Texas Community Development Block Grant Program

2015 DRAFT Planning and Capacity Building Fund

Application Guide

October 2014

TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER

October 9, 2014

Dear Applicant:

The Texas Department of Agriculture (TDA) is pleased to release the Texas Community Development Block Grant (TxCDBG) Application and Application Guide for the 2015 Planning and Capacity Building Fund.

We have made only minor tweaks to the application. We are also requiring some items to be submitted with the application to ensure that an applicant is ready to move forward when awards are made. The items that will need to be submitted with the application are: evidence of registration on the System of Awards Managements (SAM), the most recently completed Annual Audit (FY 2013), and the environmental form "Exemption Determination for Activities Listed at 24 §58.34". Please use the checklist in the application guide to help you complete the application and to help you identify and collect all the required attachments.

If you have further questions after reviewing this guide, TDA staff is happy to provide technical assistance throughout the application process. We look forward assisting rural Texas communities with these Planning and Capacity Building funds.

We look forward to partnering with you as we serve the rural citizens of Texas.

Sincerely yours,

Suzanne Barnard, Director
Texas Community Development Block Grant Program

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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.

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Application Submittal and Deadline Requirements

The application procedures for the 2015 TxCDBG Planning and Capacity Building (PCB) Fund are included in this Application Guide. The application for the 2015 PCB Fund is available at www.TexasAgriculture.gov. The procedures in this application guide supersede those published in all previous TxCDBG application guides.

The deadline for all 2015 TxCDBG PCB Fund applications is 5:00 p.m. C.T. on March 9, 2015.

Applications will not be accepted after 5:00 p.m. on the final day of submission, unless the applicant can demonstrate that the untimely submission was due to extenuating circumstances beyond the applicant's control.

The application packet must contain two (2) signed and completed copies of the application: one with original signatures and one copy of the original.

Contact Information

Mailing Address (for U.S. Postal Service):	Physical Address (for Overnight Carriers):
Texas Department of Agriculture Texas Community Development Block Grant Program Post Office Box 12847, Capitol Station Austin, Texas 78711	1700 N. Congress Avenue, 11th Floor Mailroom Austin, Texas 78701 Or Hand Deliver to staff on 2nd Floor

512-936-7875 or 512-936-7891 – Telephone
888-216-9867 – Fax

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 benefits) 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:

- A completed 424 Form with original signature;
- All application forms, fully completed;
- 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;
- Legible, quality maps; and
- Annual Audit (See Attachments Section).

Applications lacking any of the items listed above will be disqualified. An Application Review Checklist is located at the end of the Application Guide. Applicants must verify that the application is complete using the checklist.

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 only other planning fund is the Colonia (Planning) Fund;
- 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;

Action Plan

The requirements and procedures specified in the 2015 TxCDBG Program Action Plan will govern the 2015 PCB Fund application process. Applicants are strongly encouraged to read the entire Action Plan prior to completing and submitting this application for funding assistance. Copies of the Action Plan are available in the 2015-2019 Consolidated Plan on the TDHCA website at http://www.tdhca.state.tx.us.

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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.

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National Program Objectives (NPO)

Each proposed activity included in an application for TxCDBG funds must meet one of the U. S. Housing and Urban Development's (HUD) three CDBG National Program Objectives, or NPOs. They are:

1. Activities Benefiting Low-to-Moderate Income Persons
    a. *Low-to-Moderate Income Area Benefit* – an activity that benefits all residents of an area that is primarily residential. Low-to-moderate income is frequently abbreviated as "LMI."
    b. *Low-to-Moderate Income Limited Clientele* – an activity that provides benefits to a specific group of persons generally presumed to be principally LMI.
    c. *Low-to-Moderate Income Housing* – an activity assisting in the acquisition, construction, or improvement of permanent residential structures may qualify as benefiting LMI persons only to the extent that the housing is occupied by LMI persons.
    d. *Low-to-Moderate Income Jobs* – activity that creates or retains permanent jobs, at least 51 percent of which, on a full time equivalent (FTE) basis, are either held by or available to LMI persons.
2. Prevention / Elimination of Slums or Blight
    a. Addressing Slums or Blight on an Area Basis
    b. Addressing Slums or Blight on a Spot Basis

3. Urgent Need - Meet other community development needs of particular urgency that represent an immediate threat to the health and safety of residents of the community.

Applicants are required to document and report the beneficiaries of each proposed application activity regardless of the NPO met by the activity. Once an applicant has identified the persons that will benefit from the proposed eligible activity, there are three (3) acceptable ways to document the total beneficiaries and number of LMI beneficiaries for each proposed application activity: HUD Census and American Community Survey based data, the completion of a TxCDBG approved survey, or a combination of the two.

Eligible Planning Activities (24 CFR 570.205)

Subsequent applications to TxCDBG for construction assistance should be substantiated bya plan, especially if TxCDBG funded the development of the plan. Refer to the "Matrix" contained within this guide for typically accomplished activities. The following is a list of eligible planning activities specified in 24 CFR Section 570.205 and should be used as a guide.

(a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to:

(1) Comprehensive plans;

(2) Community Development Plans;

(3) Functional Plans, in areas such as:

i. Housing, including the development of a consolidated plan;

ii. Land use and urban environmental design;

iii. Economic development;

iv. Open space and recreation;

v. Energy use and conservation;

vi. Floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;

vii. Transportation;

viii. Utilities; and

ix. Historic preservation.

(4) Other plans and studies such as:

i. Small area and neighborhood plans;

ii. Capital improvements programs;

iii. Individual project plans (but excluding engineering and design cost related to a specific activity which are eligible as part of the cost of such activity under Sections 570.201-570.204);

iv. The reasonable costs of general environmental and historic preservation studies. However, costs necessary to comply with 24 CFR Part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this Part are eligible as part of the cost of such activities under Sections 570.201 - 570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of Section 570.200(g);

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v. Strategies and action programs to implement plans, including development of codes, ordinances and regulations;

vi. Support of clearinghouse functions, such as those specified in Executive Order 12372; and

vii. Analysis of impediments to fair housing choice.

(b) Policy-planning-management-capacity building activities which enable the recipient to:

(1) Determine its needs;

(2) Set long-term goals and short-term objectives, including those related to urban environmental design;

(3) Devise programs and activities to meet these goals and objectives;

(4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and

(5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

Ineligible Activities

In general, any type of activity not described or referred to in Section 105(a) of the Housing and Community Development Act of 1974, 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;
- New housing construction; and
- Operating and maintenance expenses of public facilities, improvements and services;
- Additionally, administrative activities, engineering and design and the cost of audit is not eligible under the PCB Fund.

Identifying Activity Beneficiaries

This section includes descriptions of acceptable methods of identifying beneficiaries of a proposed eligible activity. The method(s) used by an applicant to identify the beneficiaries of an activity are based on the type of activity proposed and the persons that could or will actually benefit from the proposed activity.

TDA staff reviews the beneficiaries reported in the application for accuracy, the acceptability of the method(s) used by an applicant to identify the beneficiaries for each proposed activity, and for compliance with the criteria for NPOs.

Activities Principally Benefiting Low-to-Moderate Income Persons

An activity addresses the NPO of principally benefitting low-to-moderate income persons if it meets the area benefit activity, housing activity, limited clientele activity, or job activity criteria. This is the only NPO under which a TxCDBG PCB Fund application is eligible to qualify for an award. Below is the method for identifying beneficiaries of Planning activities and a few examples of area benefit activities for infrastructure projects.

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Area Benefit Activities

Area benefit activities must benefit all residents in an area where at least 51 percent of the residents are LMI persons. Residents claimed as beneficiaries in the target area must be based on the entire area served by the activity. An activity serving an area that is not primarily residential in character is not eligible under the area benefit criterion. The benefit area must be clearly identified in the project map.

Planning-only Activities

When planning is the only activity included in a TxCDBG grant, the application must include documentation that at least 51 percent of the persons who would benefit from the implementation of the plan are LMI persons. Planning activities for a target area or entire community with at least 51 percent LMI population will meet the NPO focused on primarily serving persons of low-to-moderate income.

Limited Clientele Activities

To qualify as a limited clientele activity, the activity must meet one of the following tests:

- Benefit a clientele who are generally presumed to be principally LMI persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit 51 percent LMI:
  - elderly persons (age 62 and over)
  - abused children
  - battered spouses
  - homeless persons
  - illiterate adults
  - migrant farm workers
  - persons living with AIDS
  - persons meeting the Census Bureau definition of "severely disabled." Persons are classified as having a severe disability if they:
    - use a wheel-chair or have used another special aid for 6 months or longer;
    - are unable to perform one or more functional activities or need assistance with an activity of daily living (getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting) or instrumental activity of daily living (going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone);
    - are prevented from working at a job or doing housework; or
    - have a selected condition including autism, cerebral palsy, Alzheimer's disease, senility or dementia, or mental retardation.
    - are less than 65 years of age and are covered by Medicare or receive Supplemental Security Income (SSI).
- Require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the LMI limit.
- Have income eligibility requirements which limit the activity exclusively to LMI persons; or
- Be of such a nature, and be in such a location, that the activity's clientele will primarily be LMI persons.

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An eligible TxCDBG activity that exclusively serves the residents of Public Housing Authority (PHA) units could qualify as a limited clientele activity because the income guidelines used to determine PHA eligibility are the HUD Section 8 Income Limits.

An eligible TxCDBG activity that exclusively serves a Nursing Home where at least 51 percent of the Nursing Home residents are LMI persons could qualify as a limited clientele activity. Nursing Home residents that are eligible for Medicaid (not Medicare) assistance meet income limit eligibility requirements that are lower than the low-to-moderate income limits. Residents of Nursing Homes that are older than 62 years of age are in a clientele group that is presumed to be principally LMI.

As an example, a Nursing Home with 100 residents has 75 persons that qualify for Medicaid. The 75 Medicaid-eligible persons are LMI. Thirteen (13) of the remaining 25 (25 X 0.51 = 12.75 = 13) Nursing Home residents can also be considered LMI by using the minimum TxCDBG activity qualifying low/mod benefit percentage (51%).

When activities are limited to one or a combination of the groups of persons in the accepted categories listed for limited clientele activities, the beneficiaries of a community center, multi-purpose center, service center, or service center for severely disabled persons, it may be presumed that the activity benefits 51 percent low -to-moderate income persons. The number of LMI beneficiaries will equal 51 percent of the total number of persons estimated to be served by the center.

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Slums or Blight

Activities meeting one or more of the following criteria are considered to aid in the prevention or elimination of slums or blight:

1. *Activities to address slums or blight on an area basis.* An activity addresses prevention or elimination of slums or blight if:
    a. the area, delineated by the unit of general local government, meets a definition of a slum, blighted, deteriorated, or deteriorating area under state or local law;
    b. there are a substantial number of deteriorated or deteriorating buildings throughout the area or the public improvements are in a general state of deterioration; or
    c. the activity addresses one or more of the conditions that contributed to the deterioration of the area.

Rehabilitation of residential buildings carried out in an area meeting the above requirements will be considered to address the area's deterioration only where each building rehabilitated is considered substandard before rehabilitation, and all deficiencies making a building substandard have been eliminated if less critical work on the building is also undertaken. The unit of general local government must have minimum standards for building quality. The unit of general local government must provide to TxCDBG records sufficient to document that an activity meets the national objective of prevention or elimination of slums and blight.

2. *Activities to address slums or blight on a spot basis.* Acquisition, clearance, relocation, historic preservation and building rehabilitation activities that eliminate conditions of blight or physical decay in smaller areas not located in a slum or blighted area will meet this objective. Under this criterion, rehabilitation is limited to the extent necessary to eliminate specific conditions detrimental to public health and safety. An activity involving planning may be eligible under this NPO if the activity is the only activity for which the grant to the unit of government is given, or the planning activity is unrelated to any other activity assisted by the grant, and either:
    a. the plans are for a slum or blighted area, or
    b. all elements of the planning are necessary for and related to an activity that, if funded, would meet one of the other criteria of elimination of slums or blight. TxCDBG applicants must document the beneficiaries of proposed activities that qualify under this NPO. Identification of the beneficiaries of

the activities will depend on the type of activity and whether the activity addresses slum or blight conditions on an area or spot basis.

For activities done on an area basis, the beneficiaries are the residents of the delineated slum and blight area.

For proposed spot-basis activities, the beneficiary count is based on the types of buildings or facilities being addressed by the applicant. For activities on a spot basis, please contact TDA for a determination on beneficiary documentation requirements.

Urgent Need

In order to qualify under this NPO, activities must be designed to meet community development needs having a particular urgency. An activity addresses this objective if it is designed to alleviate conditions of recent origin which pose a serious and immediate threat to the health or welfare of the community which are of recent origin. The unit of general local government must be unable to finance the activity on its own, and funds from other external sources must be unavailable. A condition is considered to be of recent origin if it first occurred, or was discovered, no more than 30 days prior to the date that the potential applicant provides a written request to the TxCDBG Program for urgent need assistance.

TxCDBG applicants must document the beneficiaries of proposed activities that qualify under the activities designed to meet community development needs having a particular urgency.

Identification of the beneficiaries of the activities will depend on the type of activity and whether it is an area benefit, housing, or a limited clientele activity.

Applicants for TxCDBG Disaster Relief or Urgent Need assistance should contact TDA for assistance in determining the required beneficiary documentation based on the proposed activities.

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Beneficiary Identification Methods

An activity that addresses the NPO of principally benefitting low-to-moderate income persons must provide documentation as to the income status of those persons (also called beneficiaries). Low to moderate income individuals are those whose income is 80% or less of the area median family income (AMFI). Clear documentation of an applicant's beneficiary identification method must be received with the application.

Surveys

Use of door-to-door surveys is an acceptable method for documenting beneficiary income levels. Refer to the agency website at www.TexasAgriculture.gov for a copy of the most recent **Survey Methodology Manual** and required survey forms. Surveys of 200 or more households must use random sampling techniques and all surveys must result in at least an 80% response rate. When the beneficiaries of an activity are fewer than 60% of the residents of a Census Geographic Area, or the income profile of a community has changed substantially since the last Census, surveys are often a useful alternative (see example 3 in Appendix I: Using Census Data and Surveys). Adhere to these requirements to avoid disqualification.

Obtaining Census Maps

To obtain a Census map of a specific area, visit the U.S. Census Bureau web site (http://www.census.gov/geo/maps-data/maps/block/2010/).

For further information about using Census data to determine the LMI percentage of a project's beneficiaries, contact TDA staff and refer to Appendix I: Using Census Data and Surveys. The beneficiary documentation methods can be found on the TDA website under All Resources on the CDBG landing page.

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:
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 published in a local newspaper 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 be held after 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 residents 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.

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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.

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.

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.

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.

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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.

Minority Participation/Local Opportunity

The TxCDBG Program will maintain the goal of encouraging minority participation and will assist communities in identifying potential minority contractors and subcontractors through the ongoing Minority Business Enterprise program. 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.

Subdivision Platting Requirements in Economically Distressed Counties

Chapter 232, Subchapter B, Texas Local Government Code, establishes comprehensive platting requirements for subdivisions of four or more residential lots in economically distressed areas (unincorporated areas in affected counties located outside of the corporate limits of municipalities and outside of the extraterritorial jurisdiction of municipalities that are within 50 miles of the international border) in affected counties (counties that are eligible for the Texas Water Development Board Economically Distressed Areas Program).

Subchapter B covers counties that are within fifty miles of the international border and are eligible for the Texas Water Development Board Economically Distressed Areas Program.

Chapter 232, Subchapter C, Texas Local Government Code, establishes many of the same platting requirements for the subdivision of land located outside of a municipality or the extraterritorial jurisdiction of a municipality for counties that are eligible for the Texas Water Development Board Economically Distressed Areas Program that are not covered by the Subchapter B provisions.

Subchapter C covers counties that are further than fifty miles from the international border and are eligible for the Texas Water Development Board Economically Distressed Areas Program.

A sub-divider is required to have a plat of the subdivision prepared in compliance with the requirements of Subchapter B or Subchapter C including certifications by an engineer concerning when water and sewer facilities will be fully operable and that said facilities are in compliance with the Model Subdivision Rules. A plat is not valid unless the county commissioner's court approves it.

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.

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- 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 will be required to have Fair Housing training. Training will be offered at both on-site workshops and state-wide webinars.

Conflict of Interest

Under the conflict of interest provisions at 24 CFR 570.489(h) included in the regulations governing state administration of CDBG non-entitlement funds (24 CFR 570, Subpart I), no persons who exercise or have exercised any function or responsibilities with respect to TxCDBG activities, or who are in a position to participate in a decision-making process, or gain inside information regarding TxCDBG activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement, or the proceeds thereof, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter.

These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipients receiving CDBG funds.

As an example, a conflict of interest would exist (family member receiving benefit from an activity) if a member of a mayor's family was selected to receive housing rehabilitation assistance through a city program financed with TxCDBG funds. 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 grant administration services and the city is considering the selection of an engineer from that same firm to provide grant engineering services.

TDA may grant an exception to the conflict of interest provisions on a case-by-case basis if it determines that such exception will serve to further the purpose of the TxCDBG and the effective and efficient administration of the project. An exception may be considered only upon written request from the city or county 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 city or county that the interest for which the exception is sought would not violate state or local law.
- Whether 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 will 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 his/her 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 city or county, or of any designated public agencies, or sub-recipients that are receiving CDBG funds.
- Whether undue hardship will result to the city or county or the persons affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

Types of Applications

Single Jurisdiction Applications

A single eligible applicant (city or county) may submit one application for funding if the project beneficiaries are limited to persons located within the applicant's jurisdiction.

For an incorporated city, the beneficiaries would generally be limited to persons located within the city limits. An incorporated city may submit a single jurisdiction application that includes activities benefitting persons located within the extra-territorial jurisdiction (ETJ) of the city. However, the applicant must describe how the activity benefitting persons located in the ETJ is meeting the applicant's community development and housing needs, including the needs of low-to-moderate income persons.

An incorporated city may not submit a single jurisdiction application that includes beneficiaries located both inside of the city and outside of the city's ETJ. In this case, the city and the county where the unincorporated area is located would be required to submit a multi-jurisdiction application.

For a county, the beneficiaries would generally be limited to persons located in unincorporated areas within the county (for target area projects) or countywide (possibly for projects such as a county community center, county park, or courthouse accessibility improvements).

However, a county may submit a single jurisdiction application on behalf of an incorporated city located within the county as long as the application adheres to the following guidelines and requirements:

- The activities proposed in the application benefit the incorporated city's residents and the proposed activities provide improvements to a publicly-owned facility or privately-owned utility that is not owned or operated by the incorporated city on whose behalf the county has submitted the application. As an example, a county could submit an application on behalf of an incorporated city that does not own or operate the water system that serves the city's residents, when the water system is owned and operated by an entity such as a public water supply corporation, and the proposed activities in the application are for water system improvements that benefit the city's residents. The city's residents are the beneficiaries of the application activities, but the improvements would become the property of the public water supply corporation.
- The persons benefitting from the application activities must be located within the city's corporate limits and/or within the city's ETJ.
- The incorporated city must adopt and submit a resolution (with the TxCDBG application) authorizing the county to submit the application on behalf of the city.
- The county will be the grantee and the party responsible for compliance with all program requirements.
- The county or the incorporated city that the county applied on behalf of cannot submit another single jurisdiction application or be a participating jurisdiction in a multi-jurisdiction application submitted under the same TxCDBG fund category.

- The incorporated city's demographic information will be used for the scoring of TxCDBG selection criteria.
- A county may submit a single jurisdiction application for a countywide housing rehabilitation activity that includes rehabilitation of housing units in unincorporated areas and incorporated cities located in the county when the following TxCDBG guidelines and requirements are met:
    - The proposed housing rehabilitation activities in the application benefit county residents in the unincorporated areas of the county and county residents in incorporated cities located in the county (i.e., the actual rehabilitated housing units under the countywide program must be located in county unincorporated areas and within each incorporated city included as a participant in the countywide housing rehabilitation program).
    - Each incorporated city participating in the countywide housing rehabilitation program must provide a resolution adopted by the governing body of the city authorizing the county to include the city in the county's housing rehabilitation program (resolution(s) must be submitted with the TxCDBG application).
- The county will be the grantee and the party responsible for compliance with all program requirements.
- The county unincorporated area demographic information and each participating incorporated city's demographic information will be used for the scoring of TxCDBG selection criteria.

Multi-Jurisdiction Applications

Two or more eligible applicants may submit a joint application for funding when the project beneficiaries are persons located within more than one unit of general local government. (While technically possible, the low to moderate income benefit rate would have to be 51 percent). The requirements for multi-jurisdiction applications are:

- The locations of the beneficiaries and the locations of the proposed activities must be within the applicants' jurisdictions; and
- A proposed project that includes an activity located in more than one jurisdiction or that includes beneficiaries from more than one jurisdiction must be submitted as a multi-jurisdiction application. Exceptions to this requirement are the ETJ provision allowed by the TxCDBG for incorporated municipalities under single jurisdiction applications and the county exceptions described under single jurisdiction applications.

In order for a multi-jurisdiction application to be eligible for consideration for TxCDBG funding, a multi-jurisdiction application must mutually benefit residents of the applicant localities and cannot be submitted solely on the basis of administrative convenience, i.e., there must be a physical need for such a project (location, area to be served, etc.). An example of an eligible multi-jurisdiction application would be construction of a sanitary sewer treatment facility to serve households in two applicant cities. However, activities such as multi-county paving projects would not meet the "physical need" requirement, as they are generally developed based on administrative convenience to the applicant counties.

Additional criteria that must be met by multi-jurisdiction applicants are:

- The multi-jurisdiction applicants shall determine which one of the participating units of general local government will be authorized (the authorized applicant) to act in a representative capacity for all of the participating units.
- While not applicable to the Planning and Capacity Building Fund, under the Community Development Fund regional competitions, a multi-jurisdiction application that includes participating units of general local government from more than one state planning region will compete in the regional competition where the majority of the application activity beneficiaries are located and the authorized applicant must be located in the region where the application is submitted.
- Each participating jurisdiction shall submit a signed 424 Form and be responsible for compliance with the Local Certifications therein.

- Each participating jurisdiction shall submit a Community Needs Assessment that identifies the housing and community development needs and activities designed to meet those needs for each of the participating jurisdictions.
- The authorized applicant jurisdiction and each of the other participating jurisdictions must meet the citizen participation requirements.
- Each proposed activity must meet one of the NPOs. For this purpose, a similar activity carried out/located in two or more different jurisdictions, such as sewage collection lines/service connections for each of the participating jurisdictions, is considered two separate activities. A common activity, such as the sewage treatment plant that would serve each of the participating jurisdictions, is considered a single activity.
- The authorized applicant assumes overall responsibility for ensuring that the application activities will be carried out in accordance with statutory requirements. In order to accomplish this, the authorized applicant must enter into a legally binding cooperation agreement with each participant that includes the above criteria.
- All jurisdictions participating within the multi-jurisdiction application must be TxCDBG eligible. For example, if a city and county are submitting a multi-jurisdiction application and the city is currently ineligible due to past performance issues, the application is ineligible.

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Scoring Criteria

See below for points assignment and/or, see more detailed information in a copy of the 2015 Planning and Capacity Building Fund Score Sheet in Appendix V.

Review/Selection Procedures

a. Community Distress -- 55 Points (Maximum)

- Percentage of persons living in poverty 25 points
- Per Capita Income 20 points
- Unemployment rate 10 points

b. Benefit to Low/Moderate Income Persons - 0 Points

Applicants are required to meet the 51% low/moderate income benefit as a threshold requirement, therefore no score is awarded on this factor.

c. Project Design -- 375 Points (Maximum)

(1) Program Priority 50 points

- Applicant chooses its own priorities with 10 points awarded per priority as provided below. If more than nine (9) activities are requested, ten (10) points per activity will be subtracted unless the additional TxCDBG eligible activities are paid entirely by local cash match.
- Base studies (base mapping, housing, land use, population components) are recommended as one selected priority for applicants lacking updated studies unless they have been previously funded by TxCDBG or have been completed using other resources.
- An applicant requesting TxCDBG funds for fewer than five priorities may receive point credit for planning studies completed without TxCDBG funding assistance within the last 10 years. As a basis for determination, this applies to projects that are less than 10 years old using the 2015 PCB application deadline.
- Applicants should not request funds to complete a water or sewer study if funds have been awarded within the last two years for these activities or funds are being requested under other TxCDBG fund categories.

(2) Base Match Required 0 points

- Five percent match required from applicants with population equal to or less than 1,500.
- Ten percent match required from applicants with population over 1,500 but equal to or less than 3,000.
- Fifteen percent match required from applicants with population over 3,000 but equal to or less than 5,000.
- Twenty percent match required from applicants with population over 5,000.

The population will be based on available information in the most recent census.

(3) Areawide Proposals 50 points

Applicants with jurisdiction-wide proposals because the entire jurisdiction is at least 51 percent low/moderate-income qualify for these points. County applicants with identifiable, unincorporated communities may also qualify for these points provided that incorporation activities are underway. Proof of efforts to incorporate is required. County applicants with identifiable water supply corporations may apply to study water needs only and receive these points.

(4) Planning Strategy and Products 275 points

- New applicants receive up to 50 points. Previous recipients of planning funds may receive at least 20 or 30 points, depending on the level of implementation of previously funded activities. Applicants with a PCB contract older than 10 years based on the contract start date will be considered new applicants for this scoring factor.
- Up to 225 points are awarded for the applicant's Proposed Planning Effort based on an evaluation of the following:
  - The extent to which any previous planning efforts have been implemented or accomplished;
  - How clearly the proposed planning effort will resolve community development needs addressed in the application;
  - Whether the proposed activities will result in the development of a viable and implementable strategy and be an efficient use of grant funds; and
  - Demonstration of local commitment.

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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.

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 Title 4 Part 1 §30 of the Texas Administrative Code (TAC).

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Overview and Completeness Information

This application guide contains the instructions used to prepare and submit an application for TxCDBG assistance from the PCB Fund. All complete applications will be reviewed by TxCDBG staff, and the applicant must correct any deficiencies within the prescribed time period.

TxCDBG staff will not consider applications that are incomplete, received after the deadline, or that lack information needed to make determinations concerning the eligibility of each application activity and the applicant's compliance with TxCDBG and Federal program requirements. While the TxCDBG strongly encourages submission of complete applications that include all of the forms and information shown on the Application Checklist in this guide, a substantially complete TxCDBG application must include all of the following information:

1. A completed 424 Form signed with an original signature.
2. A completed National Program Objectives Form.
3. A Completed Project Approval Information Form
4. A completed Community Needs Assessment
5. A completed Anticipated Actions to Solve the Identified Problems Form

6. A completed Justification for Target Area Form (if applicable)
7. A completed Table 1 – Description of Planning Activity
8. A completed Table 2 – Benefit to Low/Moderate Income Residents
9. A completed Community Base Questionnaire
10. A passed/adopted Local Government Resolution authorizing submission of the application
11. Information showing compliance with the TxCDBG Citizen Participation Plan
12. A completed TxCDBG Applicant Disclosure Report with an original signature
13. A legible, quality project area map
14. Audit from most recently completed fiscal year

Any TxCDBG application submitted without all of the application forms and documents listed on this page is subject to disqualification.

Project Maps

Each application for TxCDBG funding under the Planning and Capacity Building Fund must be accompanied by a project map, or maps, which clearly show the following information:

- The boundaries of the applicant's jurisdiction
- The boundaries of the project area(s) or service area(s)
- The locations of all proposed project activities
- The location of all beneficiaries

*(**Note:** Maps must be reproducible. Care should be taken in copying maps so that project activities, which may have been designated by a colored mark, are still identifiable.)*

Planning Matrix

For the Planning and Capacity Building Fund, applicants are to estimate needs for their planning project activities and request funding according to the matrix located within this guide. The maximum grant request is $55,000. It is important to consider total project cost and the necessity of contributing match in determining the total request / total project cost.

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MATRIX PY 2015 FOR DETERMINING PLANNING FEE BY ACTIVITY - MAXIMUM GRANT $55,000[1]
PLANNING/CAPACITY BUILDING FUND

If target area planning is proposed and the activity (such as: economic studies, subdivision and zoning ordinances, etc.) is more logically oriented to an area-wide approach, the applicant must provide sufficient detail to justify the request.

PROJECT AREA POPULATION RANGE

Elements	200* TO 500	501 TO 1,000	1,001 TO 1,500	1,501 TO 2,000	2,001 TO 3,000	3,001 TO 4,000	4,001 TO 5,000	5,001 TO 7,500	7,501 TO 10,000	10,001 TO 20,000	20,001 TO 30,000	30,001 TO 40,000	40,001 TO 50,000
Base Planning[1a]: *Base Map, Land Use, Housing, & Population*	6,300	7,350	8,130	8,610	9,450	9,975	10,500	11,550	13,650	15,750	17,850	19,950	22,050
Street Conditions Study	2,100	2,310	2,835	3,255	3,780	4,095	4,410	6,510	7,035	8,085	8,610	9,135	9,660
Water Study Distribution and Supply	3,780	4,410	5,250	5,565	6,195	6,720	7,455	9,765	11,235	13,020	15,120	16,170	17,220
Wastewater Study Collection and Treatment	3,780	4,410	5,250	5,565	6,195	6,720	7,455	9,765	11,235	13,020	15,120	16,170	17,220
Drainage Study Streets & Flood Hazard Areas	3,780	4,410	5,250	5,565	6,195	6,720	7,455	9,765	11,235	13,020	15,120	16,170	17,220
Capital Improvements Program	1,785	1,995	2,205	2,415	2,835	3,255	3,675	4,515	5,355	6,405	6,720	7,140	7,560
Other Utility Studies Such as Gas or Electric	3,780	4,410	5,250	5,565	6,195	6,720	7,455	9,765	11,235	13,020	15,120	16,170	17,220
Thoroughfares Study	-0-	-0-	-0-	1,680	3,150	3,360	3,885	5,460	6,300	7,350	7,770	8,400	8,820
Central Business District	-0-	-0-	-0-	3,570	4,095	4,620	5,145	7,035	8,085	9,135	10,185	10,710	11,235
Parks and Recreation	-0-	1,785	2,100	2,415	2,835	3,150	3,570	4,935	5,985	7,035	7,560	8,190	8,610
Economic Development and/or Tourism Study	-0-	1,575	3,045	3,255	3,465	3,780	4,305	6,090	7,140	8,190	8,610	9,135	9,660
Zoning Ordinance	1,680	1,785	1,995	2,310	2,730	3,150	3,255	4,410	5,250	5,880	6,510	6,930	7,455
Subdivision Ordinance	1,680	1,785	1,995	2,310	2,730	3,150	3,255	4,410	5,250	5,880	6,510	6,930	7,455
Digitized Base Map[2]	1,890	2,415	2,940	3,465	3,675	4,200	4,515	4,725	5,040	5,355	7,088	8,400	9,713
Other Digitized Utility Map[2]	840 per system inventory mapped for all population categories												
Certifications, Presentations, Reports & Publications[3]	750 per contract. This element is mandatory. See description of requirements following footnotes to this matrix.												
Special Activity[4]													

**** Below 200 population: amount is less than first column and negotiable.***

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Matrix Notes

1. Local cash match is required as an indication of local commitment and should make up for grant and/or budget shortfalls and to contribute to the total project cost.
    a. Base Planning Activities are required for those applicants lacking these elements. If prepared within the last ten (10) years using TxCDBG and/or local resources, do not apply for TxCDBG funds to update or revise Base Planning Activities (Base Map, Land Use, Housing, Population elements).
    b. Do not apply for planning funds to study the water or wastewater systems needs or any other public infrastructure when construction funds have been awarded recently to build the system or when construction funds have recently been awarded or are being requested for the infrastructure to be built.
    c. The following are minimum cash match requirements:
        - Five percent (5%) cash match is required from applicants with population equal to or less than 1,500 according to the most recent Census.
        - Ten percent (10%) cash match is required from applicants with population over 1,500 but equal to or less than 3,000 according to the most recent Census.
        - Fifteen percent (15%) cash match is required from applicants with population over 3,000 but equal to or less than 5,000 according to the most recent Census.
        - Twenty percent (20%) cash match is required from applicants with population over 5,000 according to the most recent Census.
    d. County Applications - The percentage of match required for county applications will be based on the actual target area population benefiting from the planning project.
    e. Cash match must be pledged by the application deadline. No changes, additions or deletions in match will be permitted after the submission of the application.
2. This activity is for jurisdiction-wide qualifying projects only. This activity is only for jurisdictions without access to digitized mapping. If applying for this activity, no other related activities are eligible at full TXCDBG funded cost. For example, you cannot also get the full amount for base planning activities or other listed activity requiring mapping, if funds for digitized mapping were awarded within the ten (10) years prior to the application deadline. If requesting this activity, you cannot also apply for other activities toward which the digitized mapping applies, (e.g., water system inventory map and water system plan).
3. This element is mandatory. See description of requirements following the notes to this matrix.
4. Special activities are considered as eligible planning activities not listed in the matrix or of an unusual nature. TXCDBG reserves the right to negotiate this element in the application stage or in the event a grant is awarded. If codification of ordinances is the requested Special Activity, the applicant must already have prepared a comprehensive plan, including base planning activities, streets and/or thoroughfares, appropriate utility studies and/or community facilities, and a Capital Improvements Program. A copy of the resolution and/or ordinance adopting the comprehensive plan must be submitted with the application. There is a $1,500 maximum TXCDBG allocation for codification of ordinances for cities under 1,500 population according to the most recent Census or qualifying survey; $3,000 for cities between 1,501 and 4,000 population; and $5,000 for cities over 4,000 population. The city must pledge local cash match to overcome shortfalls.

The *"Certifications, Presentations, Reports and Publications"* element requires a grantee to pass a resolution, a prerequisite to final reimbursement, after a final summary is presented to the executive government that is under a contract. The resolution must comply with all provisions in the grant agreement and indicate:

1. Goals and objectives developed for each contracted planning element were presented, discussed and reviewed

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by local officials;

2. Inventory , analyses, and plans associated with them required under contract were presented, discussed and reviewed by local officials;
3. Capital needs listed and ranked within the reports were presented, discussed, and reviewed by local officials;
4. Opportunities were provided for citizen participation in the planning process;
5. Local review established that the planning documents are suitable as policy guides for the locality;
6. Contracted planning documents are accepted by the city as substantiation for payment requisition to the Department, and for Contractor's payment to its consultant(s); and
7. Purposes for which the locality intends to use its planning documents produced under the contract.

Associated instructions would regard descriptions of submission requirements for hardcopies and electronic copies that would be required with local review documentation; the recommendation for one type of mapping software to be used; requirement for separate inventory and plan maps for each element specifying as much; the requirements for credit for financing and disclaimer statements; the requirement to advertise the planning documents as available for review 12 days before the final hearing.

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Application Instructions

Cover Sheet

Enter the applicant's name in the space provided. The applicant's name will then appear in the footer of every page in the application. Using the drop-down box, select the applicant's County. Region-specific information such as COG region and County Code will automatically appear where appropriate throughout the application once the County has been selected.

Application Checklist

Carefully read the list of required attachments and application forms located on page 40 of this guide, checking off each completed item. This minimizes the likelihood of serious deficiencies or disqualification.

424 Form

The numbered sections below coincide with the numbered fields on the 424 Form. All information is required unless otherwise noted. The applicant must provide an email address and the information can be entered under the address box of the bottom of the 424 Form in box 18a.

1. ***Type of Submission***- Under the Application column, select either Construction orNon-Construction. The majority of TxCDBG applications, except for Planning-only applications, include some construction activities.
2. ***Date Submitted***– To use the calendar provided, click on the drop-down arrow on the right side of the box.
3. ***Date Received by State*** – Leave this field blank.
4. ***Date Received by Federal Agency*** – Leave this field blank.
5. ***Applicant Information***- Provide the applicant's Legal Name (e.g., City of ABC, ABC County) and the Organizational Unit (can be the same as the Legal Name).**Mailing address, telephone number, fax number, and email address are required for both the applicant and the application preparer.** The applicant's physical address and county are also required.
6. ***Employer Identification Number***– Also known as the Federal Tax ID, this 14-digit number is required to facilitate disbursement of funds.

6a. ***DUNS Number*** – All applicants must have a Data Universal Numbering System number to apply for Federal funds. The DUNS number is a nine-character identification number provided by Dun and Bradstreet. There is no charge to obtain a DUNS number. For additional information, visit the Dun and Bradstreet website at www.dnb.com. Failure to provide the applicant's DUNS number at the application stage may result in delayed award disbursement. The DUNS number is also required to be registered with the System for Award Management.

7. ***Type of Applicant***– Select County or City.

8. ***Type of Application***– Check the appropriate box.

9. ***Name of Federal/State Agency*** – Provided by TDA

10. ***Catalog of Federal Domestic Assistance Number*** – Provided by TDA

11. ***Project Type*** – Use the drop-down menu to select the project type that best describes the proposed project. Please double check for accuracy, as TDA will use this information for creation of an Action Item and contracts if the application is successful. If the options in the drop-down menu do not accurately describe the proposed project, you may type the appropriate project type in this field rather than selecting from those provided.

11a.***Type of Application*** – Provided by TDA

12. ***Target Area(s) Affected by the Project***– Briefly identify the target areas of the city or county affected by the project. Acceptable descriptions would be: "The ABC Community in southeast XYZ County", "The ABC Community and LMN Community in XYZ County", "The ABC Water Supply Corporation Service Area", "The A, B, C, and D Colonias of XYZ County", and "Jollyville neighborhood in the northwest portion of ABC Town".

13. ***Applicant's Fiscal Year*** – Indicate the beginning and end dates of the applicant's fiscal year.

14. ***Congressional Districts***– Provide the congressional districts of the entity applying for funding, as well as for the proposed project site(s).This information is available through the "Who Represents Me" feature at the Texas State Legislature's web site: www.fyi.legis.state.tx.us.

15. ***Estimated Funding***– Complete each field as follows:

    A. TxCDBG Request: Amount requested from TDA through this application;

    B. Federal: Amount committed from federal resources such as RUS or USDA-RD;

    C. State: Amount committed from state resources such as TWDB;

    D. Applicant: Amount of match committed by the applicant;

    E. Local: Amount committed from local resources such as a WSC, WCID, MUD, or any other local entity other than the applicant;

    F. Other: Amount committed from resources other than those listed above; and

    G. Total: This will calculate automatically.

If the applicant intends to use TxCDBG to leverage funds from another source, indicate the full scope of the project (including portions funded by other sources) in the Project Summary.

16. ***Is application subject to review by State Executive Order 12372 Process?*** – For TxCDBG applications, the answer to this question is "No." However, if the applicant provides a copy to the Regional Planning Commission, estimate the date of submission to the Regional Planning Commission for Texas Review And Comment System (TRACS) review.

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17. ***Is the Applicant delinquent on any Federal debt?-*** If the answer is "Yes," include an explanation concerning the nature, amount, and date when payment of the debt became delinquent.
18. ***Certification***– Before signing the 424 Form, the authorized signatory should read the text in this field carefully and review the Local Certifications and Citizen Participation Plan sections of this guide. Complete all sub-fields prior to signature.

Project Approval Information

This form asks for a variety of information about a proposed project. Please be sure to verify your responses, as TDA staff may rely on this information to make important decisions regarding the project's approval status. Some items on this form include follow-up questions that will only appear if necessary. If a question does not apply to the proposed project, select "N/A". Failure to respond to any item on the Project Approval Information form will result in a deficiency notice.

Community Needs Information

List of All Identified Community Needs

Provide a list of all the applicant's identified community development and housing needs, not just those addressed in the application. List the needs in order of importance, using the boxes marked "+" and "x" to add or delete space for additional items.

Community Needs Assessment Questionnaire

Provide the information requested for each item, including information concerning the applicant's past and future efforts to provide affordable housing opportunities in the applicant's jurisdiction and the applicant's past efforts to provide infrastructure improvements through the issuance of general obligation or revenue bonds. A response is required for each item; "None" and "N/A" are acceptable.

Fair Housing Activities

Any locality receiving TxCDBG monies must certify that it will affirmatively further fair housing. Using the table, in the application, identify the activities presently undertaken to affirmatively further fair housing and which new activities will be undertaken if an award is made by TDA. Applicants should be aware that, in the event of funding, these fair housing efforts will be monitored. Other activities may be eligible, and the applicant should contact TDA to determine eligibility.

The Needs Addressed In This Application Were Determined By

Indicate the method(s) used to determine the needs addressed in this application, including the date(s) of each method/assessment. If the exact date is not known, choose the first day of the appropriate month and year. If a city's application includes activities benefiting persons located within the city's ETJ, the applicant must describe how the activity benefiting persons located in the ETJ is meeting the applicant's community development and housing needs, including the needs of low to moderate income persons.

Description of the Need(s) Addressed in This Application

Provide a description of the problem the proposed project will address. TDA will use the information from this section to draft a contract in the event that the application is successful. Please double-check for accuracy and do not use all capital letters.

Justification for Target Area

This section must be completed for all applications in which the planning is to be limited to a target area of less than the entire jurisdiction of the applicant. Give the reasons for proposing to do planning for a target area by addressing each of the questions.

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Table 1

Choose the planning element or elements from the drop-down list(s) provided. Then, reference each element to a local problem or need previously identified within this application. Next, describe each proposed element and show what performances are proposed under that element. Describe how the proposed element will solve problems and provide for needs. Finally, suggest an implementable strategy.

Table 2

Choose the planning element or elements from the drop-down list(s) and provide the gender and ethnic data for each element. Use the "+" button in the upper right hand corner of the form to add space for additional elements.

The total number of beneficiaries must be identified in the "Total Benes" column. All beneficiaries whose income fall below 80% of the county, statewide non-metropolitan, or metropolitan (PMSA, CMSA, MSA) median family income must be identified in the "LMI Benes" column. The total provided at the bottom of Table 2 for both of these columns should not double-count the beneficiaries that are receiving benefit from 2 or more elements.

The amount of TxCDBG funds requested for each activity should be placed into the "TxCDBG Funds" column. Show the amount of local or other matching funds for each element in the "Other Funds" column, and identify the source of any "Other Funds" in the field provided at the bottom of the form.

The sum of each element (TxCDBG Funds + Other Funds) will calculate automatically and appear in the "Total Funds" column.

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National Program Objectives

Planning activities must result in strategies which, if implemented, must benefit primarily low to moderate income persons.

Provide a Justification of Beneficiary Identification Method that was used to identify the beneficiaries of the proposed projects. Provide specific references to programs and income limits or the condition on which the limited clientele eligibility was based. The number of limited clientele beneficiaries must be substantiated through clientele lists or certified by the director of the facility or program.

Anticipated Objectives and Outcomes

Indicate the anticipated objectives and outcomes from the proposed activities by completing the following for each activity:

- Activity – using the dropdown menu, select the appropriate activity. If the options in the drop-down menu do not accurately describe the proposed activity, you may type the appropriate project type in this field rather than selecting from those provided from the drop-down list. Also, use the boxes marked "+" and "x" on the right side of the page to add or delete space for additional activities.
- Anticipated Objective – select one anticipated objective for each activity:
    - Create a suitable living environment.
    - Provide decent affordable housing
    - Create economic opportunities.
- Anticipated Outcome – select one outcome for each activity in the application (excluding engineering and administration):
    - Availability / Accessibility
    - Affordability

- Sustainability

NOTE: Only one set of objectives and outcomes is required for each activity, which is "planning". If multiple objectives and outcomes are provided for each activity, the responses listed first for each activity will be used for reporting purposes by TxCDBG staff.

Anticipated Outcome Units
Of the following, select the box next to the most appropriate description of the proposed activities:

- Infrastructure/Public Facilities Improvement Project
- Services
- Planning Activity

Once the additional questions appear, select the Activity from the dropdown menu. Use the "+" box on the right side of the page to add additional activities, if applicable (or the "x" box to delete unnecessary ones). For each activity, provide the following:

- Identify the number of persons for each of the following:
  - Anticipated to have new access to this type of public facility or infrastructure improvement;
  - Anticipated to have improved access to this type of public facility or infrastructure improvement; or
  - Anticipated to be served by public facility or infrastructure that is no longer substandard.

NOTE: The total for each activity and outcome must not exceed the total number of beneficiaries identified in the application.

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Community Base Questionnaire
Complete all questions. If not applicable, answer N/A. **Blank spaces are considered a response.**

Attachments
The application must be submitted with the following attachments, if applicable, in the order specified.

Resolutions
The application *must* be submitted with a resolution from the local governing body (i.e. County Commissioners Court of 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 Planning and Capacity Building Fund as the fund category under which the application is to be considered.
3. Designate the activities addressed in the application. That is stae the names of the planning activity elements chosen from the aforementioned cost matrix.
4. Designate the dollar amount being requested.
5. Designate a person (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 V: Form/Document Samples.

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 for a PCB Fund application can only be the following:

1. Applicant's cash only; and/or,
2. Other local cash.

See "Matrix Notes", above for match requirements

Letters of Commitment
Any application that shows funding from sources other than TxCDBG must include as an attachment a letter of commitment from the funding source including the amount of funds committed and the specific activity for which the funds will be used.

A commitment of local funds by the applying jurisdiction must be in the form of a resolution from the local governing body. The same information as outlined above for letters of commitment must be included in the resolution. The commitment may be contained in the same resolution that authorizes the submission of an application.

Match must be fully documented in the application.

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.

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- 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 V: Form/Document Samples.

Project Related Census Maps

Applicants using HUD-Census-based data 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 where census data is used to document project beneficiaries;
- Locations of the project activities (on the same census maps); and
- The census tract numbers, block numbering area numbers, and block group numbers must be legible.

If project beneficiaries are determined based on area benefit, 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.

Documentation of Beneficiaries

Clear documentation of an applicant's beneficiary identification method **must** be received with the application. Applicants must include with their application either a completed survey of the target area; for previously completed

surveys the TxCDBG Approval Letter and the Survey Tabulation Form or supporting documentation of the HUD based Census Low-to-Moderate-Income Summary Data (LMISD) spreadsheet for the census geographic area.

Evidence of Active SAM Registration
The applicant shall include a screen-shot from the System for Award Management (SAM) website at https://sam.gov verifying the entity's registration is active.

Annual Audit
Applicants must comply with the audit requirements in the Texas Local Government Code for the fiscal year ending 2013. The applicant is required to submit their most recent annual audit with their application to demonstrate financial capacity. Annual audits for fiscal years ending on or before December 31, 2012 will not be accepted. Failure to submit an audit for FY2013 by the application deadline will result in automatic disqualification.

A302 Exemption Determination for Activities Listed at 24 §58.34
The applicant shall include a completed Exemption Determination for Activities Listed at 24 CFR §58.34 form for the proposed project.
(See Appendix V: Form and Document Samples)

Pre-agreement Option
TxCDBG may reimburse funded applicants for planning costs (except for application preparation costs) incurred prior to the TxCDBG Contract Start Date based on the Pre-Agreement Stratagem. If an applicant wishes to proceed under the Pre-Agreement Stratagem, the applicant must submit a written request with the application or anytime thereafter prior to award. If any contract-related professional service costs are paid with local funds, these costs may be applied toward the applicant's local match contribution if the application is funded.

For a sample Pre-Agreement Request Letter, see Appendix V: Form/Document Samples.

Application Review Checklist
See the following page for the Application checklist and instructions. Review the application using the application checklist. The application checklist must be completed and returned with the application.

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Applicant Name:_____

Application Review Checklist for Planning and Capacity Building Fund

The following items **must** be included in the application. If the application is found to be substantially incomplete it will be denied without further consideration. Applications that have deficiencies will be given 10 business days to satisfy those deficiencies. Applicant or Application Preparer must initial for each item included in the application or indicate that the item is not applicable. Print this page separately and insert directly behind the Application Coversheet.

PLANNING AND CAPACITY BUILDING FUND **Application Contents**	**Initial if complete NA if not applicable**
Original Application – Part 1	
Completed 424 Form with original signature	
Project Approval Information with all question answered, including Disclosure	
Community Needs Assessment	
Justification For Target Area	
Table 1	
Table 2	
Project Beneficiary Information	
National Program Objectives	
Community Base Questionnaire	
Attachments – Part 2	
Resolution passed by the applicant	
Match documentation - Letter(s) of Commitment	
Public notices	
Copy of actual published public hearing notice or Publisher's Affidavit and copy of notice	
Copy of actual published notice of application activities and availability of the application for public review or Publisher's Affidavit and copy of notice	
Listing of the local service providers that were sent the written notification of the public hearing	
Project Map documenting the Benefit area	
Census Maps for documenting the Benefit area when using Census data to qualify for LMI	
Documentation supporting Low-to-Moderate Income beneficiaries (See Appendix I)	
Evidence of active SAM Registration	
Most recent Annual Audit	
Exemption Determination for Activities Listed at 24 CFR §58.34	
Pre-Agreement Request letter (if applicable)	

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Appendix I: Using Census Data and Surveys

To count project beneficiaries and document LMI percentage based on data from the Census, use the Low-to-Moderate-Income Summary Data (LMISD) spreadsheets from the TDA web site. This Excel file contains population and income data for the State of Texas down to the Block Group level.

TxCDBG will only allow the use of the LMISD data to qualify an activity and to document the activity beneficiaries under the following conditions:

1. The project activity will benefit all of the persons within a census geographic area or a significant number of the persons (at least 60% of the persons) within a census geographic area. The census geographic area could be a county, place, census tract, or block group.
2. If only LMISD data is used to document the beneficiaries of an application activity, the low- and moderate-income benefit percentage must be at least 51% (not 50.99%) for a single census geographic area or for combinations of two or more census geographic areas.
3. The LMISD data may be used in combination with beneficiaries identified using other methods (as appropriate) to document the beneficiaries of an application activity. Again, the activity must benefit at least 51% low and moderate income persons.

If an application activity does not benefit an entire census geographic area, or a significant number of the persons within a census geographic area, then the applicant must use another method to document the beneficiaries. The applicant should then consider conducting a local TxCDBG survey to document the beneficiaries and the low- and moderate-income benefit percentage for the activity. A local survey is usually the best way to document the beneficiaries of direct benefit activities.

Navigating the LMISD Spreadsheets

The following are the three separate spreadsheets that compose the LMISD data (along with the information that each contains):

1. ALL BLOCK GROUPS STATEWIDE – data for every block group in the state
    a. "geoname" – identifies each block group by census tract and county
    b. "countyname" – identifies the county
    c. "tract" – identifies the census tract
    d. "blkgrp" – identifies the block group
    e. "lowmod" – number of LMI persons within the block group
    f. "lowmoduniv" – total number of persons within the block group
    g. "lowmod_pct" – percentage of LMI persons in the block group
2. LOCAL UNITS OF GOV (NON-ENT) – data for every non-entitlement entity in the state
    a. "group" – identifies type of entity (COUNTIES, COUSUB/MCD, PLACES)
    b. "geoname" – identifies the entity
    c. "place" – provides a place's identifying census number, if applicable
    d. "county" – provides a county's identifying census number, if applicable
    e. "cousub" – provides a county subdivisions/CDP identifying census number, if applicable
    f. "lowmod" – number of LMI persons within the block group
    g. "lowmoduniv" – total number of persons within the block group
    h. "lowmod_pct" – percentage of LMI persons in the block group
3. LOCAL UNITS OF GOV (ENT) – data for every entitlement entity in the state
    a. "cdbgname" – identifies the entitlement entity
    b. "county" – provides a county's identifying census number, if applicable
    c. "countyname" – identifies the county in which the entity is located
    d. "tract" – identifies the census tract

e. "blkgrp" – identifies the block group
f. "lowmod" – number of LMI persons within the block group
g. "lowmoduniv" – total number of persons within the block group
h. "lowmod_pct" – percentage of LMI persons in the block group

The "ALL BLOCK GROUPS STATEWIDE" data may be used to qualify a project that benefits a target area(s) or used to recreate entity-wide LMI data that is broken out by block group (to use in substituting with income surveys or other allowable data) for a project that is entity-wide.

Due to the fact that "split block groups" are no longer available and applicant's (namely cities) are no longer able to identify which part of a block group's population actually resides within an entity's jurisdiction and which ones do not, applicants must recreate these "split block groups" using 2010 Census Data (by using the "Urban/Rural – 090" geographic type) to identify the actual population of a block group that is within their jurisdiction. Once that number is obtained, an applicant must simply apply the original LMI percentage of that block group to the adjusted number to calculate LMI persons for that particular block group. Whether an applicant is obtaining beneficiary numbers for a target area or recreating entity-wide data, the method above will apply to each (if applicable).

The "LOCAL UNITS OF GOV (NON-ENT)" data may be used to qualify a project that has a benefit area that is entity-wide. This data may not be used in combination with any other data or method of identifying beneficiaries (for example, income surveys), with the exception of institutional data (prison, nursing home, etc.) that may be substituted in, as appropriate.

The "LOCAL UNITS OF GOV (ENT)" data is simply provided for the use of eligible county applicants that have an entitlement entity within its jurisdiction. If a county applies for a project with a county-wide benefit, the populations of any and all entitlement entities within the county's jurisdiction must be subtracted and not considered when calculating the beneficiary data.

Example 1: The City of Athens wants to apply for a project that includes the installation of water distribution lines and fire hydrants in 2 block group (BG) areas. Using the LMISD spreadsheet to recreate the block group data, the City finds the following information:

- BG 5 has 100 residents, but an examination of the project maps indicates the project will only serve 35. The LMI percentage for BG 5 is 51%.
- BG 6 also has 100 residents, but the project is only expected to serve 20.

Can the City of Athens use Census data to qualify this project? No, because the project *will not benefit a significant number of BG 5 or BG 6 residents*. Both block groups would qualify if more than 60% of the residents of each were expected to receive benefits. In this case, City A must perform a survey of the benefiting areas.

Example 2: Tom Green County wants to apply for a county-wide benefit project that includes reconstructing streets throughout the entire county. The county has three incorporated area (that also includes an entitlement city) that it must subtract from its beneficiary data:

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Group	geoname	Place	County	Cousub	lowmod	lowmodu	lowmod_pct
COUNTIES	Tom Green County, Texas		451		41,710	102,505	40.69%
	San Angelo (from entitlement data)				38,855	93,710	41.46%
PLACES	Grape Creek CDP, Texas	30629			1,060	2,885	36.74%
PLACES	Christoval CDP, Texas	14872			210	445	47.19%
				Total of Cities:	40,125	97,040	
				County's Unincorporated Population:	**1,585**	**5,465**	**29.00%**

The LMI percentage of the entire unincorporated area is 29.00% (1,585 low- to moderate-income persons and 5,465 total beneficiaries). Tom Green County cannot qualify the project using Census data because the project does not benefit at least 51% low- and moderate-income persons.

Example 3: The City of Trenton wants to apply for a direct benefit project that includes the installation of water distribution lines and fire hydrants in 2 block group (BG) areas. The project will benefit a significant number of BG 2 residents (70%) and a small section of BG 3 (about 5%).

After recreating the "split block groups", the City finds that the population of BG 2 is 70% low- and moderate-income (455 low- and moderate-income persons and 650 total residents) according to 2010 Census data. BG 3 is found to be 45% low- and moderate-income (324 low and moderate income persons and 720 total residents) according to Census data.

Can the City of Trenton use Census data to qualify this project? Yes and no. TxCDBG would allow the use of Census data for BG 2 but not for BG 3. The City would be advised to use census data for BG 2 and to survey the beneficiaries located in BG 3.

The City surveys BG 3 beneficiaries and the survey identifies 35 total and 28 low to moderate income beneficiaries. The number of beneficiaries in BG 2 (about 70% of BG 2 residents) is 450 total and 315 low and moderate income. Therefore, there are 485 total activity beneficiaries, 343 of whom are of low- to moderate-income.

Applicants using LMISD data to document activity beneficiaries must submit the following information with the application:

- A copy of the data from the LMISD spreadsheet(s) for the applicant and/or the TxCDBG-completed cover sheet, which includes low-and moderate-income benefit percentages for each census geographic area.
- A copy of the methodology and the supporting documentation (SF 1 information if applicable) used to determine the total number and number of low- and moderate-income beneficiaries for a census geographic area where only a portion of the census geographic area is receiving benefit from an application activity.
- For target area activities that do not benefit the entire city or county, a census map that contains the numbers for each census geographic area, the boundaries of each census geographic area, and the locations of the project activities within each census geographic area receiving project benefit.
- The Census information and maps are available from various state agencies and from various websites. When trying to obtain information or maps, first check with your local Council of Governments, as most have these materials for their respective regions. You may also contact TxCDBG staff for information concerning the availability of Census information. Census maps are available on the Census Bureau website at http://www.census.gov/geo/maps-data/maps/block/2010/).

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Appendix II: Matching Funds

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.).

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

The maximum grant request is $55,000. It is important to consider total project cost and the necessity of contributing match in determining the total request / total project cost.

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 target 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.

Reiterating the "Matrix Notes"

1 *Local cash match is required as an indication of local commitment and should make up for grant and/or budget shortfalls and to contribute to the total project cost.*

f. *Base Planning Activities are required for those applicants lacking these elements. If prepared within the last ten (10) years using TxCDBG and/or local resources, do not apply for TxCDBG funds to update or revise Base Planning Activities (Base Map, Land Use, Housing, Population elements).*

g. *Do not apply for planning funds to study the water or wastewater systems needs or any other public infrastructure when construction funds have been awarded recently to build the system or when construction funds have recently been awarded or are being requested for the infrastructure to be built.*

h. *The following are minimum cash match requirements:*

- *<u>Five percent (5%)</u> cash match is required from applicants with population <u>equal to or less than 1,500</u> according to the most recent Census.*
- *<u>Ten percent (10%)</u> cash match is required from applicants with population <u>over 1,500 but equal to or less than 3,000</u> according to the most recent Census.*
- *<u>Fifteen percent (15%)</u> cash match is required from applicants with population <u>over 3,000 but equal to or less than 5,000</u> according to the most recent Census.*
- *<u>Twenty percent (20%)</u> cash match is required from applicants with population <u>over 5,000</u> according to the most recent Census.*

i. *County Applications - The percentage of match required for county applications will be based on the actual target area population benefiting from the planning project.*

j. *Cash match must be pledged by the application deadline. <u>No changes, additions or deletions in match will be permitted</u> after the submission of the application.*

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Appendix III: Table 1 & Table 2

Table 1

Choose the planning element or elements from the drop-down list(s) provided. Then, reference each element to a local problem or need previously identified within this application. Next, describe each proposed element and show what performances are proposed under that element. Describe how the proposed element will solve problems and provide for needs. Finally, suggest an implementable strategy.

Table 2

Choose the planning element or elements from the drop-down list(s) and provide the gender and ethnic data for each element. Use the "+" button in the upper right hand corner of the form to add space for additional elements.

The total number of beneficiaries must be identified in the "Total Benes" column. All beneficiaries whose income fall below 80% of the county, statewide non-metropolitan, or metropolitan (PMSA, CMSA, MSA) median family income must be identified in the "LMI Benes" column. The total provided at the bottom of Table 2 for both of these columns should not double-count the beneficiaries that are receiving benefit from 2 or more elements.

The amount of TxCDBG funds requested for each activity should be placed into the "TxCDBG Funds" column. Show the amount of local or other matching funds for each element in the "Other Funds" column, and identify the source of any "Other Funds" in the field provided at the bottom of the form.

The sum of each element (TxCDBG Funds + Other Funds) will calculate automatically and appear in the "Total Funds" column.

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Appendix IV: TxCDBG Activity Code Reference Table

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.

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

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Appendix V: Form and Document Samples

Sample Resolution

A RESOLUTION OF THE CITY COUNCIL/COUNTY COMMISSIONER'S COURT OF THE CITY/COUNTY OF _____, TEXAS, AUTHORIZING THE FILING OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE; AND AUTHORIZING THE MAYOR/COUNTY JUDGE TO ACT AS THE CITY'S/COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S/COUNTY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Council/Commissioner's Court of the _____ desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income; and WHEREAS, certain conditions exist which represent a threat to public health and safety; and

WHEREAS, it is necessary and in the best interests of the City/County of _____ to avail itself of the 2015 Texas Community Development Planning Program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL/COMMISSIONERS COURT OF THE OF _____, TEXAS;

1. That the City/County of _____ undertake a program to prepare the following planning effort(s): _____
2. That the requested amount of TxCDBG funds is a maximum of $ _____.
3. That a Texas Community Development Block Grant Program application for Planning/Capacity Building fund is hereby authorized to be filed on behalf of the City/County with the Texas Department of Agriculture and any other appropriate agencies as defined in the regulations.
4. That the City Council/Commissioner's Court directs and designates the **USE TITLE ONLY HERE** as the City's/County's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's/County's participation in the Texas Community Development Block Grant Program.
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, and civil rights requirements.
6. That the city/county commits itself, if funded by Texas Community Development Block Grant Program to appropriate $ _____ as matching funds and as a demonstration of its local support to the planning project.

Passed and approved this _____ day of _____, 20__

_____
(Mayor/County Judge, City/County of _____)

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Sample Public Hearing Notice and Application Activities Notice

SAMPLE PUBLIC HEARING NOTICE:

Published on (January 14, 2015):

PUBLIC HEARING NOTICE

(XYZ) COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County will hold a public hearing at 7:00 p.m. on January 14, 2015, at (XYZ) County Courthouse regarding the submission of an application(s) to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant(s). 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 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.

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SAMPLE APPLICATION ACTIVITIES NOTICES:

Published on (February 26, 2015):

PUBLIC NOTICE

(XYZ) COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The City of XYZ is giving notice of the city's intent to submit a Planning and Capacity Building Fund application for a grant from the Texas Community Development Block Grant Program. The grant application request is $50,000 for citywide planning activities named in the application. The application is available for review at City Hall during regular business hours. Para obtener una copia en espanol, comuníquese con [local contact name] al XXX-XXX-XXXX.

Sample TxCDBG PCB Performance Statement

EXHIBIT A

PERFORMANCE STATEMENT

CITY OF BENAVIDES

All activities funded with TxCDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or meet community development needs having a particular urgency. The Contractor certifies that the activities carried out under this contract will meet the National Objective of benefitting low- and moderate-income persons with at least 51% of the beneficiaries qualifying as low- to moderate-income.

Contractor shall identify a planning period and prepare a general plan regarding the following planning activities using generic population and other broad parameters for the purpose of funding allocation and for the area identified in the Application. The Contractor shall ensure that the amount of grant funds expended for each activity described herein does not exceed the amount specified for such activity in the Budget.

A. BASIC PLANNING ACTIVITIES

1. BASE MAPPING

Contractor shall prepare a corporate area base map, which should coordinate with the State Plane Coordinate System, in digitized format and hardcopy for use in reports and wall-mounting, preferably laminated for the city**,** at a scale of 1" = 600' or better, which shall show at least the features (1) through (11) below:

The State Plane Coordinate (SPC) system provides coordinates on a flat grid for easy computation while maintaining a difference between geodetic and grid distance of one part in 10,000 or better. The State Plane Coordinate system divides the U.S. into a hundred or more distinct grid surfaces (Zones). Texas has five (5) State Plane Zones. Do not mix coordinates from one Zone with that in another. If you need to cross Zone boundaries, use Geodetic Positions. For more information about the State Plane Coordinate System contact the National Geodetic Survey Information Services.]

These data are to be used for graphical representation only. The Texas Department of Agriculture assumes no responsibility for the accuracy of said data.

(1) Highway and street rights-of-way;
(2) Highway designations and street names;
(3) All major drainage ways;
(4) Major bodies of water;
(5) Block and lot lines for all platted subdivisions as available;
(6) Property lines within unplatted subdivisions as available;
(7) The width of all major utility easements;
(8) Railroad rights-of-way;
(9) All subdivisions and their names;
(10) Corporate limits;
(11) Other major facilities or features to include but not necessarily limited to:

(a) Major park and recreation areas and facilities;
(b) Water Treatment plants;
(c) Sewage Treatment plants;
(d) Extraterritorial jurisdiction line, as appropriate; and
(e) Other significant features.

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2. HOUSING INVENTORY, ANALYSIS AND PLAN

a. Contractor shall prepare a housing conditions inventory, analysis and plan which shall, to the fullest extent possible, be based on the participation of a diverse and representative group of housing interests. (A "diverse and representative group of housing interests" includes owners and renters, realtors, developers, builders, single persons, families, minorities, disabled persons, etc. Generally all persons, must be encouraged to participate in plan preparation, particularly those considered within the protected classes of the Fair Housing Act. No person shall be excluded or denied program benefits on the basis race, color, religion, sex, handicap (disability), national origin, and familial status).

b. Contractor shall develop criteria to be used in the classification of building conditions and formulate definitions for each classification. As a minimum, the three following classifications shall be utilized within the study: 1) Standard, 2) Deteriorating, and 3) Dilapidated.

c. Contractor shall perform an assessment of the exterior of all residential buildings within the city to determine the physical condition of each building or structure. Contractor shall record vacant and abandoned residential units as the assessment is being made.

d. To the extent possible, Contractor shall determine whether housing is owner or renter occupied.

e. Contractor shall use the base map at its contracted scale to create a Housing Conditions Map depicting all housing conditions as inventoried and showing all housing and its classification as defined by the developed criteria.

(1) Included on the map shall be the delineation of low and moderate income areas, as can be determined from the most recent available Census and/or TxCDBG demographic survey, with a brief narrative for the basis of their delineation.
(2) Included on the map shall be clearly marked units and/or areas of affordable housing that are properly represented on the map legend.
(3) Included on the map shall be census geographic boundary delineations as available from the most recent Census. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community.

f. Contractor shall conduct an analysis of housing data to determine problems and housing needs of the current and prospective population and identifiable segments of the population, including the need for fair housing.

g. Contractor shall identify previous implementation actions, both public and private, taken during the past two years to implement or improve housing programs, including fair housing.

h. Contractor shall determine what local administrative and legal capacity is available or in effect to overcome housing-related problems which could be utilized more fully, (such as, the use of non-profit organizations), to improve housing, provide remedies to housing needs, including the need for fair housing.

i. Contractor shall prepare a goal(s) statement and annual housing related objectives. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

j. Contractor shall identify future implementation actions and probable **costs**, (including as many Department programs as applicable or practical), both public and private, to be taken annually over the next three to five years. These activities shall result in the preparation of an overall program design for housing related activities, including fair housing.

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3. POPULATION

a. Contractor shall compare census data of the locality from 1990 to present. Contractor must provide total number of project beneficiaries. From the total project beneficiaries, Contractor must provide number of persons in each of the sex, race and Hispanic origin categories; and by number of persons benefiting from activity by income status.

Total Project Beneficiaries _____ Male: _____ Female: _____

Please divide beneficiaries according to the following race categories breaking out those who are also Hispanic.

Columns should total and grand total should equal total beneficiaries.

Race	**Non-Hispanic**	[illegible]	**Total**
White			
Black/African American			
Asian			
American Indian/Alaskan Native			
Native Hawaiian/Other Pacific Islander			
American Indian/Alaskan Native & White			
Asian & White			
Black/African American & White			
American Indian/Alaskan Native & Black/African American			
Other Multi-Racial			
		Grand Total	

Example: Total beneficiaries equals eleven persons. For each of your beneficiaries you should determine both their race and whether or not they would also be included in the Hispanic ethnicity. In this example, nine persons are considered White by the census bureau and four of those nine are Hispanic in ethnicity. Therefore, on the form those four would be marked in the row for White and the column for Hispanic. The remaining five White non-Hispanic staff would be listed on the row for White and the column for non-Hispanic. The total for the White Non-Hispanic and White Hispanic should equal the total for White beneficiaries. The remaining two persons are Black/African American and of those two, one is also Hispanic in ethnicity. So… one will be listed on the Black/African American row and the column listed as Hispanic ethnicity while the other will be listed on the Black/African American row but under the Non-Hispanic column. The total for all Black/African Americans will be two and the grand total for all beneficiaries should equal the total number of beneficiaries, in this case eleven.

Income Level	**No. of Persons**
Very Low (at or below 30% of the AMFI)	
Low (31-50% of the AMFI)	
Moderate (51-80% of the AMFI)	

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Non-Low/Moderate (above 80% of AMFI)	
Total	
Subtotal – All Low/Mod	
Percent Low/Mod	

b. Contractor shall determine existing population estimates of the locality by occupied dwelling units. A realistic assessment of the locality's existing population shall be made by reliable methods.

c. Contractor shall:

(1) Estimate the locality's future population by five-year increments for the next fifteen to twenty years based on existing trends.
(2) Analyze the distribution of classes protected by federal fair housing laws on the basis of race, color, religion, sex, handicap (disability), national origin, and familial status within the community, where such information is available from the most recent Census or other official publications at the block or block group level.
(3) Use the base map at its contracted scale for illustrative purposes and create a Population Distribution Map showing the existing and projected population distribution for the planning period. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. Included on the map shall be census geographic boundary delineations as available from the most recent Census.

4. LAND USE INVENTORY, ANALYSIS AND PLAN

a. Contractor shall assess and inspect each plot, tract and parcel of land within the project area to determine its use. The project area should include the city's extraterritorial jurisdiction (ETJ), if significant development has occurred there.

b. Categories in classifying land uses shall include, as a minimum, the following:

(1) Vacant (vacant developed or vacant undeveloped);
(2) Agriculture (cultivated and range land - five or more acres);
(3) Residential (single family, two family, multi-family, manufactured and mobile homes);
(4) Commercial; (retail and services);
(5) Industrial; (light and heavy);
(6) Public and Semi-Public (schools, parks and public buildings); and
(7) Other such additional or subcategories as may be deemed necessary to accurately reflect the existing pattern of land areas.

c. Contractor shall prepare a color-coded Existing Land Use Map of the corporate area using the base map at its contracted scale. Contractor shall prepare a color-coded map of existing land uses within the planning area at appropriate scale, if the development within the ETJ or portion of the ETJ was determined to be significant in its potential impact on the city. Colors should conform to standard code.

d. Contractor shall make a tabulation of the existing land uses to show:

(1) Total acreage by use;
(2) Percentage of acreage in each land use;
(3) Acres per 100 persons, or other standard for comparison purposes; and
(4) Developed and undeveloped land as a percent of the total land.

e. Contractor should make an analysis of the community regarding past and potential developments and should report on factors affecting the development of land, such as those below:

(1) Occupied dwelling units;
(2) Existing land use;
(3) Thoroughfares
(4) Existing and anticipated population;
(5) Soil characteristics as related to developments;
(6) Adequacy of public utilities;
(7) Adequacy of public facilities;
(8) Storm drainage problem areas;
(9) Natural and man-made constraints; and

f. Contractor shall prepare a goal(s) statement and annual land use related objectives and, using the base map at its contracted scale, Contractor shall prepare a color-coded Future Land Use Map to illustrate the future physical development of the locality during the planning period.

B. ECONOMIC DEVELOPMENT

1. HISTORIC DEVELOPMENT AND GENERAL CHARACTERISTICS

a. Studies and plans being prepared under this contract should be coordinated with previously developed studies and plans, including any available with the appropriate state office, the regional planning council, etc.

b. Contractor shall make a review and analysis of the factors which have contributed to the present development of the planning area to include the following:

(1) Development of the economy;
(2) Physical growth of the community;
(3) The relationship of the community to the region.

2. ECONOMIC BASE,"BARRIER ANALYSIS"

a. Contractor shall prepare an inventory of the social, economic, governmental, and industrial elements of the area's development and potential. The inventory shall, to the extent possible, examine the number of people employed in the retail trade, manufacturing, construction and government, the dollar volume of various local employers, and employee income levels. The inventory shall, as a minimum, include, but need not be limited to, the following, as available and appropriate:

(1) Retail facilities;
(2) Wholesale facilities;
(3) Service facilities;
(4) Financial facilities;
(5) Manufacturing facilities;
(6) The physical facilities and rates for the following utilities and communication services:

(a) Electric;
(b) Water;
(c) Natural gas;
(d) Sewage and garbage disposal;

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(7) Transportation;
(8) Quantity, quality and availability of raw materials;
(9) Labor supply by sex, industry, and skills;
(10) Available industrial sites and buildings to include:

(a) Location;
(b) Utility connections;
(c) Transportation;
(d) Availability.

b. Contractor shall determine to the extent possible the relationship of the elements inventoried to economic development potential. A "barrier analysis" shall be prepared which rates the following cost factors and operating condition factors, as appropriate. The ratings shall be assigned based on a comparison with regional, state, and/or national standards, which should be stated in the report.

(1) Cost Factors:

(a) Wage levels
(b) Electricity costs
(c) Fuel costs
(d) Water costs
(e) Sewer costs
(f) Building costs
(g) Land/site costs
(h) Local property taxes
(i) Financing costs
(j) State costs
(k) Other(s), as appropriate

(2) Operating Condition Factors:

(a) Unskilled labor supply
(b) Skilled labor
(c) Productivity
(d) Unionization
(e) Labor-management relations
(f) Electric power availability
(g) Water and sewer availability
(h) Gas availability
(i) Common motor carrier service
(j) Rail/freight service
(k) Availability of air service
(l) Vocational education facilities
(m) Site availability
(n) School facilities
(o) Medical services
(p) Natural features, resources, etc.
(q) Others

c. Contractor shall determine whether the city should use other standards and analysis tools in addition to those above to derive an alternative comparison.

d. Contractor shall coordinate with community leaders and draw some conclusions as a result of the inventory and analysis required above; and, determine whether the pattern of economic growth should be altered. Contractor shall suggest what type of policies and/or codes should be implemented to improve conditions for the encouragement of economic opportunities and local business expansion and attraction.

3. PLAN

Contractor shall develop an economic development plan with goals and objectives. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. The implementation strategy should focus on private and public investment and resources. The plan shall include graphics, if appropriate, and shall suggest a response to the inventory and analysis above and provide appropriate or possible:

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(1) Public/private sector projects and their costs;
(2) Financing sources and incentives; and
(3) Changes to policies, codes and ordinances that could improve the economic climate.

C. STREET SYSTEM

1. STREET STUDY

a. Contractor shall determine if any prior studies have been made of part or all of the street system. Studies prepared on the system should be listed with the name of the firm that prepared the study, the date of the study, and brief description of relevant information.

b. Contractor shall make an inventory of the physical characteristics of the street system to record, but not necessarily be limited to the following:

(1) Rights-of-way widths, as available;
(2) Paving widths, types and condition of pavement;
(3) Curb and gutter; and
(4) Other data, concerning configuration, traffic flow, and street conditions, if appropriate and/or available.

c. Data from the Texas Department of Transportation shall be used to the maximum extent feasible.

d. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Street Conditions Map showing the existing street system inventory.

2. STREET SYSTEM ANALYSIS

a. Contractor shall make an analysis of the street system and list and rank problems and should present possible alternative actions and costs in providing solutions.

b. Contractor shall determine the adequacy of the system to meet existing and forecasted needs and make recommendations for any needed improvements concerning configuration, traffic flow, and street conditions. (See the "thoroughfares" component of this performance statement, if applicable.)

3. STREET PLAN

a. Contractor shall prepare a goal(s) statement and street-related objectives for the planning period and should include construction-related and policy–related recommendations regarding streets' improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.

b. Using the base map at its contracted scale, Contractor shall prepare a Future Street Conditions Map. The plan shall provide for the elimination of deficiencies and recommended improvements to meet forecasted needs. Improvements shall be in accordance with accepted municipal standards and shall be shown by phases.

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D. STORM DRAINAGE SYSTEM

1. STORM DRAINAGE INVENTORY

a. Contractor shall make a review of all available information on storm drainage within the city. If any engineering and planning studies have been prepared on drainage, they should be listed with the firm name and date.

b. Contractor shall conduct an assessment of the project area for any existing storm drainage facilities and all natural drainage courses to include as a minimum:

(1) Location of drainage ways;
(2) Location of 100 years flood hazard areas; and
(3) Identification of areas within the community where local flooding has occurred.

c. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Storm Drainage Map showing the existing facilities in relation to topographic features.

2. STORM DRAINAGE ANALYSIS

a. Contractor shall list and rank problems related to storm drainage and should present possible alternative actions and costs in providing solutions.

b. Contractor shall prepare an analysis of the existing drainage system for both natural and man-made facilities. Major and minor drainage areas and areas that have experienced flooding shall be delineated. Drainage characteristics of the areas shall be briefly described and analysis shall be made to determine methods of eliminating local flooding and eroding of local streets. Data, as available through the National Flood Insurance Program of the Federal Emergency Management Agency, shall be utilized to the fullest extent possible.

3. STORM DRAINAGE PLAN

a. Contractor shall prepare a goal(s) statement and storm drainage-related objectives for the planning period and should include construction-related and policy–related recommendations regarding storm drainage improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.

b. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Future Storm Drainage Map illustrating phased improvements related to storm drainage in relation to the existing conditions and topographic features.

E. RECREATION AND OPEN SPACE

1. RECREATION AND OPEN SPACE INVENTORY

a. Contractor shall take an inventory of the community's existing parks, recreation facilities and open spaces to include but not necessarily be limited to the following:

(1) Location, type and use of public parks;

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(2) Location and type of public recreation facilities, including public school facilities;
(3) Open spaces of all types including boulevards, parkways, floodplains, conservation areas, etc.

b. Contractor shall identify the service area of the parks and recreational opportunities it provides.

c. Review and report on recreational facilities and open spaces serving the community's population, but outside the municipality's jurisdiction.

d. Review and report on major recreational facilities serving the community's population that are privately or semi-publicly owned and operated.

2. RECREATION AND OPEN SPACE ANALYSIS

a. In coordination with city officials, Contractor shall establish **level of service** standards and criteria for determining adequacy of existing parks, recreational facilities and open space and future requirements.

b. Contractor shall utilize workshops, hearings and/or canvasses to maximize opportunities to solicit public input on needs and document the dates of the methods used.

c. Contractor shall describe the legitimate method for assessing needs. Explain how public input was used to assess needs.

d. In consonance with the recommended standards, Contractor shall make a study and analysis to determine the adequacy of the existing parks and recreational facilities to meet the needs of the present and forecasted population, considering population growth, and change in composition.

e. Contractor shall prepare a listing and priority ranking of problems relating to recreation facilities and open spaces. Explain how priorities were determined.

3. RECREATION FACILITIES AND OPEN SPACE PLAN

a. In cooperation with municipal agencies, Contractor shall determine specific goals relating to recreation and open space requirements and prepare short and long-range (five and ten years') objectives to accomplish the stated goals.

b. In relation of existing facilities, recognized problems, and in consonance with goals and objectives, Contractor shall prepare a parks and open space plan. The plan shall contain appropriate text and mapping and shall, as a minimum, include:

(1) Recommendations for improvements and expansion to existing facilities;
(2) Recommendations for the general location of new facilities;
(3) Recommendations for the development and protection of open space areas to include conservation areas and other areas endorsed with natural beauty; and

(4) Recommendations toward coordinating municipal programs and facilities with other overlapping services within the community, such as school facilities, etc.
(5) Population projections for the period of the plan and demographics on ethnicity, age, and income.
(6) The existing and proposed parks (and facilities, as appropriate), greenbelts and open spaces illustrated on the base map at its contracted scale.

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c. Recommended community improvements for the first five years shall be programmed and shall, as a minimum, include the following:

(1) Phasing of clear and measurable priorities;
(2) Timeline for completion;
(3) Estimated cost by project; and
(4) Possible sources of funding.

d. Contractor should submit to Department proof of plan adoption by resolution of the governing body.

e. Contractor should update plans every two years and develop a new plan every five years.

F. CAPITAL IMPROVEMENTS PROGRAM

1. FINANCIAL ANALYSIS

Contractor shall make a financial analysis of the municipality to the extent possible to determine the municipality's approximate ability to finance present and future capital improvements. The study should include, but not be limited to the following:

(1) Past, present, and anticipated sources and amounts of income;
(2) Annual budgets;
(3) Operating costs;
(4) Direct and overlapping public debt;
(5) Outstanding municipal bonds and their schedule of retirement;
(6) Public improvements financing practices; and
(7) Recommended standards concerning debt limitations.

2. CAPITAL NEEDS LIST

a. Based on the previous studies, and all capital needs, Contractor shall prepare a capital needs list of projects by category with general priorities for improvements to be accomplished during the planning period through workshop meetings with local officials. Contractor shall classify the type of capital improvements according to guidelines, such as:

(1) Mandatory: Those which protect life or health.
(2) Necessary: Those which are important public services.
(3) Desirable: Those which replace obsolete facilities.
(4) Acceptable: Those which reduce operating costs.

b. Contractor shall report possible effects of each identified capital improvement need and/or recommended capital improvements on members of classes protected under federal Fair Housing law(s), taking into consideration geographic concentration and other–analysis required in Section A.3.c. of this Performance Statement. Contractor shall analyze and report the effects each improvement may have on the following:

(1) Affordable housing opportunities outside of areas of geographic concentration of protected classes;
(2) Residents of areas with concentrations of protected classes whether the proposed project provides city-wide or target area benefit;
(3) Equal treatment and access for disabled persons to public facilities throughout the community;
(4) Other Fair Housing goal(s), as appropriate.

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3. CAPITAL IMPROVEMENTS PROGRAM

a. In consonance with the capital needs list and in coordination with the city's budget, Contractor shall prepare a schedule of projects recommended for the municipality for the first five (5) to six (6) years of the planning period. The schedule shall list projects by category together with estimated cost, sources of funds and year of construction.

b. A map shall be prepared to show the projects by type and year of construction. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. (See Basic Planning Activities component of this Exhibit A, Performance Statement). Included on the map shall be census geographic boundary delineations as available from the most recent Census.

G. SUBDIVISION ORDINANCE

1. ORDINANCE DEVELOPMENT

a. Contractor shall prepare technical material necessary for the drafting and/or updating of a subdivision ordinance that will best be adapted to direct the platting of land consistent with proposals of the previously prepared Land Use Plan.

b. The technical material prepared shall be based on sound platting and planning principles and not be inconsistent with all applicable laws.

2. ORDINANCE REVIEW

a. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of subdivision controls.

b. Contractor shall prepare the technical material for the subdivision ordinance in a form suitable for its adoption and submit it in report form to the Department as provided herein.

H. ZONING

1. ORDINANCE DEVELOPMENT

a. Contractor shall prepare technical material necessary for the drafting of zoning ordinance that will best be adapted to direct the use of land consistent with proposals of the city's previously prepared Land Use Plan. Technical material on zoning shall be based on sound zoning principles and not be inconsistent with all applicable laws, including affirmatively furthering fair housing and reducing or eliminating disparate treatment of classes protected under federal Fair Housing law(s),

b. Based on the Land Use Plan and other plans related to physical development of the municipality, Contractor shall have prepared a Zoning District Map using the base map at its contracted scale.

2. ORDINANCE REVIEW

a. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of zoning, particularly that it has positive influence in the effort to promote fair and affordable housing.

b. The technical material on zoning and the recommended zoning district map shall be prepared in report form suitable for adoption and be submitted to the Department as provided herein.

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I. CERTIFICATIONS, PRESENTATIONS, REPORTS AND PUBLICATIONS

1. In addition to other requirements placed on Contractor regarding its certifications of contract compliance, Contractor shall ensure passage of a local resolution after a final summary is presented to the executive government that is prerequisite to final reimbursement under this contract. The local resolution shall indicate and state:

a. Local officials' participation in preparing and reviewing planning documents for local needs, contract compliance, and the final presentation of the plan at the final hearing and/or meeting met or exceeded a one (1) hour minimum requirement set forth by this contract;
b. Goals and objectives developed for each contracted planning element were presented, discussed, reviewed and established by local officials;
c. Inventory, analyses, plans and maps associated with them required under contract were presented, discussed and reviewed by local officials;
d. Capital needs listed and ranked within the reports were presented, discussed, and reviewed by local officials;
e. Opportunities were provided for citizen participation in the planning process;
f. Local review established that the planning documents are suitable as policy guides for the locality;
g. Local efforts in plan(s) preparation were intended to eliminate impediments to fair housing and support equitable distribution of the plans' benefits;
h. Contracted planning documents are accepted by the city as substantiation for payment requisition to the Department, and for Contractor's payment to its consultant(s); and
i. Statement of how the contractor intends to use its planning documents prepared under the contract.

2. One paper hard copy of each study produced under this contract shall be submitted to the Department for review and comment. All work, including mapping that is folded and not rolled, shall be published in an 8 1/2" by 11" report. A letter from Contractor shall accompany the report and include an attached itemization and/or a description where each requirement of this performance statement can be found within each report to include chapter, page and paragraph.

3. ONLY ONE (1) TYPE OF MAPPING SOFTWARE SHOULD BE USED FOR ALL MAPS REQUIRED UNDER THIS CONTRACT. Contractor shall maintain source map data (original vector data) and the graphic data in data files on machine readable media which are compatible with computer systems owned or readily available to the local government. In addition, complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the maps shall be maintained in written form. Contractor shall provide the Department a letter signed by the authorized signatory attesting to the receipt of such data.

4. Contractor shall provide the Department a compact disk (CD) media, written in Adobe Acrobat portable document format (*.pdf), that contains the narrative and mapping prepared under this contract. The CD shall also contain source map data (original vector data).

Contractor shall ensure that the CD contents and label are properly identified. Specifically, the CD contents and label shall show the locality name, contract number, planning period covered by the report, topics included within the CD report (on the CD), and preparer's name and date of preparation. Complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the texts and maps shall be provided to the Department in the locality's closeout letter from Contractor and be shown on the compact disk label.

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5. Each element requiring mapping shall have separate inventory and plan maps, as stated within each element's performance requirements. All requested maps required herein, with the exception of aerial maps, may be reduced in size if legible and included in appropriate reports. Two (2) 8" x 10" prints with accompanying electronic data may be submitted to the Department in lieu of full-scale aerial maps.

6. All reports, maps, CD labels, and other products completed as a part of this contract, other than documents prepared exclusively for internal use by the Department, shall carry the following notation on the front cover, CD label, or a title page and on the face of maps:

> FINANCED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE. The preparation of this document was financed through provisions of a Texas Community Development Block Grant with funds allocated by the U.S. Department of Housing and Urban Development.

7. Any article or other work submitted by Contractor for publication must include a disclaimer as stated in the

Special Conditions:

> The Texas Department of Agriculture in conjunction with the United States Department of Housing and Urban Development furnished financial support to the activity described in this publication which does not necessarily indicate the agreement of the Texas Department of Agriculture or of the United States Department of Housing and Urban Development with the statements or conclusions contained in this publication.

8. When advertising the final public hearing, Contractor shall ensure that the newspaper notice indicates that the planning documents prepared under this contract are available for review at least twelve (12) days prior to the final hearing to evaluate Contractor's performance under the contract.

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Exemption Determination for Activities Listed at 24 CFR §58.34

Grant Recipient: _____Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):
_____
Location:_____
Funding Source: TxCDBG Planning and Capacity Building Fund Other
Estimated Funding Amount:_____Grant Number:_____
I have reviewed and determined that the abovementioned project is Exempt per 24 CFR §58.34 as follows:

☐	58.34(1). Environmental & other studies, resource identification & the development of plans & strategies;
☐	58.34(2) Information and financial services;
☐	58.34 (3) Administrative and management activities;
☐	58.34(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
☐	58.34(5) Inspections and testing of properties for hazards or defects;
☐	58.34(6) Purchase of insurance;
☐	58.34(7) Purchase of tools;
☐	58.34 (8) Engineering or design costs;
☐	58.34(9) Technical assistance and training;
☐	58.34(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
☐	58.34(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
☐	58.34(12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

The responsible entity must also complete and attach the **58.6 Compliance Checklist**. By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Exempt and meets the conditions specified for such exemption under section 24 CFR §58.34. This document must be maintained in the ERR.

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

_____ _____
Authorized Responsible Entity Signature Date

_____ _____
Authorized Responsible Entity Name (printed) Title (printed)

DRAFT

Sample Pre-Agreement Request

<<date>>

Suzanne Barnard
Director, Texas CDBG Program
P.O. Box 12847
Austin, Texas 78711

Re: Pre-Agreement Cost Approval for Planning Activities

Dear Ms. Barnard:

This is to notify the Texas Department of Agriculture, Texas Community Development Block Grant (TxCDBG) Program that the city of XYZ intends to proceed with its 2015 Planning and Capacity Building Fund application project per the pre-agreement costs stratagem. As a condition of this pre-agreement to acknowledge and agree to the following:

1. All applicable state and federal laws, including procurement procedures for professional services and applicable vendors; all applicable TxCDBG policies and procedures, including a completed Environmental Review Exemption necessary for planning activities by TxCDBG, procurement of professional planning services requirements, and any applicable contract Special Conditions.
2. The Department shall not reimburse any costs under this agreement until a 2015 Planning and Capacity Building Fund contract is fully executed with the city. Department shall not be liable for costs incurred prior to PCB application deadline date>>or for any activities not included in Exhibit A, Performance Statement, and Exhibit B, Budget, of the executed contract associated with the 2015 grant.

Sincerely,

Mayor, City of XYZ

DRAFT

Appendix VI: Score Sheet

(See following section)

DRAFT

2015 PLANNING AND CAPACITY BUILDING FUND

(430 points total available)

APPLICANT_____ **REGION**_____

a. **COMMUNITY DISTRESS** *(total 55 points available) All community distress factor scores are based on total population of the applicant and derived from Census data… and are not assigned on this form.*

- Percentage of persons living in poverty – up to 25 points
- Per capita income – up to 20 points
- Unemployment rate – up to 10 points

_____ Applicant's **Community Distress** Score

b.___ **Benefit to Low/Moderate Income Persons – 0 points**

"PROJECT DESIGN FACTORS" up to 375 points are assigned below: **Scorer Initials**_____

c. **PROJECT DESIGN** *(MAX 375 points)*

1. See below. Program Priority *(50 points maximum possible based on activities @ 10 points each.)*

- *An applicant requesting TxCDBG funds for fewer than five priorities may receive point credit under this factor for planning studies completed… (independently… not with TxCDBG funds… WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE… that do not need to be updated… and evidence of these planning studies is submitted with the application).*
- *An applicant requesting TxCDBG funds for a planning study priority that was completed, that is, if funded previously, TxCDBG* ***FINAL CONTRACT CLOSEOUT was made…*** *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE* ***…*** *would not receive scoring credit under this factor.*
- *If more than nine activities are requested, ten(10) points per activity over the ninth priority will be subtracted unless the additional activities are paid entirely with local cash match.*
- *Applicants should not request funds to complete a water or sewer study, if funds have been awarded within the last two years for these activities or funds are being requested to build these systems under other TxCDBG fund categories.*

STUDY & PLAN TYPES	ACTIVITY PROPOSED? (Yes or No)	ACCOMPLISHED PREVIOUSLY W/ TxCDBG FUNDS? YEAR?	POINTS AWARDED (10 points each…Up to a maximum of 50)
Base Planning Activities			
Economic Development			
Central Business District			
Street Conditions			
Thoroughfares			
Water System			
Wastewater System			
Drainage Study Streets & Flood Hazard Areas			
Other city-owned Utility Studies… Gas or Electric			
Recreation & Open Space			
Capital Improvements Program			
Subdivision Regulation			
Zoning Ordinance			
Digitized Base Map			
Other Digitized Utility Map			
Special Activity			
		Tentative points awarded for program priority-up to 50→	
		Is applicant requesting fewer than five (5) activities? **Yes or No**	
		If Yes, is documentation submitted with the application of any aforementioned activities above having been prepared with local funds *within the last 10 years prior to current application deadline?* **Yes or No**	
		If Yes, add 10 points each until no more than 50 points achieved for this criterion…	
		Is applicant requesting more than nine (9) priority activities? **Yes or No**	
		If Yes, subtract 10 points for each priority over the ninth unless match pays entirely for each…	
		PRIORITY POINTS ASSIGNED =	

2. ___ Base Match**– 0 points** _____

3. ____ Jurisdiction-wide Proposal *(50 points possible)* County applicants with identifiable, unincorporated communities may also qualify for these points provided that incorporation activities are underway. Proof required. County applicants with identifiable water supply corporations may apply to study water needs only and receive these points.

_____ **TOTAL of this PART (100 points available)**

****

4. PLANNING STRATEGY AND PRODUCTS *(total 275 points)*

_____ **Planning Strategy and Products** *(50, 30 or 20 points possible, if previous plan implementation shown.)**:***

(i) *An applicant which has not previously received a planning/capacity building contract; or, a previous grantee which has not received a planning/capacity building fund contract with a start date WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE –**50 points.***

(ii) An applicant which has received previous planning/capacity building funding… *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE* **…** and demonstrates that at least three previous planning recommendations have been implemented, i.e., funds from any source have been spent to implement recommendations included in the plans-- **30 points.**

(iii) An applicant which has participated in the program… (planning/capacity building funding)… and demonstrates implementation of **two** of the planning recommendations, regardless of the source of funding, or an applicant which has received previous planning/capacity building funding… *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE* … but demonstrates that conditions have changed to warrant new planning for the same activities-- **20 points**.

(iv) Previous recipients of Planning and Capacity Building Funds *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE* scored under (ii) and (iii) of this "Previous Planning" subsection that have not implemented the previously funded activities, and there are no special or extenuating circumstances prohibiting implementation, will not receive points under the "previous planning" category. Implementation must be completely documented in the original submission of the application and its questionnaire. Further documentation will not be requested.

****

Proposed Planning Effort *(Of the 275 Planning Strategy and Products points available, 225 points of them are available below)*

_____10 **COMMUNITY NEEDS ASSESSMENT**: (Must have **both** items to get 10 points)

_____Needs identified by priority (**7 points**);

_____Documentation included of citizen involvement and/or input or attendance at hearing by **three or more** non-elected citizens. (**3 points**);

_____ 25 points

Good hearings' notices, timeliness. Hearing notices and publication happened as described in the application guide **and all documentation submitted in original application**.

CITIZEN PARTICIPATION DOCUMENTATION INCLUDED:	YES	_____	**NO**	_____
APPLICANT HAS PROVIDED FULL NEWSPAPER PAGE WITH NOTICE & DATE **OR** PUBLISHER'S AFFIDAVIT AND COPY OF THE NOTICE FOR THE PUBLIC HEARING:	YES	_____	**NO**	_____
APPLICANT HAS PROVIDED LISTING OF THE LOCAL SERVICE PROVIDERS THAT WERE SENT WRITTEN NOTIFICATION OF THE PUBLIC HEARING:	YES	_____	**NO**	_____
PUBLIC HEARING HELD AFTER 5:00 PM ON A WEEKDAY OR AT A CONVENIENT TIME ON A SATURDAY OR SUNDAY :	YES	_____	**NO**	_____
HEARING NOTICE PUBLISHED 72 HOURS PRIOR TO THE HEARING, AND NOTICE INCLUDES DATE, TIME, LOCATION AND TOPICS COVERED:	YES	_____	**NO**	_____
HAVE PROVIDED FULL NEWSPAPER PAGE WITH NOTICE & DATE **OR** PUBLISHER'S AFFIDAVIT AND COPY OF THE NOTICE FOR THE APPLICATION AVAILABILITY NOTICE:	YES	_____	**NO**	_____
APPLICATION AVAILABILITY NOTICE PUBLISHED FIVE (5) DAYS PRIOR TO THE SUBMISSION OF THE APPLICATION AND NOTICE INCLUDES FUND CATEGORIES, TXCDBG FUNDS REQUESTED, PROJECT ACTIVITIES, ACTIVITY LOCATIONS, AND SITE/HOURS FOR PUBLIC REVIEW:	YES	_____	**NO**	_____

_____10 **Description of Needs (proposed activities formerly known as "anticipated actions"**: (Must have both items)

_____Applicant has specifically included only its proposed planning activities to address each listed need and does not refer reviewer to read other parts of the application. (10 points);

_____**Subtract 20** If only one hearing to determine needs for both, a CD and PCB application, and not considering whether there were other means of needs assessment, is the # 1 need in the locality's CD application's Needs Assessment the same as the # 1 need in the locality's PCB application's Needs Assessment?_____If no, subtract 20 points

_____15 points

Community is organized as evidenced by a citizens advisory committee established more than six months prior to the application due date; or, documents Texas Historical Commission Main Street designation; or previous successful PCB contract closeout *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE* (with no more than a two-year contract period for PCB performance *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE*, thereby indicating for purposes here that it would ensure a planning process or plan implementation.

_____

_____

_____5 points

Applicant's resolution received in the original application on the application deadline date specifically names exactly the same activities on Table 2 for which it is applying.

_____

_____

_____23 points

According to the application, applicant is applying for planning only; no construction activities proposed for 2015-2016 TxCDBG.

_____

_____

_____5 pts. available

TABLE 1, DESCRIPTION OF PLANNING ACTIVITY: (One (1) point apiece)

_____a) Originally submitted TABLE 1 requests only eligible activities;
_____b) Originally submitted TABLE 1 proposes an inventory, analysis and plan for each activity or planning element;
_____c) Originally submitted TABLE 1 addresses identified needs;
_____d) Originally submitted TABLE 1 activities match Table 2 planning elements;
_____e) Originally submitted TABLE 1 describes or indicates an implementable strategy.

_____

_____

_____ 5

TABLE 2, BENEFIT TO LOW/MOD INCOME PERSONS: (Must have **all** items, if applicable, to get 5 points)

_____Amount requested in original submission is **less than or equal to** matrix prescribed amount;
_____If special activity funding is requested, the amount was negotiated before the application was submitted, as per the matrix.
_____All proposed activities in originally submitted application relate to described needs and resolution in the originally submitted application.

_____3 points **COMMUNITY BASE QUESTIONNAIRE**:

_____Original was complete; entire questionnaire included with the originally submitted application.

_____**Subtract one (1) point** for each blank or non-response where an answer space is provided and an answer is needed to provide a score anywhere on this form **up to a maximum of -3**.

_____2 points

Staff Capacity: Applicant has demonstrated staff capacity, by having either a

_____ Full-time city manager or city administrator; or,

_____ Full-time planner or documented planner on retainer.

_____

_____

_____1 point

Organization for planning: **One** of the following exists within the applicant's jurisdiction:

_____ Planning & Zoning Commission ;
_____ Planning Commission;
_____ Zoning Commission;
_____ Zoning Board of Adjustment;
_____ Citizens Advisory Committee;
_____ Other local group involved.

_____

_____

_____5 points

Applicant has one organization for planning (named above) that meets **seven (7)** or more times per calendar year. (May require documentation).

_____

_____3 points

Applicant has at least **<u>three</u>** of the following codes or ordinances passed (or updated) *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE… (must at least state year)…***,** according to the original application:

_____Zoning _____Building _____Subdivision ____Gas-Natural
_____Electrical _____Fire ____Plumbing

_____**Subtract 3** Applicant has zoning and no land use and future land use maps.

_____**Subtract 3** Zoning was passed before land use plan was passed. (In this instance, the zoning/zoning district map will not be considered as the land use plan).

_____3 points

Applicant has at least **<u>two</u>** of the following codes or ordinances passed or updated *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE… (must at least state year)…***,** according to the original application:

___Mobile Home ____Minimum Standards-Housing ____Flood Plain
___Dangerous Structures ____Fair Housing

_____2 points

Applicant has at least three (3) the following elements not funded through TxCDBG THAT ARE LESS THAN 10 YEARS OLD… (COMPLETED *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE… (must at least state year)…***,** according to the application; or, will have in place the following element(s) prior to awards: **(2 points maximum; BUT NO POINTS, <u>if reapplying</u> for TxCDBG funding for same elements that were completed within the last ten years…** ("COMPLETED" means… **element was part of a contract closed by TxCDBG**… *WITHIN THE LAST 10 YEARS PRIOR TO CURRENT APPLICATION DEADLINE… (must at least state year)…***, using TxCDBG funds.**

_____Land Use _____Water System
_____Housing _____Wastewater
_____Street Plan _____Drainage
_____ED Plan _____Solid Waste
_____CBD Plan _____ CIP
_____Recreation/Parks

_____10 points

Applicant has both: property tax and sales tax.

_____

_____3 points

According to the application, applicant has been successful in collecting an average of 95% or more of its property taxes for the two years... **2012 and 2013**.

_____

_____1 point

Applicant reports it has a code enforcement officer.

_____

_____10 available

According to applicant, population change from 2000 to present (2014) is as shown below.

Where % change=100 X (new value - original value) / original value

___ between 5% and 10%	**(2points)**	2000 pop	_____
___> 10% but ≤15%	**(4 points)**	Present (2012) pop.	_____
___> 15% but ≤20%	**(6 points)**		
___> 20% but ≤25%	**(8 points)**	_____divided by	_____
___> 25%	**(10 points)**	=_____or_____	_____increase _____decrease

_____2 points

Applicant reports it has passed a one-half cent sales tax to fund economic development activities._____

_____2 points

Applicant has performed any two activities to attract or retain business and industry (**other than saying they passed the 1/2 cent sales tax**)._____

_____2 points

Applicant has applied for federal or state funds (**other than TxCDBG**) in the last three years (since 01/01/2011)… (2011, 2012, & 2013)… or is currently applying.

_____

_____1 point

Applicant is specifically requesting funding under this application for a Capital Improvement Program or has indicated in the application that a capital improvement programming process is routinely accomplished.

_____

_____4 points

Applicant reports it has bonded debt… (using 2013 data)… as of 6/30/2013, for example, (indicating local commitment and an attempt to control problems and implement improvements).

_____

_____10 points

Applicant reports its per capita bonded debt as less than $500… (using 2013 data)… as of 6/30/2013, for example, (generally indicating some additional debt capacity; and, perhaps, indicating the proposed activities will result in the development of a viable and implementable strategy and be an efficient use of grant funds).

_____

_____7 points

Applicant reports its total debt as less than 10 percent of total market value… (using 2013 data)… as of 6/30/2013, for example…

_____

_____6 points

Applicant reports its annual debt service as less than 20 percent of annual revenues… (using 2013 data)… as of 6/30/2013…

_____

_____5 points

Applicant is in a COG region which **had no recipients of TxCDBG Planning and Capacity Building Funds** in the previous application cycle **(PY 2013-2014)… (CAPCOG, CVCOG, DETCOG, GCRPC, PRPC, PBRPC, SETRPC,STDC).**

_____

_____6 points

Applicant is requesting fewer than five (5) priority activities and is requesting no more than the dollar amount prescribed in the matrix and no Special Activities requested.

_____

_____5 points

Applicant is requesting planning funds strictly according to the matrix after competing unsuccessfully last competition **OR** APPLICANT HAS A TOTAL BENEFICIARY POPULATION SHOWN ON TABLE 2 OF **AT LEAST 200 BUT LESS THAN OR EQUAL TO 600.**

_____

_____5 points available

Commitment, as exhibited by match, (with population based on **2010** Census:

Check the appropriate one that the applicant must contribute

___Five (5) percent cash match. Population is ≤ 1,500.
___Ten (10) percent cash match. Population is > 1,500 but ≤ 3,000.
___Fifteen (15) percent cash match. Population is > 3,000 but ≤ 5,000.
___Twenty (20) percent cash match. Population is > 5,000.

Applicant is contributing _____ % cash match, which is _____**% more** than the minimum required.

___Under 5% more no points .	**(0 points)**
___Between 5% but less than 10% **more than** required.	**(2 points)**
___Between 10% but less than 15% **more than** required.	**(3 points)**
___Between 15% but less than 20% **more than** required.	**(4 points)**
___At least 20% **more than** required.	**(5 points)**

NOTE: Match and match percentages are rounded to the nearest unit to determine points. Calculation based on **original eligible** request and **original** match pledged.

_____15 points

APPLICATION was RECEIVED IN A COMPLETE STATE; that is, a review letter did not have to request any missing application components, information requested in the application's forms or documentation that must be attached as instructed in the application. (Mathematical tabulations and beneficiary data derived from census data must be correct upon receipt. Beneficiary information derived from a survey is an exception. Survey data (or survey data in combination with census data) corrected or changed by TDA when the applicant is qualifying using only survey data or in combination with census data may be changed in the application without penalty. Applicant will not qualify to compete, if the effect of any change is to drop the low/mod rate below 51 percent).

_____

_____1 point

Applicant has listed at least four indications of the locality's likelihood to stay directly involved in the planning process and to implement the proposed planning.

_____

_____1 point

Special Impact. Whether the list referenced above indicates in the top three reasons that some significant event will occur or has occurred in the region that may impact ability to provide services, **such as**, a factory locating in the area that will increase jobs, the announced closure of an employer that will reduce jobs; declared natural disaster; or, for example, the announcement of construction of a major interstate highway in the area, etc..

_____

_____2 points

Applicant has no overdue AUDIT CERTIFICATION FORMS or SINGLE AUDITS or audit resolutions as of application deadline date) according to TxCDBG Compliance Auditors.

_____

_____10 points

Applicant has never received a TxCDBG grant and the application indicates the applicant has currently a property tax and a sales tax.

_____

_____ **TOTAL of this PART** (225 points available)

_____GRAND TOTAL "PROJECT DESIGN" points for 2015 applicant from PART II and PART III where 375 points are available.

NOTE: Criteria above are based on the 2015 Application Guide, the application, and previously used criteria that **define** the requirements below of the PY 2015 Application Guide that state 275 points are awarded for ***Planning Strategy and Products***, thusly:

A. New applicants receive up to 50 points while previous recipients of planning funds receive either 30 or 20 points depending on the level of implementation of previously funded activities. Applicants with a PCB contract older than 10 years based on the contract start date, will be considered new applicants for this scoring factor. And,

B. Up to 225 points are awarded for the applicant's Proposed Planning Effort based on an evaluation of the following:

(i) the extent to which any previous planning efforts have been implemented or accomplished;
(ii) how clearly the proposed planning effort will resolve community development needs addressed in the application;
(iii) whether the proposed activities will result in the development of a viable and implementable strategy and be an efficient use of grant funds; and
(iv) *demonstration of local commitment.*