Housing Trust Fund Corporation
Office of Community Renewal

Community Development Block Grant Program
2013 REDC CFA Community Renewal Fund Application
Housing-Public Infrastructure-Public Facilities

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I. INTRODUCTION

In accordance with New York State's 2014-2015 Consolidated Plan and its 2013 Annual Action Plan, the Office of Community Renewal (OCR) invites eligible applicants to submit an application for Community Development Block Grant (NYS CDBG) funding. NYS CDBG funds provide small communities and counties in New York State with a great opportunity to undertake activities that focus on community development needs, such as creating or expanding job opportunities, providing safe affordable housing, and addressing local public infrastructure and public facilities issues. OCR encourages communities to propose activities that are creative and innovative in addressing their needs.

The 2014 CRF Application requests information necessary to document the eligibility of the activity, compliance with the Primary and National Objectives, the need for the activity, and its overall impact on the community. It contains information to assist Applicants in compiling a complete, relevant and competitive application. Therefore, it is important for prospective Applicants to read it carefully and to become familiar with all applicable guidelines and requirements. The Federal regulations set forth at 24 CFR Part 570 and specifically, Subpart I of 24 CFR 570 are the governing regulations of the NYS CDBG Program for non-entitlement communities.

II. PROGRAM OBJECTIVES

A. Objectives of the Community Development Block Grant Program

As set forth in the Federal Housing and Community Development Act, the Primary Objective of the CDBG program "is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income (LMI)."

B. Objectives of the New York State CDBG Program

Financial assistance will be provided for the development of projects that meet NYS Homes and Community Renewal's (HCR) Investment Strategy and that provide decent, safe affordable housing, access to clean drinking water, proper disposal of household wastewater, access to local public facilities, and economic opportunities for persons from LMI households by supporting development projects that are designed to create or retain employment opportunities or foster microenterprise activities.

In support of New York's community development goals, the NYS CDBG Program will:

1. Support a mix of rehabilitation and conversion activities to preserve and increase affordable housing, for both renters and homeowners;

2. Encourage investment in communities by assisting local governments in devising and implementing economic development strategies to revitalize viable communities and provide economic opportunities that principally benefit LMI persons;

3. Revitalize the vibrancy of New York's communities and enhance the quality of life;

4. Develop and implement strategies that facilitate the coordination of NYS CDBG funding with other Federal, State, and local community development resources.

III. PROGRAM OUTLINE

A. Funding Availability

This application is to request NYS CDBG funding under the Community Renewal Fund Round II for Housing, Public Infrastructure, and Public Facility activities. At least 70% of the NYS CDBG funds requested must fund activities where at least 51% of the beneficiaries are LMI.

B. Funding Limits*

Annual Competitive Round

Town, Cities or Villages:

Housing/Public Facilities	$400,000
Public Infrastructure (water/sewer only)	$600,000

Counties:*

Housing/Public Infrastructure/Public Facilities (including public works)	$750,000

Joint Applicants:**

Public Infrastructure (water/sewer only)	$900,000

Applicants should note that, regardless of the number and type of activities proposed, the maximum grant amount cannot be exceeded. However, an Applicant may apply for, and be awarded, an Economic Development Open Round grant in the same Program Year as it applies for, and is awarded, funding from other NYS CDBG funding opportunities. A statewide competitive process is used to award Housing, Public Infrastructure, and Public Facilities grants. NYS CDBG funds are not allocated or reserved by geographic area or region.

Applicants should only apply for the amount of funding that can be fully expended and the type of activities that can be completed within the specified project completion period of twenty-four (24) months. Applicants should not proceed with a project that cannot be completed within the specified timeframe or with the assumption that an extension of the project deadline will be considered. Grant recipients who are unable to satisfy the term of their grant agreement may be unable to secure further OCR funding until such time as the prior grants have been completed or the funds recaptured. Inability to meet the required timeframe may be viewed as an issue of project readiness and/or inadequate local capacity to carry out grant activities in a timely manner and may require significant additional actions on the part of the municipality to insure that any potential future grants will be completed within the term of the grant agreement.

C. Eligible Applicants

Eligible applicants are non-entitlement units of general local government (city, village, town or county), excluding metropolitan cities, urban counties, and Indian Tribes that are designated Entitlement communities. Non-entitlement areas are defined as cities, towns, and villages with populations of less than 50,000 except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000. A list of eligible communities is a available at http://nysdhcr.gov/Programs/NYS-CDBG/EligibleCommunities.htm.

* Counties may apply on behalf of units of general local government located within their jurisdiction when the unit of general local government has authorized the county to apply. The unit of general local government will be considered the Applicant for determining grant limits, and its statistics will be used for purposes of the selection factors. A cooperation agreement between the county and the local government, an authorizing resolution issued by the local government, and an explanation as to why the arrangement is needed must be included as an exhibit to the application.

** When a joint effort is required to solve a common water or sewer problem faced by two or more eligible local governments, a joint application may be submitted. Local governments, however, must not only share a common problem that crosses their municipal boundaries but must also be able to demonstrate that a joint effort is required to solve the problem. A cooperation agreement between the local governments must be included as an exhibit to the application. Joint applications submitted only for administrative convenience are not eligible and will not be considered for funding.

D. Eligibility Restrictions

Prior Recipients of NYS CDBG Program funds are subject to an evaluation of capacity and performance and must resolve all outstanding audit, monitoring and/or non-compliance issues which involve a violation of Federal, State or local law or CDBG program requirements prior to the submission of an application for funding. An Applicant may be ineligible for a grant when its performance evidences significant lack of capacity to carry out the proposed project or program as required and according to the applicable laws, regulations, policies and procedures governing the NYS CDBG Program.

E. Types of Applications

Annual Competitive Round applicants must address and resolve a specific community development need within one of the following areas: (a) Housing, (b) Public Infrastructure, or (c) Public Facilities.

Applications may consist of more than one activity if one of the activities is incidental to or in support of the primary activity. For a project consisting of more than one activity, the activity that directly addresses the primary need must represent the majority of the funds requested**.** For example, an application for housing rehabilitation includes a public improvement activity that supports the housing activity and represents a relatively small percentage of the funds in comparison to the primary housing rehabilitation activity. The public improvement activity must clearly be in support of the housing rehabilitation project as well as demonstrate compliance with a National Objective and the NYS Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010). NYS CDBG funds should not be requested for more than one activity if the additional activities are not incidental to, or in support of, a principal activity.

F. Funding Categories

1. Housing

There are three distinct types of housing activities eligible for NYS CDBG funding: housing rehabilitation; direct homeownership assistance; and residential water/wastewater system assistance. Based upon a needs analysis and a detailed survey of housing conditions, each Applicant must determine the activity best suited to increase and/or stabilize the supply of safe affordable housing for its LMI residents.

a. Housing Rehabilitation

Rehabilitation activities include mobile and manufactured home replacement and replacement and conversion of non-residential properties that provide safe and habitable housing for LMI households at standards of quality meeting New York State and local building codes and federal and local regulations. Based on the prevalence of substandard housing conditions within a community, Applicants must determine whether a non-targeted or targeted approach or a combination thereof best addresses the needs of the community. A non-targeted approach is used to address the most severe needs on a scattered-site basis.

b. Direct Homeownership Assistance

Direct assistance activities provide homeownership opportunities to LMI households and/or individuals. Counseling of prospective homeowners is encouraged to ensure an understanding of program obligations, budgeting and responsibilities of homeownership, including home maintenance and overhead costs. Homeownership programs subsidize the closing costs or purchase price of homes in price ranges affordable to LMI households or individuals. The costs of minor rehabilitation of structurally-sound homes purchased through a homeownership program are eligible expenses under the program.

c. Residential Water/Wastewater System Assistance

Direct assistance activities that provide safe drinking water and wastewater systems to LMI households, such as the drilling of wells, the construction or rehabilitation of septic systems, and the installation of lateral connections from the LMI house to the public water/sewer mains.

2. Public Infrastructure

Activities consisting of, but not limited to, water source development, storage, and distribution; sanitary sewage collection and treatment; flood control and storm water drainage; public works, such as sidewalks, streets, parking, open space, and publicly owned utilities. Eligible projects may include the repair or replacement of existing systems, construction of new systems, or expansion of existing systems into areas previously unserved that are in compliance with the NYS Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010). Applications requesting funding solely for residential water and sewer lateral connections are considered for funding under the Housing Funding Category.

3. **Public Facilities**
   Public facility activities include, but are not limited to, funding for: structures to house or serve special-needs populations; senior services; child care centers; removal of architectural barriers for the disabled (installing lifts, automatic doors, ramps, etc.); and multi-purpose buildings housing several qualifying activities for low- and moderate-income persons. NYS CDBG funds can be used for construction or renovation of facilities, but cannot be used to cover the day-to-day operational costs, nor can funds be used for buildings that are primarily for the general conduct of government business (i.e. town halls). Any public facility funded with NYS CDBG funds must be maintained in the same capacity as funded for a period of five (5) years after the project is formally closed out by OCR. OCR reserves the right to inspect such facilities during the five (5) year period to substantiate compliance.

Applicants may determine that an application addressing the needs of a target area is the best approach for addressing the needs of its community. In determining this approach, applicants must define the target area as a recognizable neighborhood, including natural boundaries, such as a railroad tracks, city limits, busy streets, etc. Boundaries should not be gerrymandered for LMI purposes. If streets are proposed, houses on both sides of the street should be surveyed and included in the target area. Target area lines may be drawn down back alleys or property lines to include all needed households.

G. Application Evaluation Criteria

The review process for the NYS CDBG Program is designed to ensure that the limited NYS CDBG funds available are awarded to communities that meet all of the Federal CDBG requirements, comply with HCR's Investment Strategy, demonstrate a significant need for the proposed activity, demonstrate that the project is financially feasible, and show a significant positive impact to the community.

Applications within the funding categories of Housing, Public Infrastructure, and Public Facilities are rated and scored against the factors below. Applications are evaluated and ranked against applications within the same category. Applications with the highest scores are considered the most competitive and have a greater chance of being awarded.

Factor Rating

Project Assessment Points **100 Points**

1. **Project Assessment Points**

   Applications within the funding categories will be assessed based on the extent to which they meet the category-specific assessment criteria identified below. Scoring will be based on a maximum of 100 points, with the most points being awarded to projects that have demonstrated exceptional compliance with the assessment criteria identified for each category. An applications' project assessment score will be determined by averaging the assessment criteria points**. Applications will be required to score a minimum of 30 project assessment points to be considered for funding.**

Housing Rehabilitation:

Need - The degree to which the applicant has demonstrated:

- the severity of need, in terms of the percent of units that are severely substandard, and the lack of income and resources of the residents;
- a sufficient market of eligible LMI households interested in participating in a housing rehabilitation program.

Impact - The degree to which the proposed program:

- addresses homes that are occupied by persons with the lowest incomes and have the most severe housing conditions;
- addresses the need and market identified and the financial conditions of the proposed beneficiaries;
- addresses methods to ensure the sustainability of the housing rehabilitation and ensures the long-term affordability of rental units;
- includes a detailed plan for marketing the proposed program to potential participants;

- addresses measures taken to ensure quality rehabilitation and compliance with the Section 8 Housing Quality Standards and applicable Federal, State and local codes.
- addresses measures taken to encourage participation of special needs populations identified within the area.
- a sufficient market of eligible and available contractors.

Financial Capacity - The degree to which the applicant has demonstrated that:

- the rehabilitation costs are reasonable given the extent of substandard conditions, as documented in the housing conditions surveys, descriptions of housing conditions, and the cost estimates prepared by professional rehabilitation specialists;
- the project is financially feasible and includes costs associated with regulatory compliance;
- leveraged funds are available and committed, including CDBG program income generated from previously funded HUD and NYS CDBG projects;
- the costs of program delivery and administration are reasonable and based on the work to be performed, as detailed in the application;
- the subsidy proposed is financially feasible and addresses the housing rehabilitation needs of the population being served;

Direct Homeownership Assistance:

Need - The degree to which the applicant has demonstrated:

- the need to provide homeownership opportunities to LMI persons, in terms of the current real estate market, the homeownership and vacancy rate, and financial and market trends that limit homeownership for LMI persons;
- a sufficient market of eligible LMI households indicating an interest in participating in a homeownership assistance program;
- a sufficient number of homes available that will be affordable to LMI households.

Impact - The degree to which the applicant has demonstrated:

- that the program addresses the need and market identified and the financial conditions of the market;
- a detailed plan to market the proposed program to potential participants;
- efforts to provide homeownership support to the potential participants in the form of counseling;
- the measures to be taken to ensure quality rehabilitation and steps taken to ensure compliance with the Section 8 Housing Quality Standards and all applicable Federal and State codes for those homes that may require housing rehabilitation;
- that the program ensures the long-term affordability of the home, in terms of the percentage of income required for household expenses, long-term maintenance, energy efficiency, and immediate housing rehabilitation needs;
- the measures taken to encourage participation of special needs populations identified within the area;
- an effort to include provisions for homeownership opportunities to persons participating in the Family Self-Sufficiency Program.

Financial Capacity - The degree to which the applicant has demonstrated:

- that the subsidy proposed is financially feasible and addresses the financial need of the LMI household to purchase an affordable home in the identified market;
- for projects that include housing rehabilitation activities, that the rehabilitation costs are reasonable given the extent of substandard conditions, as documented in the housing conditions surveys, descriptions of housing conditions, and the cost estimates prepared by professional rehabilitation specialists;
- that the project is financially feasible and includes the costs associated with regulatory compliance;
- that leveraged funds are available and committed, including CDBG program income generated from previously funded HUD and NYS CDBG projects;
- that the costs of program delivery and administration are reasonable and based on the work to be performed as detailed in the application.

Public Infrastructure:

Need - The degree to which the applicant has demonstrated:

- serious public health, welfare or safety conditions, as attested by third party documentation (e.g. consent orders, engineering reports, test results);
- that NYS CDBG funds are necessary to undertake the project and the community is unable to secure sufficient funding or assistance through other methods or resources, including other public funding.

Impact - The degree to which the applicant has demonstrated:

- that the proposed project is affordable, viable, and sustainable over the longterm, is of appropriate capacity for the demand, and addresses the need;
- the impact of NYS CDBG funds on the reduction of the debt burden, connection fees, and annual water/sewer fees on LMI households;
- that the proposed project supports a "Smart Growth" development strategy in accordance with the New York State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010).

Financial Capacity - The degree to which the applicant has demonstrated:

- that the project cost is financially feasible and includes the cost associated with regulatory compliance;
- that leveraged funds are available and committed, including CDBG program income generated from previously funded HUD and NYS CDBG projects, and there are not gaps in funding;
- that the costs of program delivery and administration are reasonable and based on the work to be performed, as detailed in the application;
- a financial and administrative plan for future maintenance and operations.

Public Facilities:

Need - The degree to which the applicant has demonstrated:

- a need and market for the project and the services to be provided;.
- that NYS CDBG funds are necessary to undertake the project and the community is unable to secure sufficient funding or assistance through other methods or resources, including other public resources.

Impact - The degree to which the applicant has demonstrated that:

- the proposed project has long-term affordability, viability and sustainability, is appropriate in terms of capacity, and addresses the need;
- the project design includes components accommodating mobility, visual, and auditory handicaps where relevant.

Financial Capacity - The degree to which the applicant has demonstrated:

- that the project cost is financially feasible and includes the cost associated with regulatory compliance;
- that leveraged funds are available and committed including CDBG program income generated from previously funded HUD and NYS CDBG projects;
- that the costs of program delivery and administration are reasonable and based on the actual work to be performed as described in the application;
- a financial and administrative plan for future maintenance and operations.

Additional Project Assessment Criteria

In addition to evaluating applications in accordance with the project assessment criteria listed above for each of the funding categories, applicants will be evaluated on the following criteria:

Administrative Capacity - The degree to which the applicant has demonstrated:

- a clear understanding of the program requirements and measures to ensure compliance of the program requirements, including applicable Federal and State regulations, such as environmental, lead-based paint, labor standards, historic preservation, and procurement;
- that no impediments exist, or the degree to which all potential impediments, such as regulatory compliance, community support, site control (i.e. easements, acquisition etc.), and permits and clearances, have been addressed;
- project readiness and the ability to implement the program upon award;
- the ability to complete the proposed project/program within the 24-month term of the grant agreement.

Prior Performance - The degree to which the applicant has demonstrated:

- the successful completion of prior projects as proposed and per the grant agreement;
- the number of project extensions requested and the reasons for extensions;
- monitoring findings and concerns and the timeframe in which they were resolved;
- status of current grants (expenditure rate, suspension of funds, adherence to program schedules);
- the ability to resolve grant administration issues in a timely manner and to address the issues for all grants and Program Years.

Smart Growth Legislation (Chapter 433 of the Laws of 2010) –

Please note that the Housing Trust Fund Corporation is subject to the State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and must, to the extent applicable, make funding decisions consistent with the provisions of the Act.

H. Submission Information

Applicants must submit an original and one copy of an application to OCR by the submission deadline to be considered for funding. **Applications must be postmarked no later than June 30, 2014, or delivered no later than 5:00 p.m. on the deadline date.**

Applications must be received at:

NYS Homes and Community Renewal
Office of Community Renewal
Hampton Plaza
38-40 State Street, 4th Floor
Albany, NY 12207

In the interest of fairness to all competing Applicants, the above-stated application deadline is firm. Applications received after 5:00 p.m. on, or postmarked after, June 30, 2014 will be deemed ineligible. Applicants should take this into account and make the necessary arrangements to adhere to the deadline and avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery related problems.

I. Technical Assistance

Prior to the application deadline, OCR will provide technical assistance regarding the application, proposed projects, and program regulations to Applicants upon request. Potential applicants with questions regarding the application and/or the NYS CDBG Program should call 518-474-2057 for assistance.

J. Corrections to Deficient Applications

Under no circumstances will unsolicited information from an Applicant or its representative regarding the application be accepted after the application deadline has passed. Applicants may be advised of technical deficiencies in applications and may be permitted to correct those deficiencies. A technical deficiency is an error or oversight which, if corrected, would not alter, in a positive or negative fashion, the review and/or rating of the application. Examples of curable technical deficiencies could be the failure to submit an application form or failure to submit an application containing an original signature. Applicants will be notified in writing of any curable technical deficiencies in an application. **Applicants will have 10 business days from the date of OCR's correspondence to reply and correct the deficiency. If the deficiency is not corrected within this timeframe, Applicants are at risk of their application being deemed incomplete.** If necessary, Applicants may be requested to submit additional information for clarification of material **contained** in the application.

K. Procuring for Professional Services

1. Consultants

Applicants may elect to contract with a consultant for the preparation of an application and/or for the administration of a NYS CDBG funded project.

Before selecting a consultant, engineer, architect or other professional to assist in the preparation of an application, please consider the following:

a. **"Loss-Leader" Arrangements –** Loss-leader arrangements, in which consultants offer to prepare a grant application or make preliminary engineering designs and estimates at reduced rates or at no cost, in return for receiving a contract for program delivery and/or administration if the application is funded, are prohibited by Federal regulations. Applicants may find this approach attractive because costs they bear prior to the award of NYS CDBG funding, such as application preparation or preliminary engineering studies, are not reimbursable from the NYS CDBG grant. However, **loss-leader arrangements violate Federal regulations, which require "maximum open and free competition."**
b. **Selection of Engineers or Administrative Consultants Prior to Grant Award –** Some Applicants may wish to procure the services of a consultant or engineer to assist with grant application preparation, preliminary engineering, and administration/program delivery, using one procurement process to obtain all the services. This approach is permitted by HUD regulations, as long as Federal procurement procedures found at 24 CFR Part 85 are complied with.

For NYS CDBG funded professional services, the selection of a consultant must be conducted in a manner so as to provide maximum open and free competition**.** The provisions of OMB Circular A-87 and applicable State, Federal (24CFR 85.36) and local laws govern the procurement of professional services. **The selection of consultants must be completed according to the Federal procurement regulations if NYS CDBG funds will be used for payment of the professional services**. Professional services that are not procured in compliance with the Federal procurement regulations are ineligible CDBG expenditures and will not be reimbursed for payment. **For non-CDBG funded professional services, such as services for the preparation of the application, Applicants must follow their local procurement policies**. Use of NYS CDBG funds for the preparation of the 2011 application is not an allowable use of program funds. Regardless of the funding source used to pay for professional services, written agreements must be executed between the parties detailing all responsibilities, standards and fees. For additional information on procuring professional services, reference Chapter 1 and 4 of the OCR Grant Administration Manual, which is available on the OCR website, www.nyshcr.org.

Applicants that elect to use a professional service contractor for both grant application preparation and administration of the program are encouraged to consider issuing one Request for Proposals (RFP) for these services, even though the services may be funded by different funding sources. Issuing one RFP for both of these services typically helps to reduce the amount of start-up time needed after award. Applicants choosing to issue one RFP for these services must comply with the Federal procurement requirements **if any portion of the services will be funded with NYS CDBG funds**. Communities should also be aware when soliciting for professional services, while permissible under State law; Federal requirements restrict the use of a Request for Qualifications (RFQ) process to hiring for engineering or architectural services only. Other procurement for professional services would generally be expected to be done through an RFP process.

2. Subrecipients

Applicants may decide to use a Subrecipient to carry out the NYS CDBG funded activity, including the administration and/or program delivery tasks required to administer programs such as housing. There are typically two kinds of Subrecipients:

- Governmental non-profits, which are public agencies, commissions, or authorities that are created by the Recipient (such as a housing authority or water supply district). They also may have been created by a consortium of municipalities, such as a county or multi-county sewer authority;

- Private non-profits, which are incorporated under the non-profit statutes of state law and frequently have IRC 501(c)(3) status, providing specific services in areas such as job training, day care, housing, community development, homeless shelters, mental health centers, industrial development, etc.

A Subrecipient is an organization that is directly provided NYS CDBG funds for its use in carrying out previously agreed upon eligible activities. In order to be considered a Subrecipient, NYS CDBG funds must flow through the organization. This means that a Recipient must draw funds from OCR and then grant those funds to the Subrecipient who will then pay the vendors and grant funds from their bank account.

Federal procurement standards do not apply to the selection of a Subrecipient. The Recipient and the Subrecipient must enter into a written agreement. The agreement must remain in effect during the period that the Subrecipient has control over NYS CDBG funds, including program income. For additional information on Subrecipients, reference Chapter 1 of the OCR Grant Administration Manual, which is available on the HCR website, www.nyshcr.org.

IV. APPLICATION INSTRUCTIONS

A. Submission Instructions

Applicants wishing to be considered for funding must submit an original and one copy of an application by the deadline. **Applications must be postmarked no later than June 30, 2014 or delivered to OCR's office no later than 5:00 p.m. on June 30, 2014.** This deadline is firm and any applications received after 5:00 p.m. on, or postmarked after, June 30, 2014 will be deemed ineligible. Please note additional information which would enhance competitiveness will not be accepted after the application deadline.

Applications must be received at: **NYS Homes and Community Renewal**
Office of Community Renewal
Hampton Plaza
38-40 State Street, 4th Floor
Albany, NY 12207

Applicants are strongly advised to thoroughly read the application, review the requirements of the NYS CDBG program and observe all of the application requirements. Applicants seeking consideration for funding must comply with **all** requests for information including completion of all required forms, providing descriptions, narratives and exhibits. **All parts of the application and required exhibits must be completed in full for the application to be successfully evaluated. Required information that is not provided in the application <u>will have a negative impact</u> on the evaluation of the application**. It is the Applicant's responsibility to provide OCR with an application that is clear, concise, well-organized and that provides all of the information requested. Applications should be submitted accordingly:

- An **<u>original</u>** and **<u>one copy</u>** of the application.
- The copy bound in an appropriate sized 3-ring binder and the original application bound by rubberband.
- The name of the applicant identified on the front cover of both copies and the binding of the bound copy of the application.
- Each application must include a Table of Contents that identifies each section, form, and exhibit of the application and corresponding page numbers. **Applicants should organize their application according to the Submission Checklist on page 14.**
- **Each section, form, and exhibit of the application must be clearly identified and tabbed as required and identified in the Table of Contents.**
- All pages including the exhibits must be numbered in sequence at the bottom of each page.
- All materials that contain information that can specifically identify a household and/or person must be located in a section of the application labeled "**Confidential Information**" (e.g. income surveys, maps, documents containing names and/or addresses, photographs).

B. Submission Checklist

Applicants should use the Submission Checklist below when putting their application together (content and order). **This list is not all inclusive**; therefore Applicants may need to include additional materials in their application.

Forms*:

- ☐ 1 - Applicant Program Information
- ☐ 2 - Community Development Proposal
- ☐ 3A-6A - Activity Specific Proposal
- ☐ 3B-6B - Activity Detail for each activity proposed
- ☐ 7 - Project Budget
- ☐ 7A - Other Funding Sources
- ☐ 8 - Grant/Loan Portfolio
- ☐ 9 - CDBG Program Income Summary
- ☐ 10 - Applicant Disclosure Report
- ☐ 11 - Certifications

Exhibits:

- ☐ Public Hearing Notices
- ☐ Evidence of National Objective Compliance
- ☐ Survey Methodology
- ☐ Sample Income Survey Instrument
- ☐ Sample of Income Surveys
- ☐ Summary of Income Survey Data
- ☐ Sample Housing Conditions Survey Instrument
- ☐ Summary of Housing Conditions Survey
- ☐ Sample of Housing Conditions Surveys
- ☐ Purchase Agreements (site control)
- ☐ Maps (as required)
- ☐ Lead-Based Paint Plan
- ☐ Exhibit 2-3A Certificate of SEQRA Classification*
- ☐ SEQRA Short Form (For Unlisted and Type II Actions Only)
- ☐ Confidential Materials (Materials that identify a specific person, household or address. For example, surveys, applications, photographs and etc.)
- ☐ Commitment Letters or letters of application
- ☐ A cooperation agreement and a resolution authorizing an Applicant to submit an application on behalf of a unit of local government
- ☐ A cooperation agreement and a resolution authorizing a joint application and one of the units of local government as the primary applicant
- ☐ Letters of Support

***Fillable forms are located at http://nysdhcr.gov/Forms/NYS-CDBG/.**

FORM 1 – APPLICANT/PROGRAM INFORMATION

1 – 5. **Applicant Information, Applicant Contact Person, Application Preparer, Grant Administrator and Applicant Political District Information**. Enter as requested. Applicants submitting joint applications or applications on behalf of a unit of local government must include, as an exhibit, a cooperation agreement and a resolution authorizing the Applicant to submit a joint application or an application on behalf of the unit of local government.

DUNS numbers are required for all municipalities. A DUNS number can be obtained from www.dnb.com or by calling 1-800-234-3867.

6. **Type of Activity.** Check the box that identifies the type of activity(ies) for which funds are being requested.

7. **Program Information.** Enter the name of the program or activity for identification purposes (e.g. Hamlet of Gifford Hollow Housing Rehabilitation Project) and the location of the program (e.g. address, target area boundaries). Check the appropriate box to identify whether the project is a specific address, community-wide, in a Census tract and block group, or in a target area. Enter the Census Tract and Block Group Number(s) benefiting from the project. If the entire Census tract is benefiting, enter only the Census tract number.

8. **Citizen Participation.** Select the box indicating that copies of the public hearing notices are attached and indicate the exhibit location.

FORM 2 – COMMUNITY DEVELOPMENT PROPOSAL

Each applicant must submit a community development proposal in its entirety. The form presented in this application kit is for reference only. The actual form, with sections to be completed, will be presented in the fillable forms version available from http://nysdhcr.gov/Forms/NYS-CDBG/.

FORM 3A-6A – ACTIVITY SPECIFIC PROPOSALS

Each applicant must submit a proposal form for **each** activity being proposed. Forms that are not applicable to your project should not be submitted.

FORM 3B-6B – ACTIVITY DETAIL

Each applicant must submit an Activity Detail Form for **each** activity proposed. Forms that are not applicable to your project should not be submitted.

FORM 7 – PROJECT BUDGET

Applicant Name. Enter the name of the applicant.

List of Activities. Enter descriptive **names** for each of the proposed activities. **Do not provide a detailed description of the activity in this section, only the name of the activity.** The activity number and name of the activities should be used consistently throughout the application when referencing an activity. Single-unit and multi-unit (2 or more units in a building) housing activities are two separate activities and must be listed as such. A lateral connection activity for individual LMI households that is part of a larger public sewer/wastewater and public water project is a separate housing activity and must be listed as such and, if applicable, as separate activities for single unit and multi-unit lateral connection assistance.

Program Delivery. For **each** activity listed, enter the program delivery costs associated with that activity. Program delivery, grant administration and engineering (design) costs **cannot exceed 18%** of the total CDBG grant award requested. Refer to Appendix C, Grant Administration and Program Delivery Costs for guidance.

National Objective Code. For each activity, enter the National Objective Code that corresponds with the National Objective being claimed for that activity**. Each activity must meet a National Objective. Only one National Objective can be selected for each activity.** Refer to the chart below and the Federal regulation set forth at 24 CFR 570.08 for guidance on the appropriate National Objective codes and beneficiaries type.

Each activity proposed **must satisfy the requirements of the National Objective selected and evidence of compliance must be submitted** with the application as an exhibit, as requested in the Additional Requirements Section A, National Objective Compliance. **If satisfactory evidence of compliance with a National Objective is not provided, the proposed activity will be considered ineligible and will not be considered for funding.**

PROJECT TYPE	NATIONAL OBJECTIVE CODES AND BENEFICIARIES				
	LOW- AND MODERATE-INCOME			SLUMS AND BLIGHT	
	LMH	LMA	LMC	SBA	SBS
Housing And Residential Water and Wastewater	Households				
Public Infrastructure and Public Facility		Persons	Persons	Persons	Persons

LMH – Low/Mod Housing direct benefit: activities that are carried out for the purpose of providing or improving permanent residential structures, which will be occupied by low/mod income households. 24 CFR 570.208(a)(3)

LMA – Low/Mod Area benefit: the service area identified for activities is primarily low/mod income. 24 CFR 570.208(a)(1)

LMC – Low/Mod Limited Clientele benefit: activities that benefit a limited clientele as identified in 24 CFR 570.208(a)(2)

SBA – Slum/Blight Area benefit: activities that address prevention or elimination of slums or blight in a designated area. 24 CFR 570.208(b)(3)

SBS – Slum/Blight Spot basis: site-specific activities that address conditions of blight or physical decay. 24 CFR 570.208(b)(2)

CDBG Funds Requested. Enter the amount of NYS CDBG funds being requested for each activity listed.

Other Funding Sources. If there are other funding sources financing the proposed activities, complete Form 7A before proceeding with the completion of this form. For each of the other funding sources listed on Form 7A, enter the number associated with the funding source (the number to the left of the name of the funding source on Form 7A) and the amount of funding allocated from that source for the proposed activity.

Total of Other Sources. For each activity, the amount of other funding sources allocated to the activity.

All Sources Total. For each activity, the total of all funding sources (the amount of CDBG requested and the total of other sources).

Total Amount for Engineering. Enter total cost of engineering services for the project.

Grant Administration. Enter the amount of administration and program delivery funds allocated to the project from the State CDBG funds requested and the total of other funding sources. Program delivery, grant administration and engineering costs **may not exceed 18%** of the total CDBG grant amount. **Refer to Appendix D, Grant Administration and Program Delivery Costs, for a list of eligible costs.**

Total Amount of Program Delivery (1A – 5A). Total amount of the funding allocated for program delivery.

Total Amount of Funding. Total of all funding sources.

% of Total Project Cost. Calculate and enter the percentage of each source of funding representing the total project cost.

FORM 7A – OTHER FUNDING SOURCES

Applicant Name. Enter the name of the applicant.

Name of Funding Source. List the name of the other funding sources including the name of the entity and program providing the funding (e.g. HCR/OCR – HOME, HCR – Weatherization, HCR/OCR-NYMS, HCR/OCR - AHC, EFC – DWSRF, CWSRF).

Amount of Funding. Enter the amount of funding allocated for the proposed activity.

Source of Funding. Identify the source of funding code (Federal, State, private, local or other) by entering the corresponding source code, which is located at the bottom of the form.

Type of Funding. Identify the type of funding code (loan, grant, tax credits, equity, private contribution, or program income) by entering the appropriate funding code located at the bottom of the form.

Interest Rate and Term. Enter the interest rate and loan term of the funding.

Funding Status. Identify the status of the funding (committed or application is submitted and notification is pending) by entering the appropriate funding status code located at the bottom of the form.

Date Available or Decision Date. Enter the anticipated date funding will be available for the proposed project or a decision will be made on an application for funding.

Provide a description of the proposed budget in the section provided on Form 7A. Applicants must attach, as an exhibit, letters of application or commitment from each funding source excluding NYS Homes and Community Renewal funding sources**.**

While OCR encourages the co-funding of projects with other Federal and State funding agencies including HCR programs, OCR does not guarantee funding nor will funds from one source simply be used to replace funds from another. Applicants considering a project co-funded with HCR's resources should reference HCR's Co-funding Initiative (page 4). For all co-funded proposals, Applicants must demonstrate that **all** of the funding sources are needed to reach the affordability threshold of the beneficiaries. All financial resources must be available and committed at the time of award

FORM 8 – COMMUNITY DEVELOPMENT GRANT/LOAN PORTFOLIO SUMMARY

Applicants must report all open community development projects grants or loans being administered by and for the Applicant. The grants and loans reported cannot be limited to monies related to the proposed project. Complete the following for each open grant or loan:

Applicant Name. Enter the name of the applicant.

Funding Agency. Enter the name of the funding agency (e.g. HCR, EFC, RD).

Name of Funding Source. Enter the name of the funding source (e.g. HOME, AHC, DWSRF).

Source Type. Indicate whether or not the source is State, Federal or Local.

Type of Activity Funded. Provide the type of activity funded (e.g. housing rehabilitation).

Award Amount. Enter the total amount of the award.

Balance. Enter the remaining balance of the award.

Contract.
Effective Date: Enter the effective date of the grant or loan agreement with the funding agency.
Term: Enter the term of the grant or loan agreement.

Name of Local Administrator/Administering Agent. Enter the name of the person or organization responsible for administering the funding.

FORM 9 – CDBG PROGRAM INCOME SUMMARY

Each Applicant with program income (income generated from CDBG funded projects that in total exceeds $25,000 in one program year) from either HUD Administered or New York State Administered CDBG grants must provide a summary of the program income on hand. Complete the following for each activity that generated program income:

Applicant Name. Enter the name of the Applicant.

Source of Program Income.
Type of Activity: Enter the type of activity generating program income (e.g. housing rehabilitation).
Activity/Number: Provide the HUD or OCR assigned activity or project number.
Source Code: Identify whether the program income was generated by HUD (F) funding or OCR (S) funding.

Eligible Use of Program Income. Describe the approved use(s) for the program income.
Total Revenue Generated. Enter the total amount of program income generated to date by the activity.

Total Amount Re-loaned or Re-granted. Enter the total amount that has been re-granted or re-loaned.

Current Balance on Hand. Provide the total amount of funding that is currently available.

If a project is awarded NYS CDBG funds and it is determined that an Applicant has not reported program income and that income is available to be used toward the cost of the proposed project, the Applicant is at risk of termination of their grant agreement and the recapture of all disbursed NYS CDBG funds.

FORM 10 – APPLICANT/RECIPIENT DISCLOSURE/UPDATE REPORT

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531, P.L. 101-235 approved 12-15-89) and HUD implementing regulations at 24 CFR Part 12 contain disclosure requirements for State CDBG Applicants and Recipients. Subpart C of 24 CFR Part 12 requires Applicants for state-administered CDBG funds to make a number of disclosures if they meet a dollar threshold for the receipt of certain covered assistance. All Applicants applying for NYS CDBG funds must complete Form 11, which requires all Applicants to submit a Disclosure Report with their application.

The following must make full Disclosure Reports:

1. Any Applicant applying for more than $200,000 of NYS CDBG funds.

2. Any Applicant applying for less than $200,000 of NYS CDBG funds, but has received or could receive other covered assistance which when added to the NYS CDBG funds exceeds $200,000.

An applicant that is applying for NYS CDBG funds amounting to $200,000 or less, and that will not be receiving other covered assistance, is not required to make full disclosures, but must partially complete and submit the Applicant/Recipient Disclosure/Update Report with its application.

Guidance Regarding Disclosures

A. Initial Reports

Applicants that are required to submit full initial reports must disclose the following:

1. Other government assistance (Federal, State and/or local) that is to be used in conjunction with the NYS CDBG project.

2. The pecuniary interest of any developer, contractor, or consultant involved in the application for NYS CDBG assistance or in the planning, development, or implementation of the CDBG project.

3. The pecuniary interest of any other person in the project, which exceeds $50,000 or ten percent, whichever is lower, of the NYS CDBG assistance applied for.

4. The sources of all funds to be used in the project (including those sources identified for Item 1 above) and the uses to which these funds are to be placed.

B. Update Reports

Subsequent to the submission of NYS CDBG applications, Applicants/Recipients that are required to submit full initial reports are required to submit updated Disclosure Reports when any of the following occur:

1. The Applicant/Recipient discovers that information was omitted from its initial report or last update report.

2. Additional persons or entities can be identified as interested parties. These are persons or entities that did not have a pecuniary interest when the initial or last update report was submitted, but who can now be identified as having a pecuniary interest that is required to be reported.

3. There is an increase in the amount of pecuniary interest of a person or entity identified in the last report, if this increased pecuniary interest is more than $50,000 or 10%, whichever is lower, of the pecuniary interest for that person or entity listed in the initial or last update report.

4. There is a change in other government assistance from that which was provided in the last report. An updated report must be submitted if the total amount of other assistance reported in the initial or last update report has increased by $250,000 or 10%, whichever is lower.

5. There is a change in the source and/or use of funds from that which was provided in the initial or last update report that exceeds the amount of all previously disclosed sources and/or uses of funds by $250,000 or 10%, whichever is lower.

Recipients must constantly monitor their projects to ensure that an updated Disclosure Report is submitted within 30 days of any change that meets one of the five criteria discussed above. Updated reports are required until the project is closed out.

FORM 11 – CERTIFICATIONS

Sign and date the Form.

ADDITIONAL REQUIREMENTS

A. National Objective Compliance

As an exhibit to the application, **Applicants must demonstrate compliance with a National Objective**. The following list outlines the acceptable documentation to be submitted for the two acceptable National Objectives:

Benefit to Low- and Moderate-Income (LMI) Persons:

1. Summary of Census and/or survey data, sample survey instrument and completed surveys (survey documentation must maintain client confidentiality) used to determine eligibility including the documentation outlined in Additional Requirements - Section B. Surveys.
2. Evidence that housing units to be assisted are occupied by low- and moderate-income persons or, in the case of multi-unit rehabilitation, that at least 51% of the units are occupied by low- and moderate-income persons; or
3. Evidence the benefit is to a Limited Clientele.

Prevention or Elimination of Slums and Blight:

1. **Documentation officially designating areas of slums and blight, including the year of designation;**
2. A map of designated area;
3. Provide the number of structures in area and the total number of structures thatare dilapidated;
4. Describe the conditions that lead to a determination of slums and blight;
5. Describe the Applicant's plan to eliminate the conditions that lead to a determination of slums and blight.

Additional information on National Objective Compliance can be found at http://www.hud.gov/offices/cpd/communitydevelopment/library/stateguide/index.cfm.

B. Surveys

The Primary Objective of the NYS CDBG program is to benefit LMI persons. This objective requires that at least 70 % of New York State's CDBG funds be allocated to activities which meet the National Objective of benefitting LMI persons. For an area benefit activity to qualify as benefiting LMI persons, at least 51 % of the persons benefiting from the activity must be LMI persons. For a direct benefit activity to qualify as benefiting LMI persons, the household income of the beneficiary must not exceed 80% of the area median income. LMI benefit must be calculated, presented and supported in the application. To demonstrate compliance with the LMI National Objective, applicants must support their claim with an income survey or Census data.

1. Income Surveys

If claiming the Area Benefit National Objective (LMA), the boundaries of the area being served must coincide with the Census Tract or Block Group boundaries in order for Census data to be used in lieu of income survey data. Census data cannot be rounded up. If the Census data shows that the percent of LMI persons is less than 51 % (e.g. 50.6), this figure cannot be rounded to 51 %.

When an Applicant claiming an area benefit activity determines that the Census data does not accurately or strongly substantiate need or compliance with the Primary and National Objectives, or the LMI percent is not available for a specific area, an Applicant may survey the benefiting area.

The purpose of an income survey is to request income data from the beneficiaries of the proposed project to determine eligibility and in some cases to make estimates about the percentage of the total population that may be LMI. In order to ensure that the estimates are reasonably accurate, the survey sample must be of an adequate size and randomly selected. Surveys must be representative of all families in the entire area and based solely upon income and family size. Claims based on other data such as housing values will not be accepted. **Data from surveys conducted more than 24 months prior to the date of the 2011 NOFA will not be accepted**. The survey must include the entire universe, which is all households including occupied, vacant and seasonal housing units. Applicants should refer to Appendix D, LMI National Objective Compliance Requirements for guidance.

Applicants who use a third party to conduct an income survey must obtain the survey instrument, the surveys and all related information including the process followed to conduct the survey and retain the documentation in their files, regardless of funding.

If an income survey is conducted to substantiate compliance, the application must include, as an exhibit, a description of the survey methodology used, a copy of the survey form, income scales, income distribution tables, a sample of the surveys, and a completed survey tabulation form. Copies of the completed surveys must be included in the application in a tabbed section labeled, "Confidential Materials." Applicants are strongly advised to inform survey participants that the information collected is confidential and is not subject to the Freedom of Information Act.

2. Housing Conditions Surveys for Housing Rehabilitation Projects

In order to determine the condition of the housing in the project area proposed for rehabilitation, Applicants must conduct a housing conditions survey. Typically, persons skilled as Rehabilitation Specialists conduct the housing condition survey. Familiarity with building codes, Housing Quality Standards and housing construction are required to assess the condition of a house to determine the level of substandardness. Applicants must substantiate the level of substandardness for housing being considered for funding using the definitions of housing conditions located in Appendix G, Determination of Substandard.

Applicants must include, as an exhibit in the application, a map identifying the area surveyed, the houses that are of substandard or dilapidated condition, and a summary of the overall results of the survey including, but not limited to:

a. The number of units in the project area;
b. The number of units surveyed;
c. The number of units surveyed that are rental or owner occupied;
d. The number of units that meet the conditions: standard, severely substandard, moderately substandard, and dilapidated;
e. The number of units surveyed that are occupied by LMI persons for each housing condition;
f. The number of vacant units for each housing condition;
g. Other blighting conditions within the project area; and
h. A representative sample of the housing surveyed including details of the condition of the housing unit(s) (e.g. leaking roof, exposed wiring, foundation cracked).

3. Racial/Ethnic Composition Data

HUD requires racial/ethnic composition data be collected for all beneficiaries of the NYS CDBG Program for input into HUD's Integrated Disbursement Information System. This data is reported to HUD in the State's Annual Performance Report. Even though racial/ethnic data is not required as part of this application, it is required for completion of the Recipient Annual Performance Report, Form 3-1, which must be completed by every NYS CDBG Recipient annually. Applicants may choose to collect the racial/ethnic composition data from potential program participants during the survey and application intake stages. The following chart represents the racial and ethnic categories designated by HUD and how they should be reported.

Racial/Ethnic Composition		
Racial Categories (HUD Designated)	**Racial Group**	****Hispanic**
	Total # Of	**Total # Of**
White		
Black/African American		
Asian		
American Indian/Alaskan Native		
Native Hawaiian/Other Pacific Islander		
American Indian/Alaskan Native And White		
Asian And White		
Black/African American And White		
American Indian/Alaskan Native & Black/African American		
Other Multi-Racial		
Totals		

** HUD has designated Hispanic as an ethnic group, which is applicable to all races. A household or person may be identified as both a member of a racial group and an ethnic group.

C. State Environmental Quality Review (SEQR) Compliance

Applicants must conduct an assessment to determine the SEQR Classification of the proposed activities. If the Applicant determines the SEQR classification to be an Unlisted or Type II Action, the Applicant must complete Short Environmental Assessment Form (Short Form) and include it as an exhibit to the application. Additional information on SEQR including the SEQR Short Form can be found at: http://www.dec.ny.gov/permits/6191.html.

OFFICE OF COMMUNITY RENEWAL
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
2013 REDC CFA COMMUNITY RENEWAL FUND

FORM 1 – APPLICANT/PROGRAM INFORMATION

1. APPLICANT INFORMATION

Applicant Name: _____County: _____

Address: _____

_____Zip Code: _____

Telephone #: _____ Fax #: _____ E-Mail: _____

Chief Elected Official Name: _____ Title: _____

Type of Applicant: ☐ County ☐ Town ☐ Village ☐ City

REDC Region: ☐ Mohawk Valley ☐ Southern Tier

Federal Identification Number: _____ Fiscal Year- End Date: _____
(Month/Day)

DUNS # _____

☐ County Application on Behalf of _____
Legal Name of Municipality

☐ Joint Application with _____
Legal Name of Municipality

2. APPLICANT CONTACT PERSON (IF NOT THE CHIEF ELECTED OFFICIAL)

Name: _____ Title: _____

Address: _____

_____Zip Code: _____

Telephone #: _____ Fax #: _____ E-mail:_____

3. APPLICATION PREPARER (REQUIRED)

Name: _____ Title: _____

Organization: _____

Address:_____

_____ Zip Code: _____

Telephone #: _____ Fax #: _____ E-mail:_____

4. GRANT ADMINISTRATOR ☐ Consultant** ☐ Subrecipient ☐ Municipal Staff

Name: _____ Title: _____

Organization: _____

Address: _____

_____ Zip Code: _____

Telephone #: _____ Fax #: _____ E-mail: _____

5. APPLICANT POLITICAL DISTRICT INFORMATION

United States:

House of Representatives: Member's Name: _____ District #: _____

Member's Name: _____ District #: _____

New York:

Assembly: Member's Name: _____ District #: _____

Member's Name: _____ District #: _____

Member's Name: _____ District #: _____

Senate: Member's Name: _____ District #: _____

Member's Name: _____ District #: _____

Member's Name: _____ District #: _____

6. TYPE OF ACTIVITY (CHECK ALL THAT APPLY)

HOUSING: ☐ Housing Rehabilitation ☐ Homeownership ☐ Residential Water/Wastewater System Assistance (well and septic replacement/lateral connections) ☐ Mobile Home Replacement

***PUBLIC INFRASTRUCTURE*:** ☐ Sidewalks, streets, water and sewer improvements, open space flood control and storm water drainage

PUBLIC FACILITIES: ☐ Public Facility (community centers, senior centers, etc.)

7. PROGRAM/PROJECT INFORMATION

Name of Program/Project: _____

Location: _____

Location Type: ☐ Specific Address ☐ Community-Wide ☐ Census Tract/Block Group ☐ Target Area*

* ☐ Target Area Map in Exhibit _____

Required for all Location Types:

Census Tract(s)/Block Group(s) of Location: _____/_____ _____/_____ ____/____ _____/_____ ____/_____

8. CITIZEN PARTICIPATION: ☐ Public hearing notices as published in the newspaper, in Exhibit _____

**Federal procurement requirements may be applicable, 24 CFR 85.36

FORM 2 – COMMUNITY DEVELOPMENT PROPOSAL

The proposal must be clear, concise and labeled accordingly. It must on letter- sized paper in Times New Roman 12 point font size and not exceed 5 pages.

A. Community Development Need Description

1. Describe the need(s) to be addressed by the proposed project. **The description must provide sufficient detail to clearly describe the need(s) to be addressed in terms of the nature, scope, location, current conditions** (quantifiable terms such as the condition of the housing/water/wastewater systems, inadequate provision or lack of facilities and services) the extent of the problem **and past efforts to resolve the need(s) and any limitations on funding or other resources to address identified issues.**

2. Describe how the proposed project addresses an outcome(s) of the community needs assessment survey and/or plan(s) and explain why the proposed project is the best approach to addressing the need identified. If the proposed project does not address an outcome of the survey and/or plan briefly explain how it complements the plan and/or a long-range strategy.

3. Explain how the proposed project will support or complement other public (federal, state or local) programs or projects such as public infrastructure, works and facility; housing; economic development and main street revitalization, particularly those that benefit directly or indirectly LMI persons. Include as an exhibit any third party supporting documentation.

B. General Project/Program Description

1. Provide a detailed description of each activity proposed including quantifiable information and any unique aspects of the proposal, the impact of the project to the community at large including the beneficiaries of the project. Examples of quantifiable information are the number of grants and loans to be issued and the terms and conditions, the length and diameter of water or sewer lines, and, number, size and type of buildings/homes/laterals, etc. Where applicable, indicate who will own, operate and maintain the proposed improvements.

2. Describe how the project will be implemented to ensure the goals and impact identified in the application. Where applicable, explain how the project reduces risks to the health, welfare or safety of the beneficiaries.

3. Describe the method used to determine the best approach and cost-effective method to address the need. List the sources and dates of third-party cost estimates including any special features that will result in an unusual or a costly design. Cost estimates must be no more than 18 months old and specific to the project being proposed.

4. Describe any efforts taken to secure alternative or additional funds from other public and private sources. Explain the positive impact of the NYS CDBG funds on the total cost of the project and to the beneficiaries of the project and why NYS CDBG funds are required to carry out the proposed activity.

5. Describe any compliance actions (regulatory such as historic and/or environmental requirements, design, approvals and permits) undertaken prior to submitting this proposal.

6. Provide a brief description of how the program will be administered including the roles of the individuals involved in the administration and delivery of the program.

FORM 3A – HOUSING REHABILITATION PROPOSAL

The proposal must be clear, concise and labeled accordingly. It must on letter-sized paper in Times New Roman 12 point font size and not exceed 2 pages.

1. Describe the eligibility requirements and selection process for applicants including the process for verifying participant eligibility, prioritizing eligible applicants, eligible properties and activities. Include any unique program design features or additional support provided to the applicants and/or beneficiaries that may improve the likelihood of success and long-term sustainability.

2. Indicate the amount and describe the form of subsidy to be provided (e.g. loans, grants, deferred loans, etc.) including the proposed maximum grant or loan to be provided and match requirements. Describe the regulatory terms and conditions, and the means of securing compliance during the regulatory term (e.g., lien).

3. Describe the outreach efforts conducted and the marketing plan to be implemented.

4. **For Housing Rehabilitation projects that include rehabilitation of rental units**, describe the method used to determine and sustain affordable rents.

5. Applicants proposing Housing Rehabilitation activities must demonstrate compliance with the Lead-Based Paint regulations by providing, a Lead-Based Paint Plan as an exhibit. Compliance with lead-based paint regulations is based on the activity and the specific level of assistance provided. Applicants need to familiarize themselves with the regulations and the resulting compliance measures. Compliance with lead-based paint will be analyzed during the review process. Only those applications demonstrating compliance with these regulations will be viewed favorably. Failure to address lead-based paint will be considered a major feasibility issue and will impact the competitiveness of the application.

   All NYS CDBG funded housing rehabilitation projects must adhere to the Residential Lead-Based Paint Hazard Reduction Act of 1992, and which can be found at 24 CFR Part 35 and EPA Renovator, Repair and Painting rules at 40 CFR Part 745, as adopted by HUD. These regulations must be carefully followed to ensure that exposure to lead hazards is reduced in any residential property to be rehabilitated or purchased. The regulation can be found at www.hud.gov/offices/lead/.

   HUD has created an Interpretive Guidance that can be used to address many of the questions that have arisen as a result of the implementation of these new regulations. The Interpretive Guidance can be found at www.hud.gov/offices/lead/.

   ☐ Lead Based Paint Plan included in Exhibit _____

6. Applicants proposing housing rehabilitation activities must include sample photographs of the housing conditions to be addressed. To maintain client confidentiality, the photographs should be contained in a confidential information envelope if the photographs identify a particular address or beneficiary.

   ☐ Sample photographs included in Exhibit _____

FORM 3B – ACTIVITY DETAIL - HOUSING REHABILITATION AND RESIDENTIAL WATER AND WASTEWATER ACTIVITIES NATIONAL OBJECTIVE LMH

APPLICANT NAME:

ACTIVITY NAME:

Complete a separate Form 3B for each activity proposed *(Single Unit, Multi-Unit (2 Or More Units in a Building) Wells, Septic/Water Laterals and Meter Installations, Replacement of Mobile Homes).*

Housing Rehabilitation Activity: Number Of Households (HH)/Persons To Benefit From The Activity						
Median Income**	**Severely Substandard***		**Moderately Substandard***		**Totals**	
	# Of		**# Of**		**# Of**	
Owner Occupied Units	**HH**	**Persons**	**HH**	**Persons**	**HH**	**Persons**
0-30% of HAMFI					0	0
31-50% of HAMFI					0	0
51-80% of HAMFI					0	0
81% and Above					0	0
Totals	0	0	0	0	0	0
Rental Units	**HH**	**Persons**	**HH**	**Persons**	**HH**	**Persons**
0-30% of HAMFI					0	0
31-50% of HAMFI					0	0
51-80% of HAMFI					0	0
81% and Above					0	0
No Income – Vacant Unit					0	
Totals	0	0	0	0	0	0

Housing Rehabilitation Activity: Estimated Cost Per Unit				
Unit Type	**Severely Substandard***		**Moderately Substandard***	
	Total # Of Units	**Average Cost Per Unit**	**Total # Of Units**	**Average Cost Per Unit**
Owner Occupied		$		$
Renter Occupied		$		$
Vacant		$		$
Demolition		$		$
Totals	0		0	

For target area housing rehabilitation activities, provide the following income data for the entire target area *(Must Provide the Total # Of Households/Persons in the Target Area):*

For Target Area Projects Only: Number Of Households (HH)/Persons In The Target Area						
Median Income**	**Severely Substandard***		**Moderately Substandard***		**Totals**	
	# Of		**# Of**		**# Of**	
Owner-Occupied And Rental Units	**HH**	**Persons**	**HH**	**Persons**	**HH**	**Persons**
0-30% of HAMFI					0	0
31-50% of HAMFI					0	0
51-80% of HAMFI					0	0
81% and Above					0	0
No Income – Vacant Unit					0	
Totals	0	0	0	0	0	0

* Refer To Appendix G for the Definition of Substandardness

** HAMFI – HUD Adjusted Median Family Income

FORM 4A – HOME OWNERSHIP PROPOSAL

The proposal must be clear, concise and labeled accordingly. It must be on letter sized paper in Times New Roman 12 point font size and not exceed 2 pages.

1. Describe the eligibility requirements and selection process for applicants, including the process for verifying participant eligibility, prioritizing eligible applicants, eligible properties and activities. Include any unique program design features or additional support provided to the applicants and/or beneficiaries that may improve the likelihood of success and long-term affordability and sustainability.

2. Indicate the amount and describe the form of subsidy to be provided (e.g. loans, grants, deferred loans) including the maximum grant or loan to be provided and match requirements. Describe the regulatory terms and conditions, and the means of securing compliance during the regulatory term (e.g., lien).

3. Describe the outreach efforts conducted and the marketing plan to be implemented.

4. Describe the current real estate market, including the rental market and the availability of homes affordable to LMI households.

5. Applicants proposing Housing Rehabilitation activities must demonstrate compliance with the Lead-Based Paint regulations by providing a Lead-Based Paint Plan as an exhibit. Compliance with lead-based paint regulations is based on the activity and the specific level of assistance provided. Applicants need to familiarize themselves with the regulations and the resulting compliance measures. Compliance with lead-based paint will be analyzed during the review process. Only those applications demonstrating compliance with these regulations will be viewed favorably. Failure to address lead-based paint will be considered a major feasibility issue and will impact the competitiveness of the application.

   All NYS CDBG funded housing rehabilitation projects must adhere to the Residential Lead-Based Paint Hazard Reduction Act of 1992, and which can be found at 24 CFR Part 35 and EPA Renovator, Repair and Painting rules at 40 CFR Part 745, as adopted by HUD. These regulations must be carefully followed to ensure that exposure to lead hazards is reduced in any residential property to be rehabilitated or purchased. The regulation can be found at www.hud.gov/offices/lead/.

   HUD has created an Interpretive Guidance that can be used to address many of the questions that have arisen as a result of the implementation of these new regulations. The Interpretive Guidance can be found at www.hud.gov/offices/lead/.

   ☐ Lead Based Paint Plan in Exhibit _____

FORM 4B – ACTIVITY DETAIL – HOME OWNERSHIP NATIONAL OBJECTIVE LMH

APPLICANT NAME:

ACTIVITY NAME:

Homeownership: Number Of Households (HH)/Persons To Benefit From Activity			
	Home Ownership		Counseling
	# Of		# Of
Median Income**	**HH**	**Persons**	**Persons**
0-30% of HAMFI			
31-50% of HAMFI			
51-80% of HAMFI			
81% and Above			
Totals	0	0	0

** HAMFI – HUD Adjusted Median Family Income

Home Ownership: Real Estate Assessment Summary	
	Totals
# Of Persons On Waiting List and/or Demonstrated An Interest In Participating In The Program:	
Of The Homes Available For Sale To LMI Persons In Program Area:	
Number Available And Affordable To LMI:	
Number That Require Rehabilitation:	
Average Cost of Rehabilitation:	$
Price Range of Homes:	$

FORM 5A – PUBLIC INFRASTRUCTURE PROPOSAL – SIDEWALKS/STREETS/FLOOD CONTROL/STORM WATER

The proposal must be clear, concise and labeled accordingly. It must be on letter sized paper in Times New Roman 12 point font size and not exceed 2 pages.

1. Describe the proposed project and explain how the project will be implemented. Provide the following:

   - A description of the benefit to be provided;
   - Evidence of long-term financial support for operations and maintenance of the facility;
   - A description of the type of labor to be employed (municipal or non-municipal);
   - A description of the source of the cost estimates.

2. Provide the name of the owner(s) of the facilities and who will operate them.

3. If the capacity to operate the facilities does not exist among current municipal employees, explain how such capacity will be obtained including the ability to plan for future capital expenditure needs.

4. Explain the status of site control and provide:
   ☐ Copies of purchase agreements or other supporting documentation are included in Exhibit _

5. ☐ Maps are included in Exhibit _____

   Applicant must include maps that clearly demonstrate the following:

   - The boundaries of the service area and location of the proposed activities including street names;
   - The locations of prior NYS CDBG projects that may impact or are impacted by the proposed project;
   - The locations of residential including vacant and seasonal and non-residential properties to be served by Census Tract, Block Group, or geographic quadrant.

FORM 5B – ACTIVITY DETAIL – PUBLIC INFRASTRUCTURE (PUBLIC SEWER/WASTEWATER, AND WATER ACTIVITIES) NATIONAL OBJECTIVE LMA, SBA, SBS

APPLICANT NAME:

ACTIVITY NAME:

For lateral connections activities to be funded with CDBG funds, activity detail Form 3B –Housing Rehabilitation must also be completed. For projects with beneficiaries outside the municipal boundaries, complete a separate Form 5B for these beneficiaries.

Public Infrastructure: Beneficiaries From Activity		
Median Income **	**# Of:**	
Source Of Data: ☐ Income Survey Census***: ☐ Tract ☐ Block Group	**HH**	**Persons**
0-30% of HAMFI		
31-50% of HAMFI		
51-80% of HAMFI		
81% and Above		
No Income – Vacant/Seasonal Units		
Totals	0	0

** HAMFI – HUD Adjusted Median Family Income *** If not coterminous with the service area, a survey must be conducted.

1. What percent of the proposed system is attributable to commercial, institutional and/or industrial use? _____%

2. What percent of the residents in the service area are **seasonal** residents? _____%

FORM 6A – PUBLIC FACILITIES PROPOSAL

The proposal must be clear, concise and labeled accordingly. It must be on letter sized paper in Times New Roman 12 point font size and not exceed 2 pages.

1. Describe the existing facilities (i.e. community and senior rooms and centers, day care centers, clinics) in or near the project area (20 miles), the population served, and the services provided.

2. If there is an existing facility in the project area for the same or similar purpose, explain the need for the proposed facility in relation to the benefiting population, existing facility and services.

3. Describe the facilities and the number of persons proposed to benefit from the facilities and/or the services at the site.

4. Explain how the project will be implemented including:

   - A description of the benefits and services resulting from the project;
   - Evidence of long-term financial support for the facilities and services;
   - A description of the supportive services plan;
   - A description of the type of labor to be employed (work-force labor);
   - A description of the source of the cost estimates.

5. If the capacity to operate the facilities does not exist among current municipal employees, explain how such capacity will be obtained including the ability to plan for future capital expenditure needs.

6. Describe the status of site control:

   ☐ Copies of purchase agreements or other supporting documentation is found in Exhibit _____.

7. Who will own the facilities? _____

   _____

8. ☐ Maps are included in Exhibit _____.

   Applicant must include maps that demonstrate the following:

   - The location of the proposed activities relation to the population to be served;
   - The locations of prior NYS CDBG projects that may impact or are impacted by the proposed project;
   - The location of existing facilities in and near the project area (i.e. community centers, clinics, day care center, senior centers;)
   - For Public Facility projects such as centers or clinics, the locations of existing service points providing similar services as what is being proposed in the application;
   - For Public Facility projects such as centers or clinics, the locations of other public facilities within the service area including the name, type of facility, service provided and population served.

FORM 6B – ACTIVITY DETAIL – PUBLIC FACILITIES NATIONAL OBJECTIVE LMA, SBA, SBS, LMC

APPLICANT NAME:
ACTIVITY NAME:

Public Facilities: Beneficiaries From Activity		
Median Income **	**# Of:**	
Source Of Data: ☐ Income Survey Census: ☐ Tract ☐ Block Group	**HH**	**Persons**
0-30% of HAMFI		
31-50% of HAMFI		
51-80% of HAMFI		
81% and Above		
Totals	0	0

** HAMFI – HUD Adjusted Median Family Income

Will this project include demolition activities? ☐ Yes ☐ No if yes, provide the following:

Demolition Activities	
Building Type	**# To Be Demolished:**
☐ Public Facilities	Facilities:
☐ Residence	Units:
☐ Commercial	Spaces:

FORM 7 – PROJECT BUDGET

APPLICANT NAME:

LIST OF ACTIVITIES (List all proposed activities and list, as a separate activity, the Program Delivery associated with each proposed activity.)		**National Objective Code ***	**CDBG $ Requested**	**OTHER FUNDING SOURCES (must correspond to Form 5A)**				**TOTAL FUNDING**	
				Source #___	**Source #___**	**Source #___**	**Source #___**	**OTHER SOURCES**	**ALL SOURCES**
1								$0.00	$0.00
1A	**Program Delivery**							$0.00	$0.00
2								$0.00	$0.00
2A	**Program Delivery**							$0.00	$0.00
3								$0.00	$0.00
3A	**Program Delivery**							$0.00	$0.00
4								$0.00	$0.00
4A	**Program Delivery**							$0.00	$0.00
5								$0.00	$0.00
5A	**Program Delivery**							$0.00	$0.00
6	**Total Amount for Engineering**							$0.00	$0.00
7	**Grant Administration**							$0.00	$0.00
8	**Total Amount for Program Delivery (Total of 1A -5A)**		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
9	**Total Amount of Funding**		$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$50.00
10	Calculate and enter **% of Total Project Cost**		%	%	%	%	%	%	**100%**

If needed, use additional copies of this page. If additional pages are used, enter the total amount of program delivery, total amount of funding and total project cost on the last page.

* **Refer to the Eligible National Objectives and Beneficiaries Chart in the application instructions for the appropriate National Objective Codes.**

FORM 7A – OTHER FUNDING SOURCES

APPLICANT NAME:

	NAME OF FUNDING SOURCE	FUNDING						
		AMOUNT	SOURCE	TYPE	INTEREST RATE	TERM	STATUS	DATE AVAILABLE OR DECISION DATE
1					0%			
2					0%			
3					0%			
4					0%			
5					0%			
6					0%			

Source of Funding Codes: Federal (F), State (S), Private (P), Local (L), Other (O)
Type of Funding Codes: Loan (L), Grant (G), Tax Credits (TX), Equity (EQ), Private Contribution (PC), HUD Program Income (HPI), State Program Income (SPI).
Funding Status Codes: Committed (C), Application Submitted Notification Pending (AP)

Provide a description of the proposed budget including a discussion of the cost estimates provided, an analysis of program delivery, administration and engineering fees, and all other sources of funding including their status.

☐ Commitment letters or letters of application are included in Exhibit _____

FORM 8 – COMMUNITY DEVELOPMENT GRANT/LOAN PORTFOLIO

APPLICANT NAME:

Funding Agency	Name of Funding Source	Type			Type of Activity Funded	Award Amount	Balance	Contract		Name of Local Administrator/ Administering Agent
		State	Federal	Local				Effective Date	Term	

FORM 9 – CDBG PROGRAM INCOME HISTORY

APPLICANT NAME:

Source of Program Income (NYS CDBG or HUD projects only)						
Type of Activity	**Activity/Project Number**	**Source Code (F, S)**	**Eligible Use of Program Income**	**Total Revenue Generated**	**Total Amount Re-loaned or Re-granted**	**Current Balance on Hand**

Source Code: Federal (F), State (S).

For the program income balance listed above, indicate the status of the funds (e.g. encumbered, committed). If funds are available and are not being used to finance all or part of the proposed project, provide an explanation as to why these funds will not be used for this proposed project:

FORM 10 – APPLICANT/RECIPIENT DISCLOSURE/UPDATE REPORT

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 9/30/2013)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): ( ) -	2. Social Security Number or Employer ID Number: - -
3. HUD Program Name **NYS CDBG PROGRAM**	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).

☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9

☐ **Yes** ☐ **No**.

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties.

You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/ Activity	Financial Interest in Project/ Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:

(1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;

(2) You are updating a prior report as discussed below; or

(3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. Update reports (filed by "Recipients" of HUD Assistance): General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.

All applicants for HUD competitive assistance must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to either question 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance

that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).

4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the appliation for the assistance or in the planning, development, or implementation of the project or activity and
2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

FORM 11 – CERTIFICATIONS

CERTIFICATION REQUIRED BY TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, WITH RESPECT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In accordance with the Title I of the Housing and Community Development Act of 1974, as amended, the Applicant hereby certifies that:

a. It possesses legal authority to make a grant submission and to execute a community development and housing program;

b. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the Applicant to submit the subject application and all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the Applicant to act in connection with the submission of the application and to provide such additional information as may be required;

c. Prior to submission of its application to the Office of Community Renewal (OCR), the Applicant has met the citizen participation requirements at 24 CFR 570.486 and New York State's Citizen Participation Plan as amended;

d. The grant will be conducted and administered in compliance with:

Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 USC 2000d et seq.); and
The Fair Housing Act (Public Law 90-284, 42 USC 3601-20);

e. It will affirmatively further fair housing;

f. It has developed its application so as to give maximum feasible priority to activities, which will benefit LMI families or aid in the prevention or elimination of slums or blight. The application may also include activities, which the Applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. The grant shall principally benefit persons of LMI in a manner that ensures that not less than 70% of such funds are used for activities that benefit such persons;

g. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under section 106 of the Act or with amounts resulting from a guarantee under section 108 of the Act by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

1) Funds received under section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or
2) For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies that it lacks sufficient funds received under section 106 of the Act to comply with the requirements of subparagraph (1) above;

h. Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the applicable laws and regulations found at 24 CFR 570.608;

i. It will minimize the displacement of persons as a result of activities assisted with CDBG funds;

j. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 CFR 570.606 (c) governing the residential anti-displacement and relocation assistance plan under section 104 (d) of the Act (including a certification that the Applicant is following such a plan); and the relocation requirements of 24 CFR 570.606 (d) governing optional relocation assistance under section 105 (a)(11) of the Act;

k. It has adopted and is enforcing:

1) 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
2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction;

l. To the best of its knowledge and belief:

1) No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

3) It will require that the language of this anti-lobbying certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly;

4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

m. It will or will continue to provide a drug-free workplace by:

1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2) Establishing an ongoing drug-free awareness program to inform employees about:

   i. The dangers of drug abuse in the workplace;
   ii. The Applicant's policy of maintaining a drug-free workplace;
   iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
   iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);

4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:

   i. Abide by the terms of the statement; and

   ii. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

5) Notifying the OCR in writing, within ten calendar days after receiving notice under subparagraph (4) (ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4) (ii), with respect to any employee who is so convicted:

   i. Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

   ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposed by a Federal, State, or local health, law enforcement, or other appropriate agency

7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

8) The Applicant may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

   Place of Performance (Street address, city, county, state, zip code)

   _____

   _____

9) Workplaces under grants, for Applicants other than individuals, need not be identified on the certification. If known, they may be identified on the certification. If the Applicant does not identify the workplaces at the time of the application, or upon award, if there is no application, the Applicant must keep the identity of the workplace(s) on file its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the Applicant's drug-free workplace requirements.

10) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g. all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

11) If the workplace identified to OCR changes during the performance of the grant, the Applicant shall inform OCR of the change(s), if it previously identified the workplaces.

12) This certification is a material representation of fact upon which reliance is placed when OCR awards the grant. If it is later determined that the Applicant knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, OCR may take action authorized under said Act.

n. It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations in 24 CFR part 135. Section 3 requires that employment and other economic opportunities arising in connection with housing rehabilitation, housing construction, or other economic opportunities arising in connection with housing rehabilitation, housing construction, or other public construction projects shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be given to low- and very low-income persons;

o. It will comply with the other provisions of the Act and with other applicable laws;

p. It is in compliance with a HUD-approved Consolidated Plan;

q. It is in compliance with grant spending threshold requirements as outlined in the Application; and

r. It will comply with all applicable Federal/State/local affirmative action requirements.

s. To the best of its knowledge and belief all data provided in this application is true and correct.

_____

Signature of Authorized Official Date

VI. APPENDICES

A. Program Requirements

A. Eligible Activities

In selecting eligible activities, communities should be aware that although an activity may be legally eligible under the federal statute and HUD regulations, it may not be competitive under OCR's evaluation criteria. An activity being considered for a State CDBG application should be compared against the evaluation criteria for that category before a decision is made to prepare an application. Below is an edited list of eligible activities identified at Section 105(a) of the Housing and Community Development Act of 1974, as amended and 24 CFR 570.482, as amended.

Additional information on eligible activities can be found at http://www.hud.gov/offices/cpd/communitydevelopment/library/stateguide/index.cfm.

1. Acquisition of real property;
2. Disposition of any real property acquired with CDBG funds or its retention for public purposes;
3. Acquisition, construction, reconstruction, or installation of public works, facilities and site or other improvements;
4. Clearance, demolition, removal, reconstruction, and rehabilitation of buildings and improvements;
5. Public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs;
6. Code enforcement in deteriorated or deteriorating areas;
7. Removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;
8. Payments to housing owners for losses of rental income;
9. Assistance to institutions of higher education;
10. Payment of the non-Federal share required in connection with a Federal grant-in-aid program;
11. Relocation payments and displacement assistance;
12. Activities necessary to develop a comprehensive community development plan;
13. Payment of reasonable administrative costs;
14. Assistance including loans (both interim and long-term) and grants for activities which are carried out by public or private nonprofit entities;
15. Assistance to neighborhood-based nonprofit organizations, local development corporations, nonprofit organizations serving the development needs of the communities in non-entitlement areas to carry out a neighborhood revitalization or community economic development or energy conservation project;
16. Activities necessary to the development of energy use strategies;
17. Assistance to private, for-profit entities, when the assistance is appropriate to carry out an economic development project;
18. Provision of technical assistance to public or nonprofit entities;
19. Housing services;
20. Assistance to institutions of higher education;
21. Assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to facilitate economic development;

22. Activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings;

23. Provision of direct assistance to facilitate and expand homeownership;

24. Lead-based paint hazard evaluation and reduction; and

25. Special assessments.

B. Ineligible Activities

1. Buildings, or portions thereof, used for the general conduct of government cannot be assisted with CDBG funds. This definition does not include such facilities as neighborhood service centers or special purpose buildings that may house services provided by government at decentralized locations. However, the removal of architectural barriers within public buildings to make them more accessible to elderly and handicapped persons is an eligible activity.

2. General government expenses, except for those costs directly attributable to administration of a local CDBG program and documented as such.

3. The general rule is that the purchase of equipment with CDBG funds is ineligible. An exception is that compensation for the use of construction equipment through leasing, depreciation, or use allowances pursuant to OMB circulars A-87 or A-122, as applicable, for an otherwise eligible activity is an eligible use of CDBG funds.

   (a) The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions are operating and maintenance expenses associated with public service activities, interim assistance and office space for program staff employed in carrying out the CDBG program.

   (b) The general rule is that CDBG funds cannot be used for income payments for housing or any other purpose. Examples of ineligible income payments include: payments for income maintenance; housing allowances, down payments and mortgage subsidies. One time payments made on behalf of persons or families to meet emergency needs such as housing or essential utilities is not an income payment and is eligible.

C. Primary Objective

The Primary Objective of the Community Development Block Grant Program is to benefit LMI persons. At least 70% of New York State's CDBG allocation must be allocated to activities, which meet the Primary Objective of benefitting LMI persons. For an activity to qualify as benefiting LMI persons, at least 51% of the persons benefiting from the activity must be LMI persons.

Census data and local surveys are the two sources of data for documenting benefit to LMI persons. It is noted that Census data cannot be rounded up. If the Census data shows that the percent of LMI persons is less than 51% (e.g. 50.6%), this figure cannot be rounded to 51%. In such a case, an Applicant may find it necessary to conduct an income survey. Refer to Appendix D for guidance on survey techniques.

Applicants need to determine how the National Objective requirement will be satisfied when during the planning, implementing and documenting of CDBG projects. Each project must meet the Primary and National Objectives. When meeting the benefit to LMI persons National Objective, Applicants must ensure that moderate-income persons (80% of median income) are not benefited to the exclusion of low-income persons (50% of median income).

D. National Objectives

Each CDBG funded activity must meet one of three National Objectives:

1. Benefit LMI persons;
2. Aid in the prevention or elimination of slums or blight; or
3. Meet community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

E. Meeting the National Objectives

Additional information on National Objective Compliance can be found at
http://www.hud.gov/offices/cpd/communitydevelopment/library/stateguide/index.cfm

1. Benefit to LMI persons

For the purposes of meeting this National Objective, CDBG activities are divided into three main categories: Area Benefit, Limited Clientele, Direct Benefit including housing and job creation or retention. Each activity proposed must fall under one of the above categories in order to be considered for funding. Activities in these categories qualify under the LMI benefit National Objective in one of three ways: Area Benefit, Limited Clientele or Direct Benefit. The Applicant must determine under which category their project meets the requirement to serve at least 51% LMI persons. The following information will assist with that determination.

Area Benefit

Activities that meet the Area Benefit are designed to serve needs in a geographic area that has a mix of income levels (i.e., a project which will benefit all the residents of the project area, regardless of income). Area benefit includes activities that do not have income eligibility requirements, but instead serve an entire geographic area. An activity proposed for an area wide project must also be clearly designed to meet identified needs of families in the area. **Under HUD regulations, an activity that serves an area that is not primarily residential in character cannot qualify as an Area Benefit activity.**

Applicants that propose to use CDBG funds for Area Benefit activities must provide data to demonstrate that at least 51% of the persons who would benefit from CDBG assistance are LMI. Area benefit to LMI persons can be documented by the use of Census data or an income survey. For areas where Census data is not available, the Applicant must conduct a survey to prove LMI benefit. For activities in a target area where Census data is available, the Census Tract or Block Groups must match the area's boundaries in order to be valid. Otherwise, a survey must be conducted (e.g. using Census Tract data to substantiate compliance for water line replacement when everyone in the Census Tract would not be a beneficiary of the water line replacement). Reference Appendix D for guidance on survey methodology.

Direct Benefit

Activities that are a Direct Benefit are designed to exclusively serve LMI persons. This method is used to determine the LMI benefit for activities that assist a specific known person or household. Activities that qualify under this benefit include residential rehabilitation or job creation activities. For example, a Direct Benefit activity occurs when the community has income eligibility requirements that limit the benefits of the CDBG activity to only LMI families.

Documenting LMI benefit for Direct Benefit projects is relatively clear-cut since potential Recipients of CDBG assistance are screened for income eligibility with the use of the most current HUD income limits for the county in which the project is located. Reference Appendix E for the 2009 HUD Income Limits or visit www.huduser.org/datasets/il.html.

Limited Clientele

Activities that meet the Limited Clientele benefit are activities that provide benefits to a specific group of persons rather than everyone in an area. The activity may benefit particular persons without regard to the area in which they reside, or it may be an activity that provides benefit on an area basis but only to a specific group of persons who reside in the area. In either case, at least 51% of the beneficiaries of the activity must be LMI persons. To qualify under this category, the activity must meet one of the following tests:

- Exclusively benefit a clientele who is generally presumed by HUD to be principally LMI persons. Abused children, elderly persons, battered spouses, homeless persons, adults meeting the Bureau of Census definition of "severely disabled adults", illiterate adults, persons living with AIDS, and migrant farm workers are presumed by HUD to be principally LMI. Activities that serve this group will be assumed to meet 51% LMI benefit unless the Applicant has surveyed the group to determine the actual benefit exceeds the assumed benefit of 51%; or

- Require information on family size and income so that it is evident that at least 51% of the clientele are persons whose family income does not exceed the LMI limit; or

- Be of such nature and location that it may be concluded that the activity's clientele will primarily be LMI persons; or

- Be an activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census' Current Population Reports definition of severely disabled, provide it is restricted, to the extent practicable, to the removal of such barriers by assisting:

  - ✓ The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under the LMI area benefit criteria; or

  - ✓ The rehabilitation of a privately-owned nonresidential building or improvement that does not qualify under the L/M Income Area Benefit criteria or the LMI Jobs criteria; or

  - ✓ The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under the LMI housing criteria.

- Be a microenterprise assistance activity carried out in accordance with the provisions of HCDA Section 105(a)(22) or 24 CFR 570.482(c) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are LMI persons.

- Be an activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of LMI persons assisted is less than 51% which qualifies under the Limited Clientele national objective in the following limited circumstance:

  - ✓ In such cases where such training or provision of supportive services assist businesses, and the only use of CDBG assistance is to provide job training and/or supportive services, and the proportion of the total cost of the services borne by CDBG funds is no greater than the proportion of the total number of persons benefiting from the services who are LMI.

Applicants that propose to use CDBG funds for Limited Clientele benefit activities must provide documentation demonstrating that the activity proposed meets one of the tests qualifying the activity as meeting the Limited Clientele criteria. Depending on the activity being proposed, the Applicant should provide documentation showing that the activity is designed to be used exclusively by a segment of the population presumed by HUD to be LMI persons; describing how the nature and the location of the activity establishes that it will be used predominately by LMI persons; showing the size and annual income of the family of each person receiving the benefit; showing that barriers to mobility or accessibility have been removed and how the barrier removal was restricted to the extent feasible to one of the particular cases authorized under this subcategory; or showing that the activity qualifies under special conditions regarding job services where less than 51% of the persons benefiting are LMI persons.

To document that at least 51% of the persons who would benefit from CDBG assistance have low or moderate incomes, Applicants must use either current income data Reference Appendix D for guidance on survey methodology.

2. Prevention and Elimination of Slum and Blight

Activities meeting the slum and blight National Objective may involve the rehabilitation or removal of slums and blight in the physical, economic and/or social environments. Activities may address any serious conditions identified in the areas of residential, infrastructure, commercial or industrial facilities. The overall program proposed should resolve all need indicated. CDBG activities directed toward the National Objective of preventing or eliminating slums or blight are divided into two main categories: area basis and spot basis.

Area Basis

Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to aid in the prevention or elimination of slums or blight:

- The area delineated by the Applicant must meet the definition of a slum, blighted, deteriorated or deteriorating area under State or local law. Applicants must use the strictest definition to determine eligibility. The New York State General Municipal Law Article 18-C, S-970-c defines "Blighted area" as an area within a municipality in which one or more of the following conditions exist: (i) a predominance of buildings and

structures which are deteriorated or unfit or unsafe for use or occupancy; or (ii) a predominance of economically unproductive lands, buildings or structures, the redevelopment of which is needed to prevent further deterioration which would jeopardize the economic well being of the people.

- Throughout the area there are a substantial number of deteriorated or deteriorating buildings or the public improvements are in a general state of deterioration.

- The assisted activity addresses one or more of the conditions which 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 such 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.

Applicants claiming the prevention and elimination of the slum and blight National Objective on an area basis must be able to document that, at the time of application, a majority of the buildings in the area are deteriorated or dilapidated and the area itself is blighted.

Spot Basis

The elimination of specific conditions of blight or deterioration on a spot basis is designed to comply with the statutory objective for CDBG funds to be used for the prevention of blight, on the premise that such action(s) serves to prevent the spread to adjacent properties or areas. To comply with this National Objective, an activity must be designated to eliminate specific conditions of blight or physical decay not located in a designated slum or blighted area and the activity must be limited to one of the following: acquisition, clearance, relocation, historic preservation, and/or rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety. To be considered to be detrimental to public health and safety, a condition must pose a threat to the public in general.

Applicants claiming the prevention and elimination of the slum and blight National Objective on a spot basis must be able to document the specific conditions of blight or physical decay for the eligible activity, demonstrate the public health or safety threat to the public and show that the area in which the property is located is outside a slum or blighted area.

An activity that fails to meet one or more of the applicable tests for meeting a National Objective does not comply with CDBG rules.

F. Citizen Participation

The Federal Housing and Community Development Act "encourages citizen participation, with particular emphasis on participation by persons of LMI" both in the preparation of CDBG applications and throughout the implementation of local CDBG projects. Specifically, the Act requires public hearings "to obtain the view of citizens on community development and housing needs" and on "proposed activities." Congress has mandated that the hearings "be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped". Therefore, public hearings should be held at a time and place convenient to the general public, with accommodations for persons with disabilities. For hearings where a significant number of non-English speaking persons can reasonably be expected to participate, the notice must also be in the appropriate language(s) and provision must be made for interpreters at the public hearing. Notice of public hearings should also be directed to persons of LMI or those persons who will benefit from or be affected by CDBG activities and/or groups representing LMI persons.

Prior to submitting an application, Applicants must meet the citizen participation requirements at 24 CFR 570.486 and New York State's Citizen Participation Plan, as amended which require Applicants to follow a citizen participation plan providing for a minimum of one public hearing (one in each jurisdiction of a joint application) prior to the submission of an application for funding, public availability of the application for inspection at the municipal office(s), and one public hearing, if awarded, to be held during the administration of the grant to solicit comments on the effectiveness of the program's administration. Applicants must comply with the following citizen participation requirements:

- Provide for and encourage citizen participation, particularly by LMI persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;

- Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the proposed and actual use of CDBG funds;

- Furnish citizens with information, including, but not limited to:
  - The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated Program Income);
  - A listing of the activities to be undertaken with CDBG funds;
  - The estimated amount of CDBG funds proposed for activities that benefit LMI National Objective;
  - The proposed CDBG activities likely to result in displacement and the municipality's anti-displacement and relocation plan required under 24CFR 570.488;
  - The amount of funds awarded;
  - The types of activities funded; and
  - Progress towards program goals and objectives;

- Provide technical assistance to group's representative of persons of LMI that request assistance in developing proposals in accordance with the procedures developed by the State. However, such assistance need not include providing funds to such groups;

- Hold a minimum of two public hearings, one at the time of application and one during the grant administration process, for the purpose of obtaining citizens' views and responding to proposals and questions. The first public hearing must be held prior to the preparation and submittal of an application and the second during the administration of an awarded grant to provide input on the effectiveness of the administration of the grant. The public hearing should provide citizens with reasonable advance notice of, and an opportunity to comment on, proposed activities in an application to the State and grant administration activities; and

- Public notice must be provided before public hearings are held. Notice of each public hearing must be published at least once in a newspaper of general circulation in the community at least seven days prior to the hearing. At a minimum, public notices should contain the time and place of the hearing, offer accommodations for persons with disabilities and include an invitation to submit written comments and where to direct such comments. Additionally, public hearings held at specific times in the process require specific information in the public notice. Public notices should contain information about the amount of CDBG funds available and the types of activities eligible for CDBG funding and information about the proposed activities and the amount of funds being requested. Public notices for public hearings held during grant administration should contain information on the amount of CDBG funds awarded, the type(s) of activity(ies) funded, and the progress towards beneficiary goals and program objectives.

- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities, which are proposed to be added, deleted or substantially changed from the application submitted to the State.

In all cases, the local government must conduct the required public hearings, even if the local government is considering applying on behalf of a Subrecipient, such as a local housing authority, human resource development council, or a county water and sewer district. Having the local government conduct the hearings, rather than delegating the task to a potential recipient of the CDBG funds, provides the most objective forum for considering alternative community needs (and potentially competing proposals for CDBG projects) and encourages a frank discussion regarding any proposed community development projects.

G. Environmental Review

Environmental review procedures contained in 24 CFR Part 58 applies to this program. Under part 58, Recipients assume all of the responsibilities for environmental review, decision making and action pursuant to the National Environmental Policy Act of 1969 and the State Environmental Quality Review Act (SEQRA) and other provisions of law specified by the Secretary in 24 CFR part 58 that would apply to the Secretary were he or she to undertake such projects as federal projects.

H. Residential Anti-Displacement and Relocation

Applicants proposing activities that may involve displacement, permanent relocation or demolition or conversion of residential units occupied by low-income persons are responsible for complying with the regulations under the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended. The Act requires displacement of persons which may occur as a result of activities assisted with CDBG funds be minimized. HUD regulations

require that if any CDBG activity could result in displacement, Applicants must adopt a plan for minimizing displacement of persons and mitigating any adverse effects of displacement on LMI persons.

Recipients of CDBG funds must provide reasonable benefits and relocation assistance to any person involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property, including businesses. For projects that may entail the displacement of persons, the Applicant must replace all occupied and vacant, occupiable LMI dwelling units demolished or converted to use other than as LMI housing as a direct result of activities assisted with CDBG funds. In addition, HUD requires that Recipients provide reasonable benefits to persons displaced as a result of use of CDBG funds in cases which are not governed by the Uniform Relocation Act.

I. Labor Standards

Applicants must comply with all applicable federal and state labor standards as required by the Davis-Bacon Act and Article 8 of the New York State Labor Law. It is the Applicant's sole responsibility to fully understand and comply with the requirements of the labor laws that impact the activity being proposed prior to submitting an application. The impact of federal and/or state labor laws on the proposed activity must be reflected in the application for funding, particularly the cost of the project. Additional information may be obtained from www.dol.gov/compliance/laws/comp-dbra.htm.

J. Lead-Based Paint Requirements

The Residential Lead-Based Paint Hazard Reduction Act of 1992 amended the Lead-Based Paint Poisoning Act of 1971, which established the Federal lead-based paint requirements. In 1999, HUD issued a lead-based paint regulation**,** 24 CFR Part 35, in response to the regulations effective September 15, 2000 and updated on June 21, 2004. The lead-based paint regulation defines new work practices that must be followed when dealing with lead-based paint in older structures and expands requirements to protect occupants and workers from lead-based paint hazards until lead hazard reduction work is completed.

All residential rehabilitation must also be in compliance with 40 CFR Part 745, the Environmental Protection Agency (EPA) rules for renovation, repair and painting and which were adopted by HUD.

Applicants must comply with the lead-based paint requirements implemented at 24 CFR Part 35 and 40 CFR Part 745, if proposing activities involving residential properties or facilities, operated by the owner and commonly used by children under seven years of age, such as a child care center, purchased or rehabilitated in whole or part with CDBG funds excluding:

- Housing constructed on or after 1978;
- Housing specifically for the elderly, such as a senior housing complex or a facility intended to provide housing specifically for persons with disabilities, unless a child under 6 resides or is expected to reside in the housing;
- Dwellings without bedrooms, i.e., efficiencies and military barracks;
- Foreclosure sales;
- Short-term leases of 100 days;
- Renewal of leases where all information has been disclosed previously and where lessor has acquired no new information ("renewal" is defined under the regulations to "include both re-negotiation of existing lease terms and/or ratification of a new lease"); or
- Housing which has been inspected and found to be free of lead-based paint by a certified inspector.

Applicants are required to identify lead-based paint compliance for both 24 CFR Part 35 and 40 CFR Part 745 in the application for CDBG assistance and outline the local plan for addressing lead-based paint hazards.

B. Grant Administration and Program Delivery Costs

Program delivery, engineering and administrative funds for the project **cannot exceed 18%** of the total grant amount requested

Grant Administration Costs: Generally, these are costs associated with salaries, wages, and related costs of the grant recipient's staff, the staff of local public agencies, or other staff engaged in program administration for the awarded grant. General operating expenses are ineligible for reimbursement from the grant funds. Examples of eligible administrative costs include:

- Providing local officials and citizens with information about the program;
- Preparing program budgets and schedules and amendments thereto;
- Developing systems for assuring compliance with program requirements;
- Costs associated with the Environmental Review Process for the overall program, including the release of funds.
- Preparing Requests for Proposals with consultants for grant administration or other consulting work, such as architectural or Engineering services.
- Developing interagency agreements and agreements with sub recipients and contractors to carry out program activities;
- Monitoring program activities for progress and compliance with program requirements;
- Preparing reports and other documents for submission to the State regarding the grant;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against State objectives; and
- Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described above;
- Costs incurred for official business travel in carrying out the program and administrative services performed under a third party contract.
- Purchase of capital equipment, such as file cabinets, for grant administration.
- Training on CDBG grant administration requirements.

For more information concerning eligible administrative costs, applicants should read 24 CFR Subpart C 570.206.

Program Delivery Costs: These are those costs that can be directly attributed to activities for delivery of specific proposed activities. These include in-house staff or third party costs, generally described as:

For housing activities: marketing grant activities, services verifying client eligibility, providing education or counseling to clients, preparation of the environmental assessment or other environmental documents and publishing required notices, development of construction specifications, compiling cost data on individual homes being rehabilitated, construction monitoring, payment processing, filing fees, legal expenses, engineering/architectural fees, site specific environmental review, on-site inspections, bid preparation, contracting, client/contractor troubleshooting, any other professional services required to deliver the program, etc.

For public facilities activities: marketing grant activities, services verifying client eligibility, providing education or counseling to clients, preparation of the environmental assessment or other environmental documents and publishing required notices, legal expenses related to construction, filing fees, permit charges, labor standards compliance work such as on-site interviews, verifying payroll data, reviewing payrolls, site specific environmental review, on-site inspections, bid preparation, contracting, client/contractor troubleshooting, any other professional services required to deliver the program, etc.

For economic development activities: marketing grant activities, services verifying client eligibility, providing education or counseling to clients, preparation of the environmental assessment or other environmental documents and publishing required notices, preparation of closing documents, all costs associated with perfecting security, repayment processing, legal fees, loan disbursement, review of project documentation, labor standards compliance work such as on-site interviews, verifying payroll data, reviewing payrolls, site specific environmental review, on-site inspections, bid preparation, contracting, client/contractor troubleshooting, any other professional services required to deliver the program, etc

C. LMI National Objective Compliance Requirements

I. DATA COLLECTION

As part of the application process, Applicants will need to provide income data to demonstrate the need and/or market for each activity proposed and to provide evidence that each activity will meet a National Objective. For activities meeting the National Objective of assisting LMI persons and/or households, two types of data can be used to demonstrate compliance – Census data or income survey data. In addition to collecting income data, Applicants must use other methods for documenting need.

A. Census Data

The most recent Census data can be used to determine and provide evidence of compliance with the LMI Area Benefit National Objective. If it is believed that the data does not accurately reflect the current economic condition of the area, the Applicant may conduct an income survey. Income surveys may be conducted if:

- The proposed activity is located in a Census Tract or Block Group that has less than 51% LMI persons based on the most recent available Census data and the Applicant has reason to believe that the Census information is not accurate and the area is primarily LMI;
- The activity is located in a Census Tract or Block Group that has at least 51% LMI persons, based on the most recent available Census data, but does not serve the entire Census Tract, or Block Group, or it serves portions of several Census Tracts or Block Groups;
- The service area (area benefiting from the activity) of the proposed activity is not contiguous with any Census designated area for which data is provided.

B. Income Surveys

Applicants may need to conduct an income survey to document compliance with the LMI Area and Direct Benefit National Compliance requirements. Applicants using a third-party to conduct an income survey must obtain all of the survey documents (instrument, summary, surveys) and retain this information in their project files.

1. LMI Direct Benefit National Objective

For projects meeting a Direct Benefit National Objective such as housing rehabilitation, homeownership, job creation and retention, and wastewater and drinking water laterals where eligibility is directly based on the individual household income, with the use of income survey data, Applicants must demonstrate that there is a LMI market and a need for the direct benefit activity being proposed.

2. LMI Area Benefit National Objective

For Area Benefit activities, income survey data may be used to demonstrate that 51% of the area is LMI and to aid in demonstrating the LMI need for the proposed activity.

Defining the Service Area

Applicants must first determine the service area for their project to determine the total number of residential units (occupied, vacant and seasonal) in the project area. Activities that benefit an entire community are considered to have an area wide benefit and the service area is the entire community excluding social service residences such as those operated by the New York State Office of Mental Retardation and Developmental Disabilities, group quarters, prisons, dormitories, etc. Activities that benefit a smaller or targeted group only benefit a designated area of a community. If you are trying to determine the LMI status of households in a neighborhood that is benefiting from a NYS CDBG funded activity, that neighborhood is the service area. Instead of a neighborhood, the service area may be a town, it may be as large as a county, or it may be defined some other way.

Non-Random Income Survey
A non-random income survey is conducted when an Applicant wants to survey the entire service area of an activity. This type of income survey is typically used in areas with a relatively small population and the intent is to gather information from 100% of the households in the service area.

Random Income Survey
A random income survey is typically conducted when a determination of compliance with the National Objective - Area Benefit is required because a service area is considered too large for a non-random income survey. A random income survey requires an Applicant to survey a sample of the larger service area and to select the participants of the survey randomly. The survey results of a random income survey are used to make estimates about the entire service area.

In conducting a random income survey of an area, Applicants are seeking to determine whether at least 51% of the persons living in the area are LMI. The validity of income survey data rests with the design of the survey instrument, size of the sample, the selection of survey participants, the method used to conduct the income survey, and the response rate. If an adequate sample size is selected and the Applicant uses a system that allows for the random selection of participants, Applicants can be reasonably sure of the degree of accuracy of the overall estimate. To determine the total number of occupied housing units to be surveyed, applicants should subtract the number of vacant and seasonal housing units from the total number of occupied housing units in the service (project) area.

Response Rates
After defining the size of the service area, the Applicant must determine the number of responses needed to estimate the overall characteristics of the service area accurately. Using the tables below, Applicants can determine the number of households that must respond to the income survey.

NON-RANDOM INCOME SURVEY: REQUIRED RESPONSE RATE

# OF HOUSEHOLDS IN THE SERVICE AREA	REQUIRED RESPONSE RATE
1 - 50	95%
51 - 100	90%
101 - 150	85%
151 - 220	80%
221 - 320	75%
321 - 460	70%
>460	65%

RANDOM INCOME SURVEY: REQUIRED SAMPLE SIZE AND RESPONSE RATE

# OF HOUSEHOLDS IN THE SERVICE AREA	SAMPLE SIZE = % OF SERVICE AREA TO BE SURVEYED	REQUIRED RESPONSE RATE
1 - 50	100%	95%
51 - 100	100%	90%
101 - 150	85%	85%
151 - 220	80%	85%
221 - 320	75%	85%
321 - 460	70%	85%
461 - 650	65%	85%
651 - 900	60%	85%
901 - 1220	55%	85%
1221 - 1620	50%	85%
1621 - 2110	45%	85%
>2110	40%	85%

The following formula should be used to determine the survey response rate:

$$\frac{\textbf{Total Number of Surveys Returned}}{\textbf{Total Number Surveyed}} = \textbf{Response Rate}$$

If the initial response rate is lower than the required response rate, Applicants must either repeat follow-up actions or survey additional persons. **Applicants that do not meet the minimum response rate will be at risk of a determination of non-compliance of the LMI National Objective. Applicants must include in their application, the survey methodology and a tabulation of the survey results. OCR reserves the right to review, re-tabulate and ultimately reject any questionable survey methodology, instruments and data. Applicants should be prepared to defend the validity of their survey methodology, instruments and data when the LMI Area Benefit is demonstrated to be no more than 55%.**

Applicants can achieve more accurate estimates if they do not write off a household as unreachable too quickly. When conducting a door-to-door income survey, Applicants should make two or more passes through the area (at different times) to try to catch a family at home. Only after at least two tries or an outright refusal should a sampled household be replaced. No matter what you do, however, some households just will not be home during the time of interviewing, some probably will refuse to be interviewed, some will terminate the interview before you finish, and some will complete the interview, but fail to provide an answer to the key question on household income. In order to be considered an adequate response, the interview must be completed, and you must obtain complete and accurate information on the respondent's household income.

Applicants should over-survey the service area to ensure there will be enough good surveys to achieve the response rate. When tabulating the results of the survey, Applicants may identify surveys that were not completed accurately or vital information is missing. In such cases, the survey must be rejected and not included in the tabulation. If the Applicant has over-surveyed the service area, the Applicant will have an additional pool of surveys to include in the tabulation.

Vacant and Seasonal Housing
All vacant and seasonal housing units must be included in the total number of households. For the purpose of conducting an income survey and meeting the required response rate, these units are deducted from the group to be surveyed. The applicant must clearly demonstrate on a map, the exact location of all vacant and seasonal housing.

II. DESIGNING THE INCOME SURVEY QUESTIONNAIRE

It is important that all of the individuals surveyed are asked the same exact questions in the same format and the responses are recorded correctly. To ensure this, a written questionnaire is needed. Each question should be clear, written in simple language, and convey only one meaning. Applicants should include questions designed to elicit information that will substantiate compliance with the National Objectives as well as questions that are considered important to the activity.

Applicants should be aware that experience has shown that overly detailed surveys may adversely affect the response rate. Income survey questions should be designed to provide, at a minimum, data regarding family size, household income, housing tenure, head of household status and racial and ethnic composition. The survey should request the respondent to provide their annual household income or the most recent HUD Income Limits should be listed in ranges that will allow the Applicant to determine whether the respondent is at or below 30%, 50%, or 80% of area median income or above.

Types of Survey Questions
When designing the income survey questionnaire, Applicants should select the best format that will solicit the information needed. There are two question formats that Applicants can use in an income survey: open-ended and closed-ended. An example of an open-ended question is: “What do you think is this community’s most important need?” The respondent is allowed to answer in any way he/she chooses. Usually, several blank lines are provided for an answer.

A closed-ended question is one that forces the respondent to make a choice: “Do you like the new community center?” Answer yes or no. “Is your income below $5,000; between $5,000 and $10,000; or above $10,000?” Typically, closed-ended questions have a box to check for the appropriate answer.

Income survey questions should be brief and simple and should not be loaded or biased. The interviewer should not imply that the neighborhood would benefit or receive federal funding if respondents say that they are of LMI. The questions must be designed to determine truthfully and accurately whether

respondents have LMIs. It is permissible to note that the reason for the income survey is to gather essential information to support an application for funding under the State or to undertake a CDBG funded activity in the area.

Applicants should also bear in mind that questions about income are personal. Many people are suspicious or reluctant to answer questions about incomes -- especially if they do not understand the reason for the question. One way to handle this problem is to ask questions about income at the end of a somewhat lengthy questionnaire on other community development matters. In this instance, a local agency can use this questionnaire to gather some information on what the neighborhood sees as important needs or to gather feedback on some policy or project. At the end of such a questionnaire, it usually is possible to ask questions on income more discreetly. If this option is chosen, however, the interviewer should be cautioned that an excessively lengthy questionnaire might cause respondents to lose interest before it is over. The ideal length would probably be less than ten minutes, although certainly you could develop a longer questionnaire if it were necessary.

Of course, it is also possible to ask only the critical questions on income. You should know best how people in your community will respond to such questions. With a proper introduction that identifies the need for the information, you can generate an adequate level of response with just a two-question questionnaire on income level.

Appendix E contains the 2010 HUD Income Limits (Limits) for use in determining eligible income. Income limits can also be found at http://www.huduser.org/datasets/il.html. The Limits are arranged by Metropolitan Statistical Area and County. They show the area median income and the income limits at 30%, 50% and 80% by household size. Applicants use the income limits in the income survey instrument and/or in calculating the results of the income survey. Household size and income are needed to determine if a household meets the LMI requirements.

Racial/Ethnic Composition Data

HUD requires racial and ethnic composition data on all beneficiaries of the State CDBG Program for input into their Integrated Disbursement Information System. OCR also provides this data to HUD in its Annual Performance Report to HUD. **Even though racial and ethnic data is not required as part of this application, OCR will request this information from Recipients in the Semi-Annual Performance Report**.

Applicants may choose to collect the racial/ethnic composition data from potential program participants during the income survey or application intake (direct benefit activities) stages. The following chart represents the racial and ethnic categories designated by HUD and how they should be reported.

Racial/Ethnic Composition		
Racial Categories (HUD Designated)	**Racial Group Total # Of**	***Hispanic Total # Of**
White		
Black/African American		
Asian		
American Indian/Alaskan Native		
Native Hawaiian/Other Pacific Islander		
American Indian/Alaskan Native And White		
Asian And White		
Black/African American And White		
American Indian/Alaskan Native & Black/African American		
Other Multi-Racial		
Totals		

* HUD has designated Hispanic as an ethnic group that is applicable to all races. A household or person may be identified as both a member of a racial group and an ethnic group.

III. INCOME SURVEY MATERIALS

Income survey materials should include detailed concise information that will aid in the successful collection of the information solicited. At a minimum, the following information should be provided to the residents:

- A brief description of why the income survey is being conducted (without stating the preferred response) and an explanation of why demographic data is being requested. This may be presented in a written or verbal format depending on the survey method.

- A statement assuring that the information is confidential. **OCR strongly advises applicants to inform candidates of the survey that the information collected is confidential and is not subject to the Freedom of Information Act (FOIA).**

- The name and telephone number of a person to be contacted if the respondent has any questions.

- Instructions for completing the questionnaire, such as **what types of income are counted toward household income and the difference between household size and number of dependents.**

At a minimum, the household size, income and demographics, the respondent's signature, date, and address should be collected.

IV. CONFIDENTIALITY

Applicants must ensure that the income survey process used to substantiate compliance with the LMI National Objectives includes a way to identify specific households who responded to the questionnaire, yet ensures the respondent's confidentiality. **Each income survey should include a statement ensuring respondent confidentiality and the process the applicant will undertake to ensure confidentiality.**

To preserve confidentiality, the income survey materials should be in two parts or consist of two separate pages. **The section with the respondent's name and address must be separated from the income and demographic data after receipt**. All documents related to the income survey should be stored in a locked cabinet or other secure area, which has limited access. The Applicant must impress upon those working with the income survey data the importance of confidentiality.

Questions concerning household income and other personal questions are sensitive topics and applicants need to take this under consideration when developing their questionnaire and determining their Income survey method. **If a respondent's address is requested on the questionnaire, many persons may not answer the questions relating to income truthfully, answer the questions at all, or not complete the questionnaire in its entirety.** To promote a high response rate and solicit accurate information, the questionnaire should not include identifying information, such as the person's name or address. The following are examples of acceptable methods for preserving anonymity of Income survey respondents:

A. Applicants may hand deliver the questionnaire to the respondent or conduct the Income survey orally. At the time of delivery or upon completion of the interview, the surveyor would mark off the respondent's address from an address list. If the hand delivered questionnaire is to be returned by mail or collected by the applicant at a later date, the collector can check off the respondent's address on the address list at the time of collection.

B. If the questionnaire is to be mailed and returned by mail, the identifying information (respondent's address) can be on the return envelope. Upon receipt of the completed questionnaire, the applicant can check off the respondent's address on the address list. The envelope and questionnaire can then be separated and the envelope destroyed.

C. Questionnaires may be coded which entails a simple method of placing a number on the questionnaires or return envelopes. Each number is assigned an address from an address list. When the questionnaire is received, a list of the codes is maintained.

D. Questionnaires may consist of two parts or two separate pages. The section with the respondent's name and address can be separated from the income and demographic data after receipt. Where a door- to- door income survey is being conducted, the interviewer can instruct the respondent to separate the two parts of the questionnaire after completion, and place the part with the income information in one envelope and the other part in another envelope.

   Excluding the two-part questionnaire method, applicants can review the address list to determine which addresses did not respond to the questionnaire and require follow-up contact.

SURVEYS OF HOUSING CONDITIONS SHOULD BE CONDUCTED SEPARATELY TO ENSURE RESPONDENT CONFIDENTIALITY.

STATE:NEW YORK

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		INCOME LIMITS							
Albany-Schenectady-Troy, NY MSA									
FY 2014 MFI: 78300	30% OF MEDIAN	16450	18800	21150	23500	25400	27300	29150	31050
	VERY LOW INCOME	27450	31350	35250	39150	42300	45450	48550	51700
	LOW-INCOME	43900	50150	56400	62650	67700	72700	77700	82700
Binghamton, NY MSA									
FY 2014 MFI: 62900	30% OF MEDIAN	12950	14800	16650	18500	20000	21500	22950	24450
	VERY LOW INCOME	21600	24700	27800	30850	33350	35800	38300	40750
	LOW-INCOME	34550	39500	44450	49350	53300	57250	61200	65150
Buffalo-Niagara Falls, NY MSA									
FY 2014 MFI: 63900	30% OF MEDIAN	13450	15350	17250	19150	20700	22250	23750	25300
	VERY LOW INCOME	22400	25600	28800	31950	34550	37100	39650	42200
	LOW-INCOME	35800	40900	46000	51100	55200	59300	63400	67500
Elmira, NY MSA									
FY 2014 MFI: 63400	30% OF MEDIAN	12950	14800	16650	18450	19950	21450	22900	24400
	VERY LOW INCOME	21550	24600	27700	30750	33250	35700	38150	40600
	LOW-INCOME	34450	39400	44300	49200	53150	57100	61050	64950
Glens Falls, NY MSA									
FY 2014 MFI: 62900	30% OF MEDIAN	13200	15100	17000	18850	20400	21900	23400	24900
	VERY LOW INCOME	22050	25200	28350	31450	34000	36500	39000	41550
	LOW-INCOME	35250	40250	45300	50300	54350	58350	62400	66400
Ithaca, NY MSA									
FY 2014 MFI: 78800	30% OF MEDIAN	16600	18950	21300	23650	25550	27450	29350	31250
	VERY LOW INCOME	27600	31550	35500	39400	42600	45750	48900	52050
	LOW-INCOME	44150	50450	56750	63050	68100	73150	78200	83250
Kingston, NY MSA									
FY 2014 MFI: 71300	30% OF MEDIAN	15000	17150	19300	21400	23150	24850	26550	28250
	VERY LOW INCOME	25000	28550	32100	35650	38550	41400	44250	47100
	LOW-INCOME	39950	45650	51350	57050	61650	66200	70750	75350
New York-Northern New Jersey-Long Island, NY-NJ-PA MSA									
Nassau-Suffolk, NY HMFA									
FY 2014 MFI: 105100	30% OF MEDIAN	22100	25250	28400	31550	34100	36600	39150	41650
	VERY LOW INCOME	36800	42050	47300	52550	56800	61000	65200	69400
	LOW-INCOME	52650	60200	67700	75200	81250	87250	93250	99300
New York, NY HMFA									
FY 2014 MFI: 62500	30% OF MEDIAN	17650	20150	22650	25150	27200	29200	31200	33200
	VERY LOW INCOME	29400	33600	37800	41950	45350	48700	52050	55400
	LOW-INCOME	47000	53700	60400	67100	72500	77850	83250	88600
Rockland County, NY HMFA									
FY 2014 MFI: 94900	30% OF MEDIAN	21050	24050	27050	30050	32500	34900	37300	39700
	VERY LOW INCOME	35100	40100	45100	50100	54150	58150	62150	66150
	LOW-INCOME	47000	53700	60400	67100	72500	77850	83250	88600
Westchester County, NY Statutory Exception Area									
FY 2014 MFI: 103700	30% OF MEDIAN	21800	24900	28000	31100	33600	36100	38600	41100
	VERY LOW INCOME	36300	41500	46700	51850	56000	60150	64300	68450
	LOW-INCOME	47350	54100	60850	67600	73050	78450	83850	89250
Poughkeepsie-Newburgh-Middletown, NY MSA									
FY 2014 MFI: 83100	30% OF MEDIAN	17500	20000	22500	24950	26950	28950	30950	32950
	VERY LOW INCOME	29100	33250	37400	41550	44900	48200	51550	54850
	LOW-INCOME	44750	51150	57550	63900	69050	74150	79250	84350

STATE:NEW YORK

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		INCOME LIMITS							
Rochester, NY MSA									
FY 2014 MFI: 67000	30% OF MEDIAN	14100	16100	18100	20100	21750	23350	24950	26550
	VERY LOW INCOME	23450	26800	30150	33500	36200	38900	41550	44250
	LOW-INCOME	37550	42900	48250	53600	57900	62200	66500	70800
Syracuse, NY MSA									
FY 2014 MFI: 67700	30% OF MEDIAN	14250	16250	18300	20300	21950	23550	25200	26800
	VERY LOW INCOME	23700	27100	30500	33850	36600	39300	42000	44700
	LOW-INCOME	37950	43350	48750	54150	58500	62850	67150	71500
Utica-Rome, NY MSA									
FY 2014 MFI: 59500	30% OF MEDIAN	12500	14300	16100	17850	19300	20750	22150	23600
	VERY LOW INCOME	20850	23800	26800	29750	32150	34550	36900	39300
	LOW-INCOME	33350	38100	42850	47600	51450	55250	59050	62850
Allegany County, NY									
FY 2014 MFI: 52600	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Cattaraugus County, NY									
FY 2014 MFI: 49800	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Cayuga County, NY									
FY 2014 MFI: 62600	30% OF MEDIAN	13150	15000	16900	18750	20250	21750	23250	24750
	VERY LOW INCOME	21900	25000	28150	31250	33750	36250	38750	41250
	LOW-INCOME	35000	40000	45000	50000	54000	58000	62000	66000
Chautauqua County, NY									
FY 2014 MFI: 50900	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Chenango County, NY									
FY 2014 MFI: 56200	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Clinton County, NY									
FY 2014 MFI: 66000	30% OF MEDIAN	13900	15850	17850	19800	21400	23000	24600	26150
	VERY LOW INCOME	23100	26400	29700	33000	35650	38300	40950	43600
	LOW-INCOME	37000	42250	47550	52800	57050	61250	65500	69700
Columbia County, NY									
FY 2014 MFI: 74000	30% OF MEDIAN	15550	17800	20000	22200	24000	25800	27550	29350
	VERY LOW INCOME	25900	29600	33300	37000	40000	42950	45900	48850
	LOW-INCOME	41450	47400	53300	59200	63950	68700	73450	78150
Cortland County, NY									
FY 2014 MFI: 60100	30% OF MEDIAN	12650	14450	16250	18050	19500	20950	22400	23850
	VERY LOW INCOME	21050	24050	27050	30050	32500	34900	37300	39700
	LOW-INCOME	33700	38500	43300	48100	51950	55800	59650	63500
Delaware County, NY									
FY 2014 MFI: 57500	30% OF MEDIAN	12100	13800	15550	17250	18650	20050	21400	22800
	VERY LOW INCOME	20150	23000	25900	28750	31050	33350	35650	37950
	LOW-INCOME	32200	36800	41400	46000	49700	53400	57050	60750

STATE:NEW YORK

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		----------I N C O M E L I M I T S----------							
Essex County, NY									
FY 2014 MFI: 59500	30% OF MEDIAN	12500	14300	16100	17850	19300	20750	22150	23600
	VERY LOW INCOME	20850	23800	26800	29750	32150	34550	36900	39300
	LOW-INCOME	33350	38100	42850	47600	51450	55250	59050	62850
Franklin County, NY									
FY 2014 MFI: 54600	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Fulton County, NY									
FY 2014 MFI: 55500	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Genesee County, NY									
FY 2014 MFI: 65300	30% OF MEDIAN	13750	15700	17650	19600	21200	22750	24350	25900
	VERY LOW INCOME	22900	26150	29400	32650	35300	37900	40500	43100
	LOW-INCOME	36600	41800	47050	52250	56450	60650	64800	69000
Greene County, NY									
FY 2014 MFI: 58400	30% OF MEDIAN	12250	14000	15750	17500	18900	20300	21700	23100
	VERY LOW INCOME	20450	23400	26300	29200	31550	33900	36250	38550
	LOW-INCOME	32700	37400	42050	46700	50450	54200	57950	61650
Hamilton County, NY									
FY 2014 MFI: 64100	30% OF MEDIAN	13500	15400	17350	19250	20800	22350	23900	25450
	VERY LOW INCOME	22450	25650	28850	32050	34650	37200	39750	42350
	LOW-INCOME	35950	41050	46200	51300	55450	59550	63650	67750
Jefferson County, NY									
FY 2014 MFI: 54000	30% OF MEDIAN	12400	14200	15950	17700	19150	20550	21950	23400
	VERY LOW INCOME	20650	23600	26550	29500	31900	34250	36600	38950
	LOW-INCOME	33050	37800	42500	47200	51000	54800	58550	62350
Lewis County, NY									
FY 2014 MFI: 55900	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Montgomery County, NY									
FY 2014 MFI: 57000	30% OF MEDIAN	12000	13700	15400	17100	18500	19850	21250	22600
	VERY LOW INCOME	19950	22800	25650	28500	30800	33100	35350	37650
	LOW-INCOME	31950	36500	41050	45600	49250	52900	56550	60200
Otsego County, NY									
FY 2014 MFI: 60600	30% OF MEDIAN	12750	14600	16400	18200	19700	21150	22600	24050
	VERY LOW INCOME	21250	24250	27300	30300	32750	35150	37600	40000
	LOW-INCOME	33950	38800	43650	48500	52400	56300	60150	64050
Schuyler County, NY									
FY 2014 MFI: 57300	30% OF MEDIAN	12050	13800	15500	17200	18600	20000	21350	22750
	VERY LOW INCOME	20100	22950	25800	28650	30950	33250	35550	37850
	LOW-INCOME	32100	36700	41300	45850	49550	53200	56900	60550
Seneca County, NY									
FY 2014 MFI: 57700	30% OF MEDIAN	12150	13850	15600	17300	18700	20100	21500	22850
	VERY LOW INCOME	20200	23100	26000	28850	31200	33500	35800	38100
	LOW-INCOME	32350	36950	41550	46150	49850	53550	57250	60950

STATE:NEW YORK

	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
		----------I N C O M E L I M I T S----------							
St. Lawrence County, NY									
FY 2014 MFI: 54000	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Steuben County, NY									
FY 2014 MFI: 54500	30% OF MEDIAN	11900	13600	15300	17000	18400	19750	21100	22450
	VERY LOW INCOME	19850	22650	25500	28300	30600	32850	35100	37400
	LOW-INCOME	31750	36250	40800	45300	48950	52550	56200	59800
Sullivan County, NY									
FY 2014 MFI: 63200	30% OF MEDIAN	13250	15150	17050	18900	20450	21950	23450	24950
	VERY LOW INCOME	22050	25200	28350	31500	34050	36550	39100	41600
	LOW-INCOME	35300	40350	45400	50400	54450	58500	62500	66550
Wyoming County, NY									
FY 2014 MFI: 62600	30% OF MEDIAN	13200	15050	16950	18800	20350	21850	23350	24850
	VERY LOW INCOME	21950	25050	28200	31300	33850	36350	38850	41350
	LOW-INCOME	35100	40100	45100	50100	54150	58150	62150	66150
Yates County, NY									
FY 2014 MFI: 60900	30% OF MEDIAN	12800	14600	16450	18250	19750	21200	22650	24100
	VERY LOW INCOME	21350	24400	27450	30450	32900	35350	37800	40200
	LOW-INCOME	34100	39000	43850	48700	52600	56500	60400	64300

E. Definitions of Annual Household Income (24 CFR Part 5)

General Category	Statement from 24 CFR 5.609 paragraph (b) (April 1, 2004)
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. Business Income	The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. Retirement & Insurance Income	The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in number 14 of Income Exclusions).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (except as provided in number 3 of Income Exclusions).
6. Welfare Assistance	Welfare Assistance. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income: ▸ Qualify as assistance under the TANF program definition at 45 CFR 260.31; and ▸ Are otherwise excluded from the calculation of annual income per 24 CFR 5.609(c). If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of: ▸ the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; ***plus*** ▸ the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is reduced from the standard of need by applying a percentage, the amount calculated under 24 CFR 5.609 shall be the amount resulting from one application of the percentage.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. Armed Forces Income	All regular pay, special day and allowances of a member of the Armed Forces (except as provided in number 7 of Income Exclusions).

Household Income Exclusions (Part 5)

General Category	Statement from 24 CFR 5.609 paragraph (c) (April 1, 2004)
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers' compensation), capital gains and settlement for personal or property losses (except as provided in number 5 of Income Inclusions).
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
6. Disabled Persons	Certain increases in income of a disabled member of qualified families residing in HOME-assisted housing or receiving HOME tenant-based rental assistance (24 CFR 5.671(a)).
7. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
8. Armed Forces Hostile Fire Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
9. Self-Sufficiency Program Income	a. Amounts received under training programs funded by HUD. b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set side for use under a Plan to Attain Self-Sufficiency (PASS). c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program. d. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time. e. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
10. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
11. Reparations	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
12. Income from Full-time Students	Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household or spouse).
13. Adoption Assistance Payments	Adoption assistance payments in excess of $480 per adopted child.
14. Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Home Care	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at

Assistance	home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including: ▸ The value of the allotment made under the Food Stamp Act of 1977; ▸ Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions); ▸ Payments received under the Alaskan Native Claims Settlement Act; ▸ Income derived from the disposition of funds to the Grand River Band of Ottawa Indians; ▸ Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes; ▸ Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; ▸ Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721); ▸ The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands; ▸ Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs; ▸ Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program); ▸ Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.); ▸ Earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments; ▸ The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; ▸ Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, state job training programs and career intern programs, AmeriCorps); ▸ Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation; ▸ Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990; ▸ Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran; ▸ Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act; and ▸ Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.

F. Definition of Substandard Housing

For housing rehabilitation projects, applicants must conduct a housing survey to determine the condition of the housing and classify it as standard, substandard or dilapidated. The following criteria must be used to classify the condition of all housing units to be rehabilitated with CBDG funding. In addition, these criteria should be used to determine if mobile or manufactured housing constructed post-1976 should be rehabilitated or replaced. Pre-1976 mobile and manufactured homes should be replaced rather than rehabilitated.

Structural Components - Upon structure inspection various components should be categorized as primary, mechanical or secondary as follows:

Primary Components - Foundation, exterior wall structure, roof structures, floor structures, columns, joists, and partitions.

Mechanical Components - Windows and doors, plumbing, heating, electrical, wells and septic systems.

Secondary Components - Siding material, roofing material, porches and exterior stairs and railings, chimneys, flooring material, ceilings, lighting, ventilation, interior stairs and railings.

Degree of Deficiency - After structural components are classified as primary, mechanical or secondary, they shall be assessed for the degree of deficiency as follows:

Critical Defects - Component is badly deteriorated, sinking, leaning, non-operative or non- functional, out of plumb, or unsafe to an extent requiring complete replacement. For example, 1) a complete electrical rewiring, 2) a complete new roof, 3) a plumbing system which requires extensive repair or none exists, 4) major repair of exterior structural elements (e.g. walls, sills, floor joists, rafters, large porches), 5) major repair of unstable or deteriorated foundation walls, or 6) a non-existent or dysfunctional septic system, a well with a spring of poor quality or quantity.

Major Defects- Component is badly deteriorated and in need of major repair or replacement.

Minor Defects - Component is worn, loose, or cracked and in need of repair.

Sound - Component needs no more than normal maintenance.

Structural Conditions – After determining the degree of deficiency, the structural condition must be determined.

Standard – Housing units that are in standard condition, have no critical or major structural defects, have adequate plumbing facilities and their appearance does not create a blighting influence. This condition requires no more than observable, normal maintenance; dwelling units which have no deficiencies, or only slight observable deficiencies.

Substandard - Housing units that have one or more major and/or critical structural defects, but can still be repaired for a reasonable amount. The degree of substandard is either moderate or severe according to the number of defects and the degree of deficiency.

1. Moderately Substandard - Housing units that have less than three major defects and can be restored to a standard condition for a reasonable cost.

2. Severely Substandard - Housing units that have three or more major defects or at least one critical defect and can be restored to a standard condition for a reasonable cost.

Dilapidated - Units that are determined to be substandard to a degree requiring clearance or buildings, which have three or more critical deficiencies that cannot be repaired to a standard condition for less than a reasonable amount. In these instances a local determination must be made concerning the economic feasibility and the public benefit of such projects.

G. Applicable Laws and Regulations

There are numerous federal, state and local regulations that govern or impact the State CDBG Program. It is the responsibility of the applicant to ensure compliance with all applicable federal, state and local regulations and statutes. The following is a listing that is not all inclusive, of federal regulations that apply to the State CDBG Program:

- Davis-Bacon Fair Labor Standards Act (40 USC 276a);
- Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333);
- Copeland Anti Kickback (18 USC 874)
- Title VI of the Civil Rights Act of 1964 (42 USC 200(d));
- Title VIII of the Civil Rights Act of 1968 (42 USC 3601);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 792 and 3601);
- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 USC 1701 (u));
- Section 109 of the Housing and Urban Development Act of 1974, as amended (42 USC 5309);
- Age Discrimination Act of 1975, as amended (42 USC 6101);
- Architectural Barriers Act of 1968, as amended (42 USC 4151);
- Americans with Disabilities Act of 1991;
- Equal Employment Opportunity (Executive Order 11246, September 24, 1965);
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259);
- The Hatch Act (5 USC 1501 et seq.);
- The National Environmental Policy Act of 1969;
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and amendments of 1987;
- Title IV of the Lead-Based Poisoning Prevention Act (42 USC 4831);
- HUD Reform Act of 1989;
- 24 CFR Parts 35, 58, 85, and 570;
- Housing & Community Development Act of 1974, as amended;
- Office of Management and Budget Circulars: A-87 -- Cost Principles for State and Local Governments and 24 CFR Part 85, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments; A-133 C Single Audit Act; Section 104(d) of the Housing and Urban Development Act of 1974, as amended (Anti-Displacement); A-122-Cost Principles for Non-Profit Organizations.