timely written response to complaints and grievances. Citizens must be made aware of the location, days, and hours when copies of the plan are available.

Technical Assistance:
When requested, the applicant/recipient shall provide technical assistance to groups representative of persons of low-to-moderate income in developing proposals for the use of TxCDBG funds. The level and type of assistance shall be determined by the applicant/recipient based upon the specific needs of the community's residents.

Public Hearing Provisions:
The applicant must provide citizens with reasonable advance notice and opportunity to comment on eligible and proposed activities in the CD application.

For public hearings scheduled and conducted by a TxCDBG applicant or recipient, the following public hearing provisions must be observed:

1. Public notice of the hearings must be given in one of the following ways:

a. Public notice of the hearings must be published in a local newspaper at least seventy-two (72) hours prior to the scheduled hearing; or
b. Published on applicant's website AND posted in public places (e.g. city hall/county courthouse) at least seventy-two (72) hours prior to the scheduled hearing.

The public notice must include the date, time, location and topics to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. The public hearing must be held at a time and location convenient to potential or actual beneficiaries and include accommodations for persons with disabilities. Furthermore, the applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing. The public hearing must no earlier than 5:00 p.m. on a weekday or at a convenient time on a Saturday or Sunday.

3. When a significant number of non-English speaking resident**s** are expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking residents.

Applicants must comply with the following citizen participation requirements for the preparation and submission of an application to the Texas Community Development Block Grant Program:

1. The public hearing must occur **prior** to the adoption of the local government resolution authorizing the submission of the application.
2. The locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the proposed use of funds for a period of one year. Such records must be available to the public in accordance with Chapter 552, Government Code.
3. The public hearing must meet the following TxCDBG notification requirements and include a discussion with citizens covering the following topics:
    - The development of housing and community development needs.
    - The amount of funding available.
    - All eligible activities under the Texas Community Development Block Grant Program.
    - The applicant's use of past TxCDBG contract funds, if applicable.
    - The estimated amount of funds proposed for activities that will meet the national objective of benefit to low-to-moderate income persons.
    - The plans of the locality to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with TxCDBG funds, if applicable.

Citizens must be encouraged to submit their views and proposals regarding community development and housing needs, with particular emphasis on persons of low-to-moderate income who are residents of slum or blighted areas. Local organizations that provide services or housing for low-to-moderate income persons, including the local Public Housing Authority, the local Health and Human Services office, the local Mental Health and Mental Retardation office, and other local service providers such as Faith-Based organizations, must receive written notification concerning the date, time, location and topics to be covered at the public hearing. Citizens must be made aware of the location where they may submit their views and proposals in case they are unable to attend the public hearing. While more than one application may be discussed at the public hearing, a hearing held for the previous program year's submission of the same application does not satisfy the requirements for any subsequent competition.

A community must provide reasonable notice of the availability of a proposed application in order to afford affected citizens an opportunity to examine the application's contents to determine the degree to which they may be affected, and to submit comments on the proposed application. This requirement may be met by publishing a summary of the proposed application in one or more local newspapers of general circulation at least five (5) days prior to submitting the application to TDA, and by making copies of the proposed application available at libraries, government offices, and public places.

At least five (5) days prior to the submission of an application for TxCDBG funds, the applicant must publish a public notice in a local newspaper that includes the following information:

- The TxCDBG fund categories for which applications will be submitted.
- The amount of TxCDBG funds requested in each application.
- A short description of the proposed project activities in each application.
- The locations of the project activities included in each application.
- The location and hours when the application will be available for public review.

Public notice must be given in one of the following ways:

a. Published in a local newspaper at least five (5) days prior to application submittal; or
b. Published on the applicant's website AND posted in public places (e.g. city hall/county courthouse) at least five (5) days prior to application submittal.

In the preparation of the final application, the community shall consider comments and views received related to the proposed application and may, if appropriate, modify the final application prior to submission of the application to TDA. The final application shall be made available to the public.

Applicants must comply with the following citizen participation requirements in the event that the application is successful:

- The locality must hold a public hearing concerning any proposed substantial change, as determined by TDA, in the use of TxCDBG funds from one eligible activity to another.
- Upon completion of the activities, the locality shall hold a public hearing and review its program performance, including the actual use of TxCDBG funds.
- The locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for the greater of:
    1. Three years after close-out of HUD's grant to the State of Texas (please see TDA website)
    2. If notified by TDA in writing, the date that the final audit is accepted with all audit issues resolved to TDA's satisfaction (Please see date of TDA audit acceptance letter if applicable); or
    3. A date consistent with the period required by other applicable laws and regulations as described in 24 CFR 570.490 and 570.502.

The applicant certifies compliance with the TxCDBG Citizen Participation Plan requirements by signing the 424 form. Failure to comply with these requirements may result in disqualification of the application.

Minority Participation/Local Opportunity

The TxCDBG program encourages localities to affirmatively take action to utilize small, minority (MBE) and women-owned (WBE) businesses whenever possible. Although funded localities are not directly responsible for meeting a specific minority business participation goal, TxCDBG reports to HUD on the levels of MBE and WBE hiring under all CDBG contracts. To increase participation of small, minority and women owned-businesses, localities may use the Texas Comptroller of Public Accounts Historically Underutilized Business (HUB) Directory. Also in accordance with Section 3 of the Housing and Urban Development Act of 1968, successful applicants using CDBG funding for housing or other public construction are required, to the greatest extent feasible, to provide training and employment opportunities to lower-income residents and contract opportunities to businesses in the project area.

Fair Housing Activities

Any locality receiving funds under the TxCDBG Program must certify that it will affirmatively further fair housing choice. Each funded locality must conduct at least one fair housing activity during the contract period, even if the locality is currently undertaking fair housing activities. Activities that qualify as affirmatively furthering fair housing include, but are not limited to, the following:

- Cities may pass a fair housing ordinance and publicize the existence of such an ordinance.
- Counties may adopt written fair housing policies and procedures that are equivalent to a fair housing ordinance and publicize the existence of such policies.

- The development of a strategy to pass a fair housing ordinance to be evidenced by public hearings and input from interested parties.
- The establishment of a written local complaint and monitoring process and notification to the public of its existence.
- The initiation of a fair housing counseling referral service that provides housing choices outside historically minority and/or low-to-moderate income neighborhoods to be evidenced by adoption of written procedures and publication of the availability of such service.
- The completion of a community-wide housing analysis to determine impediments to fair housing and actions to eliminate these impediments.
- The designation of April, or some other month, as Fair Housing Month through resolution or proclamation along with other activities to support fair housing.

In addition, communities that receive CDBG funds, chief elected officials, and third-party consultants may be required to have Fair Housing training. Training will be offered at both on-site workshops and state-wide webinars.

Federal Funding Accountability and Transparency Act (FFATA)

In September 2006 the President signed the Federal Funding Accountability and Transparency Act (FFATA) requiring the Office of Management and Budget (OMB) to develop a publicly available, free-of-charge, searchable website on federal funding. Federal funding includes grants, sub-grants, loans, awards, cooperative agreements, and other forms of financial assistance. On April 6, 2010, the OMB issued a memorandum outlining responsibilities for State agencies making sub-awards with Federal funds.

Beginning October 1, 2010, TDA is responsible for reporting data on each TxCDBG award, which will be entered into the usaspending.gov database. This data includes:

- The name of the entity receiving the award;
- The amount of the award;
- Information on the award, including transaction type, funding agency, Catalog of Federal Domestic Assistance (CFDA) number, program source, and a descriptive award title;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, state, congressional district, and county; and
- The Data Universal Numbering System (DUNS) number for the entity receiving the award.

Additional information deemed relevant by the OMB must also be provided, and all information is due no more than thirty days after a grant is awarded.

In addition, applicants must register on the System for Award Management (SAM) and entities must have an active registration to receive funding from HUD. Information on SAM registration is available at https://www.sam.gov.

Appendix I: Application Instructions

TDA is introducing a new online grant management system, called Texas Department of Agriculture – Grants Online (TDA-GO!).

This application is anticipated to be launched for public access in January 2021. TDA encourages communities to spend the next few months selecting a project and documenting beneficiaries. Once the online application is released, the data and supporting documentation can be entered relatively quickly.

The TxCDBG application within TDA-GO is centered around the concept of a Benefit Area/Activity. The Benefit Area is the service area that includes all beneficiaries of a particular project, and is specific to the HUD Activity Code for a particular project type (see *TxCDBG Guide to National Objectives*).

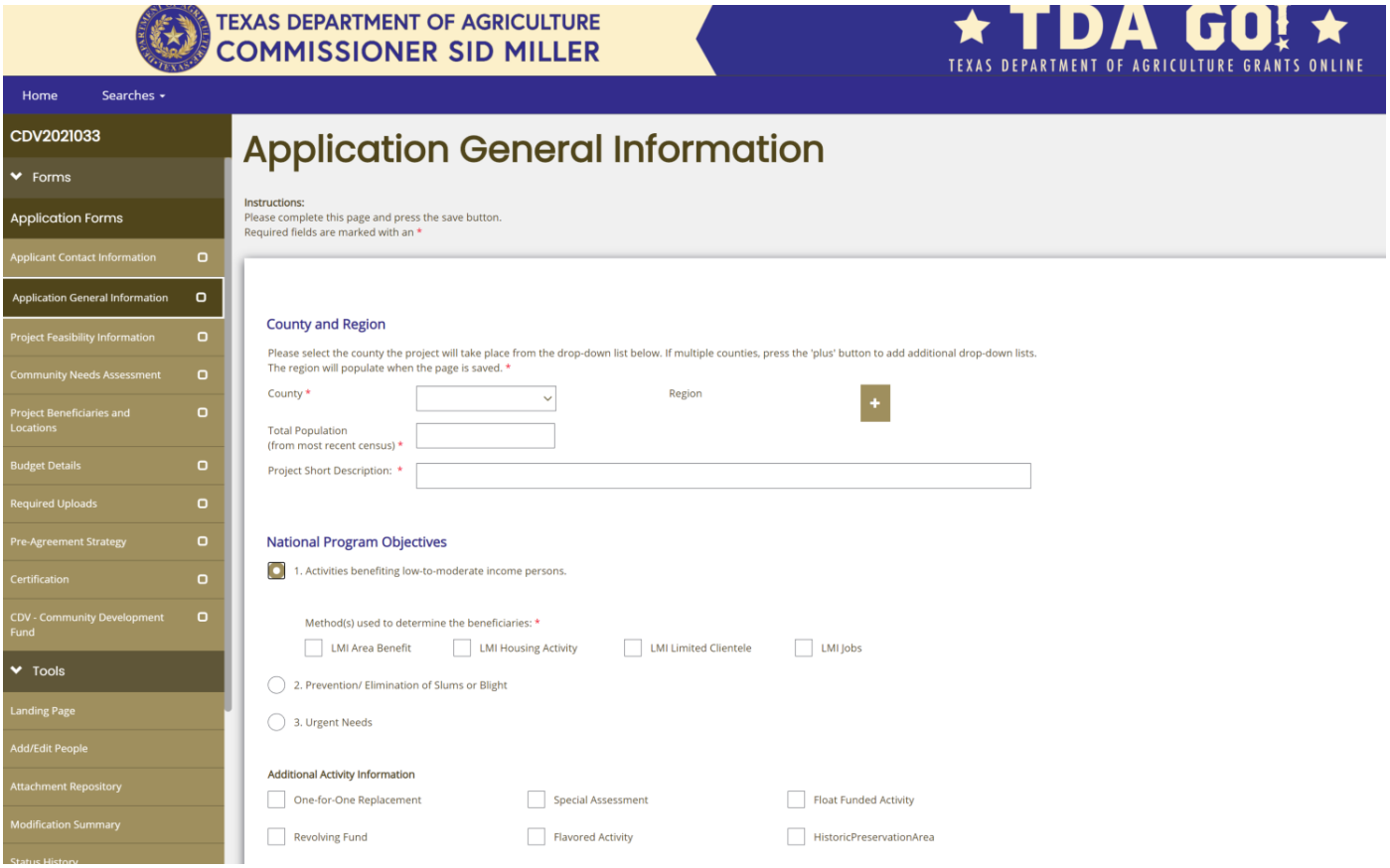
An application for the TxCDBG program may propose up to six Benefit Areas. This could be six distinct activities within the same service area, six separate service areas served by the same activity type, or any combination thereof. Examples of Benefit Areas:

- Green Community 03J (extension of water mainline to provide first-time service)
- Green Community 14A (house-to-line connections to the new water mainline)
- Blue County Water Improvements (4 unincorporated communities served by the same water treatment plant)
- City of Purple Water Improvements (water system improvements than benefit the entire city)
- Orange Neighborhood Water Improvements (line replacement that will specifically benefit this portion of the city's water system)

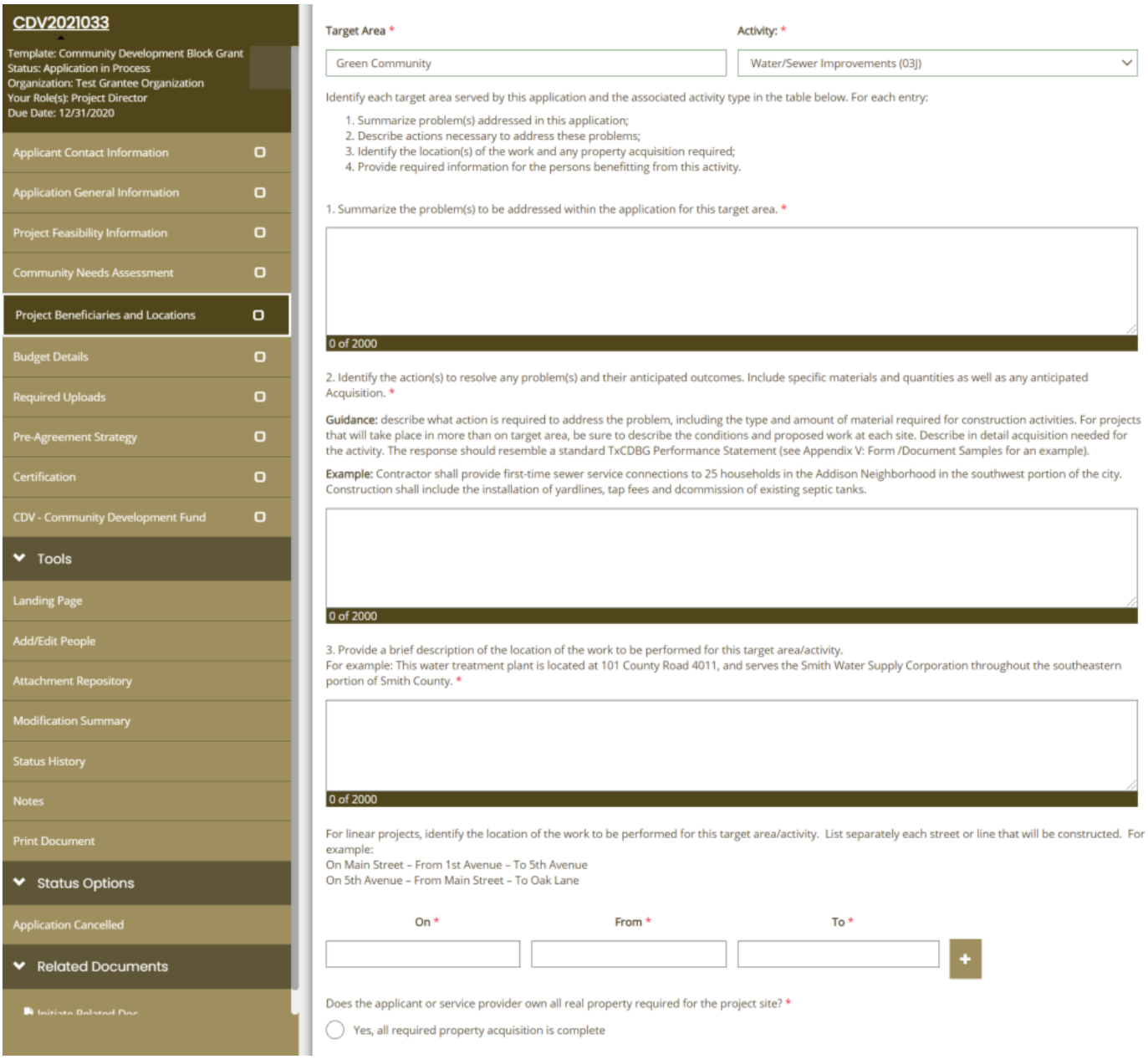
The Benefit Area will be used to identify beneficiaries, confirm the National Program Objective, and verify Cost Estimates, therefore it is very important that an Applicant carefully select and document the Benefit Area Activities for the application.

Here is a preview of TDA-GO!

Data required for the application should be very familiar to past applicants:



The format is designed to be user friendly, and can be completed (and updated) over a number of sessions by both local officials and consultants and/or staff identified by the applicant.



The Authorized Official will certify and submit the application within the TDA-GO! system, without requiring a wet-ink signature. Technical assistance will be provided for local officials that are new to this process.

Certification

Instructions:
Please complete this page and press the save button.
Required fields are marked with an *

By signing below, the Applicant:

1. Certifies all information provided in connection with this application is true and correct to the best of Applicant's knowledge;
2. Acknowledges any misrepresentation or false statement made by Applicant, or an authorized agent of Applicant, in connection with this application, whether intentional or not, will constitute grounds for denial of this application;
3. Acknowledges acceptance of funds in connection with this application acts as an acceptance of the authority of the Texas Department of Agriculture (TDA), the U.S. Department of Housing and Urban Development (HUD), and the Texas State Auditor's Office (SAO) or any successor agency to conduct an investigation in connection with those funds, and Applicant further agrees to cooperate fully with the agencies in the conduct of the audit or investigation, including allowing TDA, HUD, and/or SAO and any successor agency to inspect Applicant's premises and providing all records requested; and
4. By submission of this application, Applicant acknowledges as a condition of receipt of grant funds under this program the Applicant will be required to execute a grant agreement with the Texas Department of Agriculture, and further acknowledges that failure to timely execute the grant agreement will result in withdrawal of any grant funds awarded, and those funds will be redistributed to other qualified applicants in accordance with state law and TDA rules.

Notice of Penalties: The penalty for knowingly making false statements or false entries, or attempts to secure money through fraudulent means, may include fines and/or incarceration and/or forfeiture of funds under applicable state or federal law.

This application becomes public record and is subject to disclosure. With few exceptions, you have the right to request and be informed about the information that the State of Texas collects about you. You are entitled to receive and review the information upon request. You also have the right to ask the state agency to correct any information that is determined to be incorrect. (Reference: Texas Government Code, Sections 552.021, 552.023, and 559.004.)

Signature of Authorized Official | Date

Appendix II: Matching Funds

TxCDBG will not accept matching funds from the United States Department of Agriculture Rural Development Programs for TxCDBG applications unless the applicant has submitted the preliminary application for the Rural Development grant or loan matching funds to Rural Development prior to the TxCDBG application deadline. Applicants planning to use Rural Development funds as match for TxCDBG funds cannot submit a TxCDBG application for the Community Development Fund or Colonia Construction Fund unless the applicant has submitted the application for Rural Development funds prior to the TxCDBG application deadline.

TxCDBG will not accept matching funds from the Texas Water Development Board Programs for TxCDBG applications unless the applicant has submitted the preliminary application or the required questionnaire for the Texas Water Development Board grant or loan matching funds to the Texas Water Development Board prior to the TxCDBG application deadline. Applicants planning to use Texas Water Development Board funds as match for TxCDBG funds cannot submit a TxCDBG application for the Community Development Fund, or Colonia Construction Fund unless the applicant has submitted the application or completed the required questionnaire for Texas Water Development Board funds prior to the TxCDBG application deadline.

Funds expended prior to the application deadline will not count as matching funds.

An applicant may procure professional services prior to the submission of the application to assist in the preparation of the application and/or to provide engineering/architectural or administration services needed for contract management purposes if the application is funded. However, costs for application preparation are not eligible for reimbursement with TxCDBG funds.

TDA strongly recommends that applicants follow the professional services procurement guidelines included in the most recent TxCDBG Implementation Manual to contract for such services. Following those guidelines will ensure a competitive process and compliance with all applicable state and federal requirements.

Match funds are valid only if committed for activities proposed for funding with TxCDBG funds and the match will be used in the same benefit areas as the TxCDBG funds, or the match will be used for activities that are directly related to supporting the activities proposed for TxCDBG funding.

Example #1- An applicant proposes a water line replacement project in two different benefit areas. TxCDBG funds will finance the improvements in one benefit area and the applicant's match will be used to finance the improvements in the other benefit area. The applicant had already budgeted local funds for the water improvements in the applicant financed benefit area and did not claim any of the persons located in this benefit area as project beneficiaries. This match would not be considered because it is not committed to the TxCDBG financed benefit area beneficiaries, nor is it committed to the proposed TxCDBG-funded water improvements.

Example #2 - An applicant proposes water line replacement and street paving activities in the same benefit area and proposes that TxCDBG funds finance the water improvements and the applicant's match will finance the street paving improvements. Even though the match is committed to the same benefit area, this match would not be considered because the match is not committed to the TxCDBG-funded water activity. The applicant could complete the street paving improvements without TxCDBG funds.

Example #3 - An applicant proposes water line replacement and street paving activities in the same benefit area and proposes that TxCDBG funds finance 80% of water improvements costs and 50% of the street paving costs. The applicant's match will finance the remaining 20% and 50% of these activities. The applicant's match is allowed because it is committed to the same benefit area and activities proposed for TxCDBG funding.

Example #4 - An applicant proposes a sewer system improvements project that includes acquisition of easements and a site for a lift station. TxCDBG funds will finance 100% of the sewer system construction improvements and the applicant's match will finance 100% of the acquisition, engineering, and administrative costs related to the delivery of

the construction improvements. This match is considered allowable because the acquisition, engineering and administrative costs are directly related to the TxCDBG funded sewer construction activity.

Example #5 –An applicant proposes to provide first-time water service in a project area where 90% of the households are low-to moderate-income households. Only applicant's (or other entity's) funds in support of rehabilitation activities benefiting low- to moderate- income households are considered matching funds. Any applicant's (or other entity's) funds used to provide first-time water service to the 10% non-low-to moderate-income households are NOT acceptable as matching since they do not support an eligible TxCDBG activity.

Match is acceptable only if the applicant has used an acceptable and reasonable method to document the value of the match.

Except for cash match, the applicant must provide an attachment/schedule to Table 2, Budget Justification, which shows how the value of each type of match was determined. The following documentation is acceptable:

Cash
Acceptable documentation for cash match is described in *"Letter(s) of Commitment"* section (e.g., local government resolution, letters of commitment from other local entities, state/federal agency contract award letter, etc.).

Force Account Labor (in-kind service)
The value of force account labor match must be based on the estimated TxCDBG contract-related construction hours to be worked by force account workers and the hourly wages to be paid and cannot be based on labor costs estimated through the bid/contract method.

The applicant must provide an attachment/schedule that shows how the value of the match was determined (number of estimated contract-related construction hours multiplied by the hourly wage rates paid for each worker). Documentation regarding this information should be included.

Administration/Engineering (in-kind service)
The value of in-kind administration and engineering match must be based on the estimated TxCDBG contract-related hours to be worked by administrative/engineering staff and the hourly wages or salary to be paid and cannot be based on a percentage of the project cost method or on an estimated cost of the service(s) if an administrative/engineering consultant(s) were hired.

The applicant must provide an attachment/schedule that shows how the value of the match was determined. The schedule should include the estimated contract-related staff-work hours multiplied by the hourly wages or salary to be paid and the estimated value of other TxCDBG-eligible administration/engineering costs (e.g., materials, supplies, bonding, postage, audits, plans/specifications, construction mapping, etc.). If you are unsure about the eligibility of any administrative or engineering costs, please contact TDA staff for a determination.

Equipment Use (in-kind)
The value of in-kind equipment use match for equipment owned by the locality must be based on a use allowance or depreciation (both cannot be used for the same piece of equipment) and cannot be based on the estimated rental cost of such equipment if already owned by the locality.

To document the value of estimated in-kind equipment use match based on a use allowance, the applicant may use equipment hourly rates and mileage rates established by the Federal Emergency Management Agency (available from TxCDBG under separate cover).
Depreciation value may be used only if the equipment is not already fully depreciated and the schedule is based on acquisition cost. The applicant must provide an attachment/schedule that shows how the value of the match was determined.

If determining value by use allowance, the schedule must include a list of the equipment (including the capacity or size of the equipment), the hourly use rate or mileage rate, and the number of estimated hours or miles that each piece of equipment will be used on project related activities.

If determining value based on depreciation, the schedule must include a list of the equipment, the depreciation schedule, and the acquisition cost of each piece of equipment.

Materials and Supplies

The value of materials/supplies to be provided by the applicant, and already owned by the applicant, must be based on the purchase price of the materials/supplies at the time of purchase and cannot be based on the current purchase price of such materials and supplies.

The applicant must provide an attachment/schedule that shows how the value of the match was determined. The schedule must include a list of the materials/supplies to be provided by the applicant, the number of units and the unit price acquisition cost of each material/supply.

Land

The value of land donations of public or private property must be based on an independent appraisal report establishing the fair market value or on the purchase price of the property at the time of purchase.

Either way, the value claimed must be based on the amount of property actually needed for the project (e.g., the applicant cannot claim the value for a 200-acre tract of land if only one acre is needed for the project).

The applicant must provide the appraisal report or deed of purchase establishing the value of the property needed for the project.

Appendix III: Sample Cost Estimate

TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS

Activity Description	HUD Act #	Materials/Facilities/Services	$/Unit	Unit	Quantity	Construction	Acquisition	Total	
Flood Drainage Improvements	03I	Mobilization	$2,000.00	LS	1	$2,000	$0	$2,000	x
Flood Drainage Improvements	03I	Grading and in-fill	$20,000.00	LS	1	$20,000	$0	$20,000	x
Flood Drainage Improvements	03I	12" Culverts	$20.00	LF	500	$10,000	$0	$10,000	x
Flood Drainage Improvements	03I	Reseeding	$1.00	SY	1,000	$1,000	$0	$1,000	x
						$33,000	**$0**	**$33,000**	

Seal

Signature of Registered Engineer/Architect Responsible For Table 2	Date:	Phone Number	Email
|	9/16/18	(512) 777-7777	engineer@XYZEngineering.com

Justification for the identified project service area.

The northeastern portion of the City located west of the railroad tracks is drained by a single primary north-south drainage ditch along the west side of Avenue E, running from between West 15t street and Carreta Creek, just south of West 6th Street. This ditch, which is the location of the improvements proposed in the City's application, exclusively serves the portion of the city located west of the railroad tracks to the city limits. This area includes 51 households that are the sole beneficiaries of this project.

Appendix IV: TxCDBG Activity Code Reference Table

Code	Description
01	**Acquisition of Real Property** Acquisition of real property that will be developed for a public purpose. Use code 01 for the CDBG-funded purchase of real property on which, for example, a public facility or housing will be constructed. When CDBG funds are used to: • acquire a public facility that will be rehabilitated with CDBG funds and continue to be used as a public facility, assign the appropriate 03* code. • acquire housing that will be rehabilitated, use code 14G.
02	**Disposition of Real Property** Costs related to the sale, lease, or donation of real property acquired with CDBG funds or under urban renewal. These include the costs of temporarily maintaining property pending disposition and costs incidental to disposition of the property.
03A	**Senior Centers** Acquisition, construction, or rehabilitation of facilities (except permanent housing) for seniors. 03A may be used for a facility serving both the elderly and the handicapped, provided it is not intended primarily to serve persons with handicaps. If it is, use 03B instead. For the construction of permanent housing for the elderly, use code 12; for the rehabilitation of such housing, use the appropriate 14* code.
03D	**Youth Centers** Acquisition, construction, or rehabilitation of facilities intended primarily for young people age 13 to 19. These include playground and recreational facilities that are part of a youth center. For the acquisition, construction or rehabilitation of facilities intended primarily for children age 12 and under, use 03M; for facilities for abused and neglected children, use 03Q.
03E	**Neighborhood Facilities** Acquisition, construction, or rehabilitation of facilities that are principally designed to serve a neighborhood and that will be used for social services or multiple purposes (including recreational). Such facilities may include libraries and public schools.
03F	**Parks, Recreational Facilities** Development of open space areas or facilities intended primarily for recreational use.
03G	**Parking Facilities** Acquisition, construction, or rehabilitation of parking lots and parking garages. Also use 03G if the primary purpose of rehabilitating a public facility or carrying out a street improvement activity is to improve parking. If parking improvements are only part of a larger street improvement activity, use 03K.
03I	**Flood Drainage Improvements** Acquisition, construction, or rehabilitation of flood drainage facilities, such as retention ponds or catch basins. Do not use 03I for construction/rehabilitation of storm sewers, street drains, or storm drains. Use 03J for storm sewers and 03K for street and storm drains.
03J	**Water/Sewer Improvements** Installation or replacement of water lines, sanitary sewers, storm sewers, and fire hydrants. Costs of street repairs (usually repaving) made necessary by water/sewer improvement activities are included under 03J. For water/sewer improvements that are part of:

	• more extensive street improvements, use 03K (assign 03K, for example, to an activity that involves paving six blocks of Main Street and installing 100 feet of new water lines in one of those blocks). • a housing rehabilitation activity, use the appropriate 14* matrix code. For construction or rehabilitation of flood drainage facilities, use 03I.
03K	**Street Improvements** Installation or repair of streets, street drains, storm drains, curbs and gutters, tunnels, bridges, and traffic lights/signs. Also use 03K: • for improvements that include landscaping, street lighting, and/or street signs (commonly referred to as "streetscaping"). • if sidewalk improvements (see code 03L) are part of more extensive street improvements.
03L	**Sidewalks** Improvements to sidewalks. Also use 03L for sidewalk improvements that include the installation of trash receptacles, lighting, benches, and trees.
03M	**Child Care Centers** Acquisition, construction, or rehabilitation of facilities intended primarily for children age 12 and under. Examples are daycare centers and Head Start preschool centers. For the construction or rehabilitation of facilities for abused and neglected children, use 03Q.For the construction or rehabilitation of facilities for teenagers, use 03D.
03O	**Fire Stations/Equipment** Acquisition, construction, or rehabilitation of fire stations and/or the purchase of fire trucks and emergency rescue equipment.
03P	**Health Facilities** Acquisition, construction, or rehabilitation of physical or mental health facilities. Examples of such facilities include neighborhood clinics, hospitals, nursing homes, and convalescent homes. Health facilities for a specific client group should use the matrix code for that client group. For example, use 03Q for the construction or rehabilitation of health facilities for abused and neglected children.
03	**Other Public Facilities and Improvements** Do not use this code unless an activity does not fall under a more specific 03* code. Also, do not use one activity for multiple facilities and then assign it an 03 because the types of facilities are different. One legitimate use of 03 is for activities that assist persons with disabilities by removing architectural barriers from or providing ADA improvements to government buildings (activities that otherwise would not be eligible for CDBG funding).
04	**Clearance and Demolition** Clearance or demolition of buildings/improvements, or the movement of buildings to other sites.
05D	**Youth Services** Services for young people age 13 to 19 that include, for example, recreational services limited to teenagers and teen counseling programs. Also use 05D for counseling programs that target teens but include counseling for the family as well. For services for children age 12 and under, use 05L; for services for abused and neglected children, use 05N.
05L	**Child Care Services** Services that will benefit children (generally under age 13), including parenting skills classes. For services exclusively for abused and neglected children, use 05N.
05M	**Health Services** Services addressing the physical health needs of residents of the community.

	For mental health services, use 05O.
05R	**Homeownership Assistance (not direct)** Homeowner downpayment assistance provided as a public service. If housing counseling is provided to those applying for downpayment assistance, the counseling is considered part of the 05R activity. Assistance provided under 05R must meet the low/mod housing national objective. Therefore, unless the assistance is provided by an 105(a)(15) entity in a CRSA, it is subject to the public service cap and only low/mod households may be assisted. If the assistance is provided by a 105(a)(15) in a CRSA, the housing units for which CDBG funds are obligated in a program year may be aggregated and treated as a single structure for purposes of meeting the housing national objective (that is, only 51% of the units must be occupied by LMI households). For more extensive types of homeownership assistance provided under authority of the National Affordable Housing Act, use code 13.
05U	**Housing Counseling** Housing counseling for renters, homeowners, and/or potential new homebuyers that is provided as an independent public service (i.e., not as part of another eligible housing activity).
05	**Other Public Services** Do not use this code for public services activities unless an activity does not fall under a more specific 05* code. Examples of legitimate uses of this code are referrals to social services, neighborhood cleanup, graffiti removal, and food distribution (community kitchen, food bank, and food pantry services).
06	**Interim Assistance** Only for activities undertaken either to: • Make limited improvements (e.g., repair of streets, sidewalks, or public buildings) intended solely to arrest further deterioration of physically deteriorated areas prior to making permanent improvements. • Alleviate emergency conditions threatening public health and safety, such as removal of tree limbs or other debris after a major storm.
08	**Relocation** Relocation payments and other assistance for permanently or temporarily displaced individuals, families, businesses, non-profit organizations, and farms.
14A	**Rehab: Single-Unit Residential** Rehabilitation of privately owned, single-unit homes.
14A	**Rehab: Single-Unit Residential Water Services** First-time yardlines/service connections.
14A	**Rehab: Single-Unit Residential Sewer Services** First-time yardlines/service connections and on-site sewage facilities.
14B	**Rehab: Multi-Unit Residential** Rehabilitation of privately owned buildings with two or more permanent residential units. For the rehabilitation of units that will provide temporary shelter or transitional housing for the homeless, use 03C.
14C	**Rehab: Public Housing Modernization** Rehabilitation of housing units owned/operated by a public housing authority (PHA).
14D	**Rehab: Other Publicly Owned Residential Buildings** Rehabilitation of permanent housing owned by a public entity other than a PHA. For the rehabilitation of other publicly owned buildings that will provide temporary shelter or transitional housing for the homeless, use 03C.
14H	**Rehab: Administration**

	All delivery costs (including staff, other direct costs, and service costs) directly related to carrying out housing rehabilitation activities. Examples include appraisal, architectural, engineering, and other professional services; preparation of work specifications and work write-ups; loan processing; survey, site, and utility plans; application processing; and other fees. Do not use 14H for the costs of actual rehabilitation and do not use it for costs unrelated to running a rehab program (e.g., tenant/landlord counseling). For housing rehabilitation administration activities carried out as part of general program administration (and thus not required to meet a national objective), use code 21.
15	**Code Enforcement** Salaries and overhead costs associated with property inspections and followup actions (such as legal proceedings) directly related to the enforcement (not correction) of state and local codes. For the correction of code violations, use the appropriate rehabilitation code.
16A	**Residential Historic Preservation** Rehabilitation of historic buildings for residential use.
16B	**Non-Residential Historic Preservation** Rehabilitation of historic buildings for non-residential use. Examples include the renovation of an historic building for use as a neighborhood facility, as a museum, or by an historic preservation society.
18A	**Economic Development: Direct Financial Assistance to For-Profits** Financial assistance to for-profit businesses to (for example) acquire property, clear structures, build, expand or rehabilitate a building, purchase equipment, or provide operating capital. Forms of assistance include loans, loan guarantees, and grants. With one exception, a separate 18A activity must be set up for each business assisted. The exception is an activity carried out under 570.483(b)(4)(vi), for which job aggregation is allowed.
19C	**CDBG Non-Profit Organization Capacity Building** Activities specifically designed to increase the capacity of non-profit organizations to carry out eligible community revitalization or economic development activities. Such activities may include providing technical assistance and specialized training to staff.
20	**Planning** Program planning activities, including the development of comprehensive plans (e.g., a consolidated plan), community development plans, energy strategies, capacity building, environmental studies, area neighborhood plans, and functional plans.
21A	**General Program Administration** Overall program administration, including (but not limited to) salaries, wages, and related costs of grantee staff or others engaged in program management, monitoring, and evaluation. Also use 21A to report the use of CDBG funds to administer Federally designated Empowerment Zones or Enterprise Communities. For CDBG funding of HOME admin costs, use 21H; for CDBG funding of HOME CHDO operating expenses, use 21I.

For a more comprehensive list of activity codes, go to:
(http://archives.hud.gov/offices/cpd/systems/idis/library/refmanual/ref_man_b.pdf)

Appendix V: Form and Document Samples

Sample Resolution

RESOLUTION

A RESOLUTION OF THE COMMISSIONERS COURT OF (XYZ) COUNTY, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE (COMMUNITY DEVELOPMENT FUND); AND AUTHORIZING (THE COUNTY JUDGE) TO ACT AS THE COUNTY'SEXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the Commissioners Court of (XYZ) County desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

(*if appropriate* WHEREAS, certain conditions exist which represent a threat to the public health and safety; and)

WHEREAS, it is necessary and in the best interests of (XYZ) County to apply for funding under the Texas Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONER'S COURT OF (XYZ) COUNTY, TEXAS:

1. That a Texas Community Development Block Grant Program application for the (Community Development Fund) is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture.

2. That the County's application be placed in competition for funding under the (Community Development Fund).

3. That the application be for ($350,000.00) of grant funds to provide (first-time water service).

4. That the Commissioners Court directs and designates the following to act in all matters in connection with this application and the County's participation in the Texas Community Development Block Grant Program:

   - (The County Judge, Mayor, City Manager) shall serve as the County's Chief Executive Officer and Authorized Representative to execute this application and any subsequent contractual documents;

   - The (Mayor, Mayor Pro-Tem, City Manager, County Judge, County Clerk, County Treasurer) is authorized to execute environmental review documents between the Texas Department of Agriculture and the City/County; and

   - If this application is funded, the (Mayor, Mayor Pro-Tem, City Manager, City Secretary, City Council Member, County Judge, County Clerk, County Auditor, County Treasurer) is authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs.

5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

6. That it further be stated that (XYZ) County is committing ($25,000.00) from its (General Fund) as a cash contribution toward the administration activities of this (first-time water service) project.

Passed and approved this ____ day of _____, 20__.

_____
John Doe, County Judge
(XYZ) County, Texas

_____
Mary Smith, County Clerk
(XYZ) County, Texas

Sample Resolution – Slum/Blight Designation

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF (XYZ), TEXAS, DETERMINING THAT AN AREA OF THE CITY CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CONSTITUTES A <SLUM/BLIGHTED AREA>.

WHEREAS, the City Council of the City of (XYZ) has reviewed and evaluated conditions in the <downtown district/designated Main Street area> of the municipality; and

WHEREAS, The City Council has found conditions which are detrimental to the public health, safety, and welfare of the community within the <downtown district/designated Main Street area>, as follows:

> <List conditions qualifying project area as slum or blighted. See "National Program Objective" section of application guidance for details regarding qualifying conditions.>

WHEREAS, the City Council of the City of (XYZ) has authorized an application for funding under the <Main Street/Downtown Revitalization> program, as follows:

> <List project activities>

WHEREAS, these project activities will aid in the elimination of slum/blight in the community by <list improved conditions>.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF (XYZ), TEXAS THAT THE AREA IDENTIFIED BY THE FOLLOWING BOUNDARIES AND OUTLINE ON THE MAP ATTACHED HERETO AS <name of attachment> HAS BEEN DETERMINED TO BE A <SLUM/BLIGHTED> AREA.

Boundaries
North:
South:
East:
West:

Passed and approved the ____ day of _____, 20__.

_____
John Doe, Mayor

_____
Jane Doe, City Clerk

Sample Public Hearing Notice and Application Activities Notice

SAMPLE PUBLIC HEARING NOTICE:

Published on (July 15, 20XX):

PUBLIC HEARING NOTICE

(XYZ) COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County will hold a public hearing at 7:00 p.m. on July 18, 20XX, at (XYZ) County Courthouse regarding the submission of a [FUND NAME] application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant. The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds. The County encourages citizens to participate in the development of this TxCDBG application(s) and to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to (John Doe), County Judge at the County Courthouse. Persons with disabilities that wish to attend this meeting should contact the County Courthouse to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact the County Courthouse at least two days before the meeting so that appropriate arrangements can be made. Para más información en español, comuníquese con [local contact name] al XXX-XXX-XXXX.

SAMPLE APPLICATION ACTIVITIES NOTICES:

Published on (September 26, 20XX):

PUBLIC NOTICE

(XYZ) COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County is giving notice of the county's intent to submit Texas Community Development Block Grant Program grant applications for a (Community Development Fund) grant request of ($275,000) for (the installation of a sewer system) in the (community of XX). The application is available for review at the (XYZ) County Courthouse during regular business hours. Para obtener una copia en espanol, comuníquese con [local contact name] al XXX-XXX-XXXX.

Sample – Affidavit of Posting – Notice of Public Hearing

I, _____ , do hereby certify that pursuant to the laws of the State of Texas and of the City/County of _____ , a Notice of Public hearing on the development of TxCDBG application(s) was posted on _____. The public notice was conspicuously posted at _____ in a manner plainly visible to the general public on _____ , 20 _____ through _____ , 20_____ *(at least 72 hours prior to public hearing and at least one day prior to signing this affidavit)*. Pursuant to TxCDBG requirements, the physical address and location of the notice was as follows: (for example, lower left corner of east window, or in the center of the noor door, etc.)

_____
_____
_____

Attach a photograph of the Notice(s) as posted on the premises.

_____
Applicant Signature and Title

_____
Date

State of Texas
City/County of _____
Subscribed and sworn to before me by _____
this _____ day of _____ , 20 ____.

_____
SEAL Notary Signature

_____
My Commission expires:

Sample – Affidavit of Posting – Notice of TxCDBG Application Availability for Public Review

I, _____ , do hereby certify that pursuant to the laws of the State of Texas and of the City/County of ____ _____ , a Notice of the City/County's Notice of City/County's TxCDBG application(s) activities and availability of the application(s) for public review was posted on _____. The public notice was conspicuously posted at _____ in a manner plainly visible to the general public on _____ , 20 _____ through _____ , 20_____ *(at least five days prior to application submission to TDA and at least one day prior to signing this affidavit*). Pursuant to TxCDBG requirements, the physical address and location of the notice was as follows: (for example, lower left corner of east window, or in the center of the noor door, etc.)

_____
_____
_____

Attach a photograph of the Notice(s) as posted on the premises.

_____
Applicant Signature and Title

_____
Date

State of Texas
County of _____
Subscribed and sworn to before me by _____
this _____ day of _____ , 20 ____.

_____
SEAL Notary Signature

_____
My Commission expires:

Sample TxCDBG Performance Statement

EXHIBIT A

PERFORMANCE STATEMENT

All activities funded with TxCDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income (LMI) persons, aid in the prevention or elimination of slums or blight, or meet community development needs having a particular urgency.

Contractor shall carry out the following activities in the benefit area identified in the Application. The Contractor shall ensure that the amount of funds expended for each activity described does not exceed the amount specified for such activity in the Budget.

CURRENT NEED

The city's sewer lines located in the eastern section of the city are deteriorated and excessive inflow and infiltration overwhelm the system during severe storms.

The Contractor certifies that the activity (ies) carried out under this contract will meet the National Objective of benefitting LMI persons with at least 51% of the beneficiaries qualifying as LMI.

Sewer Improvements

Contractor shall replace approximately three thousand eight hundred eight linear feet (3,808 l.f.) of eight-inch (8"), ten-inch (10"), and twelve-inch (12") PVC sanitary sewer pipe, thirteen (13) manholes, demolition of existing manholes, boring, service connections, street repair and all necessary appurtenances. Construction shall take place in the following locations:

STREET	FROM	TO
Trent Street	Erica Road	Mark Ave
Diana Blvd	Tom Lane	Tammie Circle

These activities shall benefit six hundred thirty-seven (637) persons, of which four hundred sixty-eight (468) or seventy-three percent (73%) are of low-to-moderate income.

Engineering

Contractor shall ensure that the amount of Department funds expended for all eligible project-related engineering services, including preliminary and final design plans and specifications, all interim and final inspections, and all special services does not exceed the amount specified for engineering in the Budget.

General Administration

Contractor shall ensure that the amount of Department funds expended for all eligible project-related administration activities, including the required annual program compliance and fiscal audit does not exceed the amount specified for administration in the Budget.