



Texas Community Development Block Grant Program

2016 Colonia Economically Distressed Areas Program (CEDAP)

Application Guide

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TxCDBG Goals and Requirements

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

The objectives of the TxCDBG Program are:

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

Application Submittal and Deadline Requirements

The application procedures for the 2016 TxCDBG Colonia Economically Distressed Areas Program (CEDAP) are included in this Application Guide. The procedures in this application guide supersede those published in all previous TxCDBG application guides.

There is no set application deadline. Applications will be funded on a first-come first-serve basis until funds are exhausted.

The application packet must contain two (2) signed and completed copies of the application: one with original signatures and one copy of the original. An electronic copy of the application is also required. Only the PDF document of the application is needed electronically. This will allow TDA to export the application into a database for faster processing. Email to cdbgapps@TexasAgriculture.gov

Contact Information

Mailing Address (for U.S. Postal Service): Texas Department of Agriculture Texas Community Development Block Grant Program Post Office Box 12847, Capitol Station Austin, Texas 78711	Physical Address (for Overnight Carriers): 1700 N. Congress Avenue, 11 th Floor Mailroom Austin, Texas 78701 Or Hand Deliver to staff on 2 nd Floor
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512-936-7875 or 512-936-7891 – Telephone

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

- A completed 424 Form with original signature;
- All application forms, fully completed;

- A passed/adopted Local Government Resolution authorizing submission of the application;
- Evidence of compliance with the TxCDBG Citizen Participation Plan including the Public Hearing Notice;
- Legible, quality maps;
- Annual Audit (See *Application Information* Section).
- Active SAM.gov registration

Applications lacking any of the items listed in the checklist will be disqualified. An Application Review Checklist is located in the Application Guide. Applicants are required to verify that the application is complete using the checklist.

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

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

Applicants may submit one CEDAP application in the 2016 application cycle. Applicants may not submit a single jurisdiction application and also be participating in a multi-jurisdiction application. For more information regarding single- and multi-jurisdiction applications, refer to the “Types of Application” section of this application guide.

Applicants cannot simultaneously pursue funds under the CEDAP Fund *and* another TxCDBG fund category (i.e. STEP Fund or Disaster Relief/Urgent Need Fund) for substantially the same project. However, projects that have been unsuccessful in securing a Colonia Fund award are eligible for consideration under another fund category if they meet that fund category's requirements.

Applicant Threshold Requirements

Additionally, each applicant must be in compliance with the 12- and 24-month threshold requirements to be eligible for TxCDBG funding.

12-Month Applicant Threshold Requirement: To meet the 12-month threshold requirement, a grantee must obligate at least fifty percent (50%) of the total TxCDBG funds awarded under an open TxCDBG contract within twelve (12) months from the start date of the contract or prior to the application deadline, have completed plans and specifications, and have received all applicable environmental approvals from TxCDBG covering this obligation. This threshold is applicable to TxCDBG contracts with an original 24-month contract period. This threshold requirement is not applicable to awards made under the Texas Capital Fund, Colonia Self-Help Centers Fund, the

CEDAP Fund, and the Community Enhancement Fund. Further, non-compliance with this requirement will not prevent eligibility of an applicant for the Disaster Relief/Urgent Need Funds.

24-Month Applicant Threshold Requirement: To meet the 24-month threshold requirement, a grantee must submit to TDA the Certificate of Expenditures (COE) report showing the expended TxCDBG funds and a final drawdown for any remaining TxCDBG funds as required by the most current TxCDBG Project Implementation Manual. Any reserved funds on the COE must be approved in writing by TDA. For purposes of meeting this threshold, “expended” means that the construction and services covered by the TxCDBG funds are complete and a drawdown for the funds has been submitted prior to the application deadline. This threshold will apply to an open TxCDBG contract with an original 24-month period and to TxCDBG contracts that have reached the end of the 24-month period prior to the application deadline. This threshold requirement is not applicable to awards made under the Texas Capital Fund, Colonia Self-Help Centers Fund, the CEDAP Fund, and the Community Enhancement Fund. Further, non-compliance with this requirement will not prevent eligibility of an applicant for the Disaster Relief/Urgent Need Funds.

Action Plan and Selection Procedures

The requirements and procedures specified in the Annual Action Plan and the Texas Administrative Code will govern the 2016 CEDAP application process. Copies of the Action Plan are available on the TDA website at www.TexasAgriculture.gov.

The allocation is distributed on an as-needed bases to eligible counties and non-entitlement cities located in those counties (with recently annexed colonia areas), that are eligible under both the TxCDBG Colonia Fund and the Texas Water Development Board’s Economically Distressed Areas Program. The applicant must meet both of these requirements.

An applicant may not have an existing CEDAP contract open in excess of the original two year contract period and still be eligible for a new CEDAP award.

Eligible Applicants

CEDAP Funds are limited to counties and non-entitlement cities (that meet other eligibility requirements including the geographic requirements of the Colonia Fund) located in those counties that are eligible under the Colonia Fund and yardlines are participating in the Texas Water Development Board’s Economically Distressed Areas Program (TWDB EDAP).

Eligibility is limited to counties with areas meeting the definition of a colonia that are located within 150 miles of the Texas-Mexico border. Under TxCDBG, a "colonia" is an identifiable community defined by a set of criteria, which includes:

- lack of potable water supply;
- lack of adequate sewage systems;
- lack of decent, safe, and sanitary housing; and
- whether the community existed as a colonia prior to the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (November 28, 1990).

Any county within 150 miles of the Texas-Mexico border that is part of a metropolitan statistical area with a population exceeding 1,000,000 is not eligible. Hidalgo County, while a designated CDBG urban county, is eligible for funding under the Colonia Fund.

Eligible counties with areas located within 150 miles of the Texas-Mexico border are:

Aransas (Part); Bee; Blanco (Part); Brewster; Brooks; Cameron; Coke (Part); Concho (Part); Crane; Crockett; Culberson; DeWitt (Part); Dimmit; Duval; Ector; Edwards; El Paso; Frio; Gillespie (Part); Glasscock (Part); Goliad (Part); Hidalgo; Hudspeth; Irion; Jeff Davis; Jim Hogg; Jim Wells; Karnes (Part); Kenedy; Kerr; Kimble; Kinney; Kleberg; La Salle; Live Oak; Llano (Part); Loving; Mason (Part); Maverick; McCulloch (Part); McMullen; Menard; Midland (Part); Nueces; Pecos; Presidio; Reagan; Real; Reeves; Refugio; Runnels (Part); San Patricio; Schleicher; Starr ;Sterling (Part); Sutton; Terrell; Tom Green; Upton; Uvalde; Val Verde; Ward; Webb; Willacy; Winkler (Part); Zapata; Zavala

According to Section 43.907 of the Local Government Code, a colonia annexed on or after September 1, 1999, remains eligible for five (5) years after the effective date of the annexation to receive any form of assistance for which the colonia would be eligible if the annexation had not occurred. Therefore, an area annexed by a city on or after September 1, 1999, is eligible to receive Colonia Fund assistance for a period of up to five years after annexation if the area meets the definition of a colonia as well as any other CDBG requirements set forth for all applicants. An application for the colonia may be submitted by the county or the city in which it is located.

While eligibility is only provided to a group of specific counties, these applicants may choose to propose projects that will provide benefits through other sub-recipient groups serving their jurisdiction. For example, a county applies for water distribution line improvements to a water system that is owned and operated by a public utility district. The improvements themselves would become the property of the public utility district, but the programmatic and fiscal compliance responsibilities would remain with the applicant (the county).

Another example is a county applying for funding for the installation of water lines for new service in a colonia area annexed by a municipality after September 1, 1999. Again, the improvements themselves would become the property of the municipality, but the programmatic and fiscal compliance responsibilities would remain with the applicant (the county).

A colonia construction application must include an assessment of the effect of the Model Subdivision Rules established pursuant to §16.343 of the Water Code and enforcement actions throughout the county and provide the colonia identification number for the colonia that would receive the project benefit.

NOTE: If only a portion of a county's territory is located within 150 miles of the Texas-Mexico border, an application submitted by that county can only serve the portion that is located within the 150 mile range.

National Program Objectives (NPO)

Each proposed activity included in an application for TxCDBG funds must meet one of the U. S. Housing and Urban Development's (HUD) three CDBG National Program Objectives, or NPOs. CEDAP projects qualify for CDBG funding under the NPO classified as "Activities Benefitting Low-to-Moderate Income Persons." Refer to the "Identifying Activity Beneficiaries" section on page 6 or the Census and Survey Methodology described in Appendix I for information on how to document that a proposed project satisfies this NPO.

1. Activities Benefitting Low-to-Moderate Income Persons
 - a. *Low-to-Moderate Income Area Benefit* – an activity that benefits all residents of an area that is primarily residential. Low-to-moderate income is frequently abbreviated as "LMI."
 - b. *Low-to-Moderate Income Limited Clientele* – an activity that provides benefits to a specific group of persons generally presumed to be principally LMI.
 - c. *Low-to-Moderate Income Housing* – an activity assisting in the acquisition, construction, or improvement of permanent residential structures may qualify as benefiting LMI persons only to the extent that the housing is occupied by LMI persons.

- d. *Low-to-Moderate Income Jobs* – activity that creates or retains permanent jobs, at least 51 percent of which, on a full time equivalent (FTE) basis, are either held by or available to LMI persons.

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

Eligible Activities

Per HUD's Office of Community Planning and Development, states and units of general local government are strongly encouraged to use CDBG colônia set-aside funds for projects addressing lack of potable drinking water supply, lack of adequate sewage systems, and lack of decent, safe and sanitary housing. Although Section 916(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (Act) permits colônia set-aside funds to be used for any activities eligible for assistance under Section 105(a) of the Housing and Community Development Act (HCDA) of 1974, as amended, basic infrastructure (water and wastewater treatment systems) and housing activities should have priority under the colônia set-aside pursuant to the language in Section 916(a) of the Act. The state should provide a funding priority under the colônia set-aside for these types of activities and should only fund other activities if they are undertaken in conjunction with funding of basic infrastructure and housing activities; therefore, **at least 51% of the proposed activities/projects within an application must principally address basic infrastructure (water and wastewater systems) or housing.**

Eligible CEDAP activities are limited to those that provide assistance to low and moderate income persons residing in colonias who cannot afford the costs of residential service lines, hookups, and minor plumbing improvements associated with connection to a water supply or sewer system, any part of which is financed through the TWDB EDAP.

CEDAP: An application cannot be submitted until the construction of the TWDB EDAP-funded water or sewer system begins.

Since the engineering for the main lines has been completed by the TWDB, engineering for the yardlines is expected to be minimal. TWDB staff will be consulted on reasonable engineering costs and may be capped.

Installation of service yardlines for first-time water or sewer service falls under the Housing Activities category and assistance is limited to only to low and moderate income households..

Application and Contract Maximums

For the CEDAP application, the maximum application request amount is \$1,000,000 and the minimum is \$75,000. Applications must justify any amount requested in the application and the amount requested is subject to review and negotiation.

Identifying Activity Beneficiaries

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

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

Activities Principally Benefiting Low-to-Moderate Income Persons

An activity addresses the NPO of principally benefitting low-to-moderate income persons if it meets the area benefit activity, housing activity, limited clientele activity, or job activity criteria.

Housing Activities

To meet the NPO of principally benefiting LMI persons, housing activities must improve permanent residential structures that will be occupied by LMI persons.

Beneficiary Identification Methods

Installation of service yardlines for first-time water or sewer service falls under the Housing Activities category because it is work on private property. The CDBG National Objective Code is LMH (Low/mod housing benefit). In order for project activities to be eligible for a CEDAP Fund award, activities undertaken to provide water/sewer system connections the housing units must be occupied by low to moderate income (LMI) households. Low to moderate income individuals are those whose income is 80% or less of the area median family income (AMFI). Use of door-to-door surveys is an acceptable methods for documenting beneficiary income levels. For further information about using Census data to determine the LMI percentage of a project's beneficiaries, contact TDA staff and refer to Appendix I: Using Census Data and Surveys. Clear documentation of an applicant's beneficiary identification method must be received with the application.

Surveys

Use of door-to-door surveys is an acceptable method for documenting beneficiary income levels. Refer to the agency website at www.TexasAgriculture.gov for a copy of the most recent **Survey Methodology Manual** and required survey forms. Surveys of 200 or more households must use random sampling techniques and all surveys must result in at least an 80% response rate. Surveys of less than 200 households may not use random sampling. When the beneficiaries of an activity are fewer than 60% of the residents of a Census Geographic Area, or the income profile of a community has changed substantially since the last Census, surveys are often a useful alternative (see example 3 in Appendix I: Using Census Data and Surveys). Adhere to these requirements to **avoid disqualification**.

Obtaining Census Maps

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

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

Citizen Participation Plan Requirements

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

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

TxCDBG applicants and funded localities are required to carry out citizen participation in accordance with the Citizen Participation Plan adopted for the TxCDBG Program. Each applicant certifies by signing a 424 Form that it has and will comply with the requirements of this Citizen Participation Plan including taking reasonable steps to ensure access for persons with Limited English Proficiency (LEP) by providing language assistance as appropriate.

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

Complaint Procedures:

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

Technical Assistance:

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

Public Hearing Provisions:

The applicant must provide citizens with reasonable advance notice and opportunity to comment on eligible and proposed activities in the CEDAP application.

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

1. Public notice of the hearings must be published in a local newspaper at least seventy-two (72) hours prior to the scheduled hearing. The public notice must include the date, time, location and topics to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. The public hearing must be held at a time and location convenient to potential or actual beneficiaries and include accommodations for persons with disabilities. Furthermore, the applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing. The public hearing must be held no earlier than 5:00 p.m. on a weekday or at a convenient time on a Saturday or Sunday.
3. When a significant number of non-English speaking residents are expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking residents.

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

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

- The plans of the locality to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with TxCDBG funds, if applicable.

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

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

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

In the event the application is successful, applicants must also comply with the following citizen participation requirements:

- Must provide citizens with reasonable advance notice of and opportunity to comment on activities which are proposed to be added, deleted or substantially changed from the locality's application.
- Upon completion of the activities, the locality shall hold a public hearing and review its program performance, including the actual use of TxCDBG funds.
- The locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for the greater of:
 1. Three years after close-out of HUD's grant to the State of Texas (please see TDA website)
 2. If notified by TDA in writing, the date that the final audit is accepted with all audit issues resolved to TDA's satisfaction (Please see date of TDA audit acceptance letter if applicable); or
 3. A date consistent with the period required by other applicable laws and regulations as described in 24 CFR 570.490 and 570.506 and 2 CFR 200.333.

Failure to comply with these requirements may result in disqualification of the application.

Local Certifications

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

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

1. It will minimize displacement of persons as a result of activities assisted with such funds.
2. The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) and the Fair Housing Act (42 USC 3601-20), and that it will affirmatively further fair housing, as specified by TDA.

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

Minority Participation/Local Opportunity

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

Subdivision Platting Requirements in Economically Distressed Counties

Chapter 232, Subchapter B, Texas Local Government Code, establishes comprehensive platting requirements for subdivisions of four or more residential lots in economically distressed areas (unincorporated areas in affected counties located outside of the corporate limits of municipalities and outside of the extraterritorial jurisdiction of

municipalities that are within 50 miles of the international border) in affected counties (counties that are eligible for the Texas Water Development Board Economically Distressed Areas Program).

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

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

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

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

See also Appendix VI: Colonia Funds and Platting Subdivisions.

Fair Housing Activities

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

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

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

Conflict of Interest

Under the conflict of interest provisions at 24 CFR 570.489(h) included in the regulations governing state administration of CDBG non-entitlement funds (24 CFR 570, Subpart I), no persons who exercise or have exercised any function or responsibilities with respect to TxCDBG activities, or who are in a position to participate in a

decision-making process, or gain inside information regarding TxCDBG activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement, or the proceeds thereof, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter.

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

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

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

- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
- An opinion of the attorney for the city or county that the interest for which the exception is sought would not violate state or local law.
- Whether the exception would provide a significant cost benefit or an essential degree of expertise to the project that would not be available otherwise.
- Whether an opportunity was provided for open competitive bidding or negotiation.
- Whether the person affected is a member of a group or class of low or moderate income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class.
- Whether the person affected has withdrawn from his/her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question.
- Whether the interest or benefit was present before the affected person was in the position as an employee, agent, consultant, officer, or elected official of the city or county, or of any designated public agencies, or sub-recipients that are receiving CDBG funds.
- Whether undue hardship will result to the city or county or the persons affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

Types of Applications

Single Jurisdiction Applications

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

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

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

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

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

- The activities proposed in the application benefit the incorporated city's residents and the proposed activities provide improvements to a publicly-owned facility or privately-owned utility that is not owned or operated by the incorporated city on whose behalf the county has submitted the application. As an example, a county could submit an application on behalf of an incorporated city that does not own or operate the water system that serves the city's residents, when the water system is owned and operated by an entity such as a public water supply corporation, and the proposed activities in the application are for water system improvements that benefit the city's residents. The city's residents are the beneficiaries of the application activities, but the improvements would become the property of the public water supply corporation.
- The persons benefitting from the application activities must be located within the city's corporate limits and/or within the city's ETJ.
- The incorporated city must adopt and submit a resolution (with the TxCDBG application) authorizing the county to submit the application on behalf of the city.
- The county will be the grantee and the party responsible for compliance with all program requirements.
- The county or the incorporated city that the county applied on behalf of cannot submit another single jurisdiction application or be a participating jurisdiction in a multi-jurisdiction application submitted under the same TxCDBG fund category.
- The incorporated city's demographic information will be used for the scoring of TxCDBG selection criteria.
- A county may submit a single jurisdiction application for a countywide housing rehabilitation activity that includes rehabilitation of housing units in unincorporated areas and incorporated cities located in the county when the following TxCDBG guidelines and requirements are met:
 - The proposed housing rehabilitation activities in the application benefit county residents in the unincorporated areas of the county and county residents in incorporated cities located in the county (i.e., the actual rehabilitated housing units under the countywide program must be located in county unincorporated areas and within each incorporated city included as a participant in the countywide housing rehabilitation program).
 - Each incorporated city participating in the countywide housing rehabilitation program must provide a resolution adopted by the governing body of the city authorizing the county to include the city in the county's housing rehabilitation program (resolution(s) must be submitted with the TxCDBG application).
 - The county will be the grantee and the party responsible for compliance with all program requirements.
 - The county unincorporated area demographic information and each participating incorporated city's demographic information will be used for the scoring of TxCDBG selection criteria.

Multi-Jurisdiction Applications

Two or more eligible applicants may submit a joint application for funding when the project beneficiaries are persons located within more than one unit of general local government. The requirements for multi-jurisdiction applications are:

- The locations of the beneficiaries and the locations of the proposed activities must be within the applicants' jurisdictions; and
- A proposed project that includes an activity located in more than one jurisdiction or that includes beneficiaries from more than one jurisdiction must be submitted as a multi-jurisdiction application. Exceptions to this

requirement are the ETJ provision allowed by the TxCDBG for incorporated municipalities under single jurisdiction applications and the county exceptions described under single jurisdiction applications.

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

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

- The multi-jurisdiction applicants shall determine which one of the participating units of general local government will be authorized (the authorized applicant) to act in a representative capacity for all of the participating units.
- Under the Community Development Fund regional competitions, a multi-jurisdiction application that includes participating units of general local government from more than one state planning region will compete in the regional competition where the majority of the application activity beneficiaries are located and the authorized applicant must be located in the region where the application is submitted.
- Each participating jurisdiction shall submit a signed 424 Form and be responsible for compliance with the Local Certifications therein.
- Each participating jurisdiction shall submit a Community Needs Assessment that identifies the housing and community development needs and activities designed to meet those needs for each of the participating jurisdictions.
- The authorized applicant jurisdiction and each of the other participating jurisdictions must meet the citizen participation requirements.
- Each proposed activity must meet one of the NPOs. For this purpose, a similar activity carried out/located in two or more different jurisdictions, such as sewage collection lines/service connections for each of the participating jurisdictions, is considered two separate activities. A common activity, such as the sewage treatment plant that would serve each of the participating jurisdictions, is considered a single activity.
- The authorized applicant assumes overall responsibility for ensuring that the application activities will be carried out in accordance with statutory requirements. In order to accomplish this, the authorized applicant must enter into a legally binding cooperation agreement with each participant that includes the above criteria.
- All jurisdictions participating within the multi-jurisdiction application must be TxCDBG eligible. For example, if a city and county are submitting a multi-jurisdiction application and the city is currently ineligible due to past performance issues, the application is ineligible.

Federal Funding Accountability and Transparency Act (FFATA)

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

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

- The name of the entity receiving the award;
- The amount of the award;
- Information on the award, including transaction type, funding agency, Catalog of Federal Domestic Assistance (CFDA) number, program source, and a descriptive award title;

- Location of the entity receiving the award and the primary location of performance under the award, including the city, state, congressional district, and county; and
- The Data Universal Numbering System (DUNS) number for the entity receiving the award.

Additional information deemed relevant by the OMB must also be provided, and all information is due no more than thirty days after a grant is awarded. Applicants must register on the System for Award Management (SAM) and entities must have an active registration to receive funding from HUD. Information on SAM registration is available at <https://www.sam.gov>.

False Information on Applications

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

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

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

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

Appeals Process

Refer to Title 4 Part 1 Chapter 30.6 of the Texas Administrative Code (TAC).

Application Instructions

The following instructions will assist and offer guidance to the applicant in completing the differing forms of the application for submittal.

Application Forms

The following is a complete list of forms contained within the application:

- Cover Sheet
- Most recent Audit (2015 or after)
- Application Checklist
- Form 424
- Project Approval Information
- Community Needs Assessment
- Project Summary
- Cranston-Gonzalez National Affordable Housing Act
- Table 1 – Beneficiary Summary (to be completed for each activity/target area)
- Table 2 – Budget Justification of Retail Costs
- National Program Objectives
- Colonia Identification
- Waiting Lists and Guidelines
- Attachments

Instructions for Completing the Application

The following instructions will assist and offer guidance to the applicant in completing the forms of the application for submittal.

Cover Sheet

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

Annual Audit

Applicants must comply with the audit requirements in the Texas Local Government Code for the fiscal year ending 2015. The applicant is required to submit their most recent annual audit or audit opinion letter with their application to demonstrate financial capacity. The auditor's opinion letter is preferred to the whole audit (note – not the management letter). Annual audits for fiscal years ending on or before December 31, 2014 will not be accepted. Failure to submit an audit for FY2015 or FY 2016 **with the application** by the application deadline will result in automatic disqualification.

Application Checklist

Carefully read the list of required attachments and application forms located on page 32 of this guide, checking off each completed item. This minimizes the likelihood of serious deficiencies or disqualification.

424 Form

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

1. **Type of Submission-** Under the Application column, select either Construction or Non-Construction. The majority of TxCDBG applications, except for Planning-only applications, include some construction activities.

2. ***Date Submitted***– To use the calendar provided, click on the drop-down arrow on the right side of the box.
3. ***Date Received by State*** – Leave this field blank.
4. ***Date Received by Federal Agency*** – Leave this field blank.
5. ***Applicant Information***- Provide the applicant's Legal Name (e.g., City of ABC, ABC County) and the Organizational Unit (can be the same as the Legal Name). **Mailing address, telephone number, fax number, and email address are required for both the applicant and the application preparer.** The applicant's physical address and county are also required.
6. ***Employer Identification Number***– Also known as the Federal Tax ID, this 14-digit number is required to facilitate disbursement of funds.
- 6a. ***DUNS Number*** – All applicants must have a Data Universal Numbering System number to apply for Federal funds. The DUNS number is a nine-character identification number provided by Dun and Bradstreet. There is no charge to obtain a DUNS number. For additional information, visit the Dun and Bradstreet website at www.dnb.com. Failure to provide the applicant's DUNS number at the application stage may result in delayed award disbursement. The DUNS number is also required to be registered with the System for Award Management.
7. ***Type of Applicant***– Select County or City.
8. ***Type of Application***– Check the appropriate box.
9. ***Name of Federal/State Agency*** – Provided by TDA
10. ***Catalog of Federal Domestic Assistance Number*** – Provided by TDA
11. ***Project Type*** – Use the drop-down menu to select the project type that best describes the proposed project. Please double check for accuracy, as TDA will use this information for creation of an Action Item and contracts if the application is successful. If the options in the drop-down menu do not accurately describe the proposed project, you may type the appropriate project type in this field rather than selecting from those provided.
- 11a. ***Type of Application*** – Provided by TDA
12. ***Target Area(s) Affected by the Project***– Briefly identify the target areas of the city or county affected by the project. Acceptable descriptions would be: "The ABC Community in southeast XYZ County", "The ABC Community and LMN Community in XYZ County", "The ABC Water Supply Corporation Service Area", "The A, B, C, and D Colonias of XYZ County", and "Jollyville neighborhood in the northwest portion of ABC Town".
13. ***Applicant's Fiscal Year*** – Indicate the beginning and end dates of the applicant's fiscal year.
14. ***Congressional Districts***– Provide the congressional districts of the entity applying for funding, as well as for the proposed project site(s). This information is available through the "Who Represents Me" feature at the Texas State Legislature's web site: www.fyi.legis.state.tx.us.
15. ***Estimated Funding***– Complete each field as follows:
 - A. TxCDBG Request: Amount requested from TDA through this application;
 - B. Federal: Amount committed from federal resources such as RUS or USDA-RD;
 - C. State: Amount committed from state resources such as TWDB;
 - D. Applicant: Amount of match committed by the applicant;
 - E. Local: Amount committed from local resources such as a WSC, WCID, MUD, or any other local entity other than the applicant;
 - F. Other: Amount committed from resources other than those listed above; and

G. Total: This will calculate automatically.

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

16. ***Is application subject to review by State Executive Order 12372 Process?*** – For TxCDBG applications, the answer to this question is “No.” Texas Review and Comment System (TRACS) no longer exists for review.
17. ***Is the Applicant delinquent on any Federal debt?*** - If the answer is “Yes,” include an explanation concerning the nature, amount, and date when payment of the debt became delinquent.
18. ***Certification***– Before signing the 424 Form, the authorized signatory should read the text in this field carefully and review the Local Certifications and Citizen Participation Plan sections of this guide. Complete all sub-fields prior to signature.

Project Approval Information

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

Community Needs Information

List of All Identified Community Needs

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

Community Needs Assessment Questionnaire

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

Fair Housing Activities

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

Citizen Participation Determined The Needs In This Application

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

Description of the Need(s) Addressed in This Application

Provide a description of the problem the proposed project will address. TDA will use the information from this section to draft a contract in the event that the application is successful.

Example: The Green Creek Water Supply Corporation's water system in the Green Creek Colonia does not meet the Texas Commission on Environmental Quality (TCEQ) regulations 290.44(D) as required by law. This system is unable to meet the TCEQ volume and water pressure requirements.

CEDAP Eligibility Information

TxCDBG staff will evaluate the information on this form to determine eligibility for the CEDAP fund.

1. **“What is the extent of the need for water or sewer facilities and for service connection assistance in each of the colonia areas receiving benefits from this project?”**

For each colonia area targeted by the proposed project, provide a brief description of the current state of the water or sewer infrastructure and the need for assistance to make improvements.

2. **“Has the applicant, or any other interested party, pursued any other grant or loan funds to finance the cost of the service connections and other associated costs for the colonias receiving benefit from this project”**

Indicate Yes or No using the check-boxes to the right. If the answer is “Yes,” additional space will be provided for the application preparer to identify specific funding sources. Click the “Add Fund Source” button to add another line, and click the “X” button to remove a line.

3. **“When did the construction on the water or sewer system funded by the Texas Water Development Board’s Economically Distressed Areas Program begin and what is the current status of the water or sewer construction project?”**

In order to be eligible for a CEDAP award, the project must be associated with a TWDB EDAP project that has already begun construction. Provide the date on which construction began and provide a brief description of the project’s current status.

4. **“If applicable, when did the City annex the colonia area(s) receiving the Colonia EDAP Fund assistance?”**

This question pertains only to City applicants that have recently annexed the colonia area for which assistance is requested. If applicable, indicate the date on which the colonia was annexed (in order to be eligible, the area must have been annexed no more than 5 years prior to the request for assistance). If the applicant is a County seeking assistance for an unincorporated County area, no response is needed.

Project Summary

This section is to be answered for each target area identified within the application and it consists of four questions intended to summarize the most basic aspects of the proposed project(s) (use the clearly marked buttons at the top of the page to add or delete additional forms for multiple target areas). Responses will be used to draft a contract if the application is awarded. Ensure the information provided in this section is accurate and in agreement with all other parts of the application. To answer the questions on this form, follow the instructions below:

1. **“Summarize the problem(s) to be addressed within the application by target area.”**

Guidance: state the nature of the problem by expanding on the Description of Needs from the previous section, as well as specific locations and the state of existing facilities.

EXAMPLE - “Residents of the Quixote colonia do not currently have access to a clean, reliable source of potable water. Most haul water from the Panza community, roughly forty miles to the south. The proposed project will alleviate this need by assisting low- and moderate-income residents of the area to connect to the water infrastructure currently being constructed.”

“The Brazos Hills colonia area is not served by any sewer system infrastructure. The community relies primarily on household septic tanks, most of which are aged, deteriorated, leaking, and generally unsafe. This project will allow the colonia’s low- to moderate-income households connect to a more reliable sanitary sewer system.”

2. **“Identify the location of each activity/target area.”**

Guidance: first, enter the name of the project area and then identify from the dropdown menu the activity that is to occur in that target area. Lastly, identify the location of the activity/project using cross streets, **or** provide a brief description/narrative of the location of the activity/target area. Use the “+” box on the right side of the page for additional lines to provide street locations, if necessary (or the “x” box to delete unnecessary ones).

NOTE: Both the target area and the location of the activity must be identified here, eg. Brazos Colonia (target area); County Road 54 from Sunset Ridge to Howard Lane (location of activity).

3. **“Identify the action(s) to resolve the problem(s) and their anticipated outcomes. Include specific materials and quantities, as well as any anticipated Acquisition.”**

Guidance: describe what action is required to address the problem, including the type and amount of material required for construction activities. For projects that will take place in more than one target area, be sure to describe the conditions and proposed work at each site. Describe in detail acquisition needed for the activity. The response should resemble a standard TxCDBG Performance Statement (see Appendix V: Form and Documents Samples for an example).

EXAMPLE- “Contractor shall provide first-time sewer service connections to 200 households in the western portion of the Navarro colonia area. Construction shall include the installation of 200 service yard lines, tap fees and decommission of existing septic tanks. Construction shall further consist of the mitigation of existing septic system in accordance with Texas Administrative Code, Title 30, Subchapter D, §285.36(b) of the On-Site Sewerage Facilities regulations. TxCDBG funds may not be utilized to pay for the cost of yard lines, plumbing inspections, or septic tanks on properties that do not qualify as low-to-moderate income households. Service lines shall connect to collection system associated with new Wastewater Treatment Plant constructed through the Texas Water Development Board (TWDB). Construction shall take place throughout the western half of the Navarro area bound by S. Bond Avenue on the east, Flores Street on the south, Highway 66 on the west and Garcia Street on the north.”

4. **“Disclose the source(s) and use(s) of non-TxCDBG funds.”**

Guidance: Disclose the source, use and amount of any non-TxCDBG funds committed to the proposed project. This includes all cash, material, land, and in-kind match.

Provisions at Subpart A of 24 CFR Part 4 require TxCDBG applicants to disclose the information requested in each part of this section:

- Assistance from other government sources in connection with the TxCDBG project;
- The sources of funds contributed to the project; and
- The uses for which the funds are to be utilized.

Each reportable source of funds must indicate:

- The name and address, city, state, and zip code of the individual or entity providing the assistance. If applicable, include at least one organizational level below the agency name. For example, U.S. Department of Transportation, U.S. Coast Guard; Department of Safety, Highway Patrol;
- the program name, and any relevant identifying numbers or other means of identification for the assistance; and
- the type of assistance (e.g., applicant contribution, loan, grant, loan insurance).

TDA will make all applicant disclosure reports available to the public 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 available along with the disclosure reports, but in no case for a period less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Texas Public Information Act (Chapter 552, Texas Government Code). Failure to provide any required information may delay the processing of the application and may

result in sanctions and penalties, including imposition of the administrative and civil penalties specified under 24 CFR Section 4.38.

Additional Project Information

Answer the two questions on this page to identify: 1) any persons with a reportable financial interest to disclose; 2) any construction, engineering and/or administrative activities to be completed by Force Account as grant and/or match.

Applicants must provide information on anyone with financial interest in the proposed project exceeding \$50,000 or 10 percent of the requested amount (whichever is lower). This includes developers, contractors, or consultants involved in the application for TxCDBG assistance or in the planning, development, or implementation of the project or activity. A "financial interest" is 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. Residence in housing for which assistance is sought is not considered a covered financial interest.

The applicant disclosure report must specify all expected sources of funds from TxCDBG and from any other source that is or will be available for the proposed project or activity. Non-TxCDBG sources typically include the applicant's local contribution, other government assistance referred, equity, and contributions from foundations and private individuals. The report must also specify all expected use(s) of the funds. All sources and uses of funds must be included if they can be reasonably expected to be available for the proposed project.

Additional disclosures apply to update reports. During the period in which a TxCDBG application is pending, the applicant must make the following additional disclosures:

1. Any information that should have been disclosed in connection with the application but was inadvertently omitted.
2. Any information that would have been subject to disclosure in connection with the application but that arose at a later time, including information concerning an interested party that now meets the applicable disclosure threshold.
3. Any changes in previously disclosed Other Government Assistance that exceeds the previously disclosed amount.
4. For changes in previously disclosed financial interests, any change in the amount of the financial interest of a person that exceeds the amount of the previously disclosed interests by \$50,000 or by 10 percent of such interests (whichever is lower).
5. For changes to previously disclosed sources of funds, any change in a source of funds that exceeds the lower of:
 - a. The amount previously disclosed for that source of funds by \$250,000 or by 10 percent of the amount previously disclosed for that source, whichever is lower; or
 - b. The amount previously disclosed for all sources of funds by \$250,000 or by 10 percent of the amount previously disclosed for all sources of funds, whichever is lower.
6. For changes to previously disclosed uses of funds, any change in a use of funds that exceeds the lower of:
 - a. The amount previously disclosed for that use of funds by \$250,000 or by 10 percent of the amount previously disclosed for that use, whichever is lower; or
 - b. The amount previously disclosed for all uses of funds by \$250,000 or by 10 percent of the amount previously disclosed for all uses of funds, whichever is lower.

For Question 2 Complete the request to use Force Account worksheet. Provide information on all personnel, material and equipment to be used including hours, rates and additional documentation as applicable.

By signing the 424 form, the authorized signatory certifies:

- That the persons performing force account work are W-2 form registered employees, (and not 1099 form contractors) of the Grant Recipient, a city/county, a public utility district, or a utility company; and
- If temporary workers are hired, that they will be W-2 form registered employees (and not 1099 form contractors), and that the employer's policies for temporary employees will be followed.

Cranston-Gonzalez National Affordable Housing Act

As required by HUD to comply with Section 916 of the Cranston-National Affordable Housing Act of 1990, answer the questions pertaining to the colonia(s) that will receive a benefit from the proposed activities/projects.

Model Subdivision Rules Assessment

As required by Section 16.343 of the Texas Water Code, answer the questions pertaining to the applicant developing the application.

Table 1 – Beneficiary Data

Provide the following information for each proposed activity. For activities that share the same location, beneficiaries, and National Program Objective, use the “+” box on the right side of the page to add activity line items (or the “x” box to delete an unnecessary line item). Data for activities in a different location, serving different beneficiaries, or addressing a different NPO must appear on a separate Table 1 form. To add a new Table 1 form, click the “Add Another Table 1” button at the top of the page, or click “Remove this Table 1” to remove an unnecessary page. Refer to Appendix III: Sample Table 1 & Table 2 for an example of a properly completed Table 1 form.

Enter the following information for each target area:

- Colonia Name – enter the name of the applicable colonia. **NOTE:** when entering the name of the colonia/project area, ensure exact consistency in the naming of the colonia/project area **throughout** the application (spelling and capitalization, etc.). For example, “Green Acres” should not appear as “green acres subdivision” elsewhere.
- Date of Existence as a Colonia – provide the date that the area was determined to be a colonia. **NOTE:** remember that only a colonia that existed prior to November 28, 1990, is eligible to benefit from an activity/project.
- Construction Completion Method(s) – identify how each proposed activity will be accomplished:
 - select “contract” for activities that will be accomplished by the bid/contract process.
 - select “force account” for force account labor (performed by the applicant’s own employees); or
 - select “combination” for a combination of both (Contract) and (Force Account);
- Activity Description – choose the appropriate activity from the dropdown menu. After selecting an activity, the appropriate HUD activity number will appear in the next field. Refer to Appendix IV: TxCDBG Activity Code Reference Table for a brief description of each activity and its corresponding activity code. Most projects involve at least three activities, and at least one construction item and General Administration are mandatory. For most public works/facilities projects, engineering/architectural services should be included even if not paid with TxCDBG funds.
 - When completing the form for the General Administration activity, the Gender, Ethnicity, and Census Geographic Area information is not required. For the General Administration line item, use the TxCDBG Construction and/or Other Construction columns to indicate the portions of the Administration costs to be paid by TxCDBG funds and/or Other funds respectively. Engineering and acquisition costs are not applicable to General Administration and should be left blank for both

TxCDBG and Other funds. In some cases, more than three activities apply even if the application is for a single purpose. One example is housing projects that include rehabilitation, clearance, and relocation activities.

- Total Benes (Total Activity Beneficiaries) – enter the total number of beneficiaries of the activity. For projects with multiple activities, each separate activity requires a separate beneficiary count. Once this information is entered for all activities (if applicable), enter the sum total of all the beneficiaries at the bottom of the column. This is true when activities take place in different sectors of a jurisdiction, but may also be true when the activities are proposed in the same general vicinity.
 - For example, if a proposed project includes street paving and sewer line improvements in the same part of a community, a survey conducted for the project should produce a separate sub-tabulation for each activity. If the activity locations overlap completely and serve the same population, the beneficiary totals will be identical. If the activity locations overlap partially or not at all, the totals will differ because each activity serves a different population.
- LMI Benes (Activity LMI Beneficiaries) – enter the number of persons identified out of the Total Beneficiaries whose income falls below 80% of the area median family income. Once this information is entered for all activities, enter the sum total of all the LMI beneficiaries at the bottom of the column.
- LMI % (Activity LMI %) – this is the percentage of an activity’s beneficiaries that are LMI, and will automatically calculate. For projects addressing the low-to-moderate income NPO, the TxCDBG program requires that this amount be at least 51% for each construction activity.
- TxCDBG Construction – indicate the amount of TxCDBG funds requested for each construction activity. Be sure to correlate this figure for all construction activities on Table 2 – Budget Justification.
 - Use this column for General Administration (choose General Administration as the activity and then budget the amount in the TxCDBG Construction column). The amount requested for General Administration must not exceed 16% of the combined TxCDBG amounts requested for construction and acquisition/relocation activities. The locality is responsible for any cost incurred for General Administration (Program Administration, Compliance, Audit, etc.) that exceeds the TxCDBG-funded amount
- TxCDBG Engineering – indicate the amount of TxCDBG funds requested to pay engineering costs associated with the activity. This amount should also appear on Table 2 – Budget Justification. When TxCDBG Engineering costs exceed 25% of the TxCDBG Construction/Acquisition budget, the cost is considered unreasonable and an explanation of high costs will be required.
- TxCDBG Acquisition – indicate the amount of TxCDBG funds requested to pay acquisition costs associated with the activity. This amount should also appear on Table 2 – Budget Justification.
- Other Construction – indicate the amount of local or other matching funds committed to pay for the construction costs associated with the activity.
- Other Engineering – indicate the amount of local or other matching funds committed to pay for the engineering costs associated with the activity.
- Other Acquisition – indicate the amount of local or other matching funds committed to pay the acquisition costs associated with the activity.
- The source(s) of all other funds must be disclosed in the Project Summary section of the application when the “other” amount is greater than zero. TDA requires a commitment documenting each outside source of funding. Refer to Appendix II: Matching Funds for additional details.
- Activity Total – this is the total cost of completing each activity, including funds from TxCDBG and all other sources, and will automatically calculate. The total for all activities should match the total project cost on the 424 form.

- Gender Data – enter in the total number of male and female beneficiaries that will be served in the target area. The number in the Total Benes column (Gender Data) should match the Total Beneficiary – Activity Totals column in the section above.
- Race/Ethnicity Data – Provide the race, and ethnicity data of the beneficiaries that will be served in the target area. Beneficiaries for the (CDBG) consider persons of Hispanic or Latino origin as an ethnic group. Therefore, persons of Hispanic or Latino origin must also be included under one or more of the single race or multi-race categories. The number of persons shown in the single race or multi-race categories, not including the persons shown as Hispanic or Latino origin, should equal the total number of project beneficiaries when added together. The number in the Total Activity Beneficiaries column must match the Activities column in the section above.
- Census Geographic Area Data – for reporting purposes, HUD requires that TDA collect information regarding the location of each project activity. The county code/FIPS (Federal Information Processing Standard) code will automatically populate when you choose the applicant’s county from the drop down menu on the cover page. Next, enter all of the applicable census tracts (6-digit) and block group where the activity’s beneficiaries reside.
- This Activity Benefits a Target Colonia Area / This Activity Benefits All Colonia Areas in the County – identify whether the proposed activity will benefit a targeted colonia area, or all the colonia areas within a county, by selecting the appropriate box.
- Beneficiary Identification Methods – indicate which of the three acceptable methods was used by selecting the appropriate box, and then provide the appropriate information that is requested under the selected identification method. The three acceptable ways to determine how many beneficiaries an activity will serve are the following
 - HUD Census-based Data;
 - TxCDBG-approved Survey; and
 - TxCDBG-approved Limited Clientele Information.

Table 2 – Budget Justification of Retail Costs

For projects involving more than one activity, this form should reflect each separate activity and its applicable costs. Do not include cost categories such as contingency funds, profit, overhead, and bonding as separate costs. They should be built into the estimated construction costs. Costs related to housing rehabilitation activities, other than water or sewer connections on private property related to the installation of first-time water or sewer service, do not have to be reflected on this form.

Localities may not levy special assessments, fees or service connection/tap-on costs on low-to-moderate income persons to recover the TxCDBG-financed portion of a public improvement. However, they may do so to recover the portion financed with other funding sources provided TxCDBG funds pay these costs for the LMI beneficiaries.

Under certain conditions, TxCDBG funds may pay special assessments and fees for low-to-moderate income persons even if the public improvements are funded by another source. Payment of special assessments/fees constitutes TxCDBG assistance to the public improvement. Therefore, TxCDBG funds may pay for the assessments/fees on behalf of LMI persons provided that:

- the installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under TxCDBG, including labor standards, environmental review requirements, and citizen participation;
- the installation of the public improvement meets a TxCDBG national program objective; and,
- TxCDBG funds do not pay for the assessment/fees on behalf of non low-to-moderate income persons.

Force account labor costs, whether to be paid with TxCDBG funds or included as local match, must be based on the estimated TxCDBG contract-related construction hours to be worked by force account workers and the hourly wages

to be paid, not on labor costs estimated through the bid/contract method. These costs must be described in the Project Summary section of the application.

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

Equipment costs for equipment owned by the locality, whether to be paid with TxCDBG funds or included as local match, must be based on a use allowance (such as those used by FEMA) or depreciation (based on acquisition cost, and only if the equipment is not already fully depreciated). Calculate all costs based on hours the equipment is in use on the project.

Please enter the following:

- Activity Description – refer to the listed activities on Table 1. Activities shown on this form must correspond to those shown on Table 1. Use the dropdown menu for a full list of activity descriptions and their corresponding HUD activity numbers. Use the “+” box on the right side of the page for additional line items (or the “x” to remove unnecessary ones).
- Materials/Facilities/Services – in this column, list the materials/facilities/services associated with each activity.
- \$/Unit, Unit, and Quantity – for projects that will be completed using force account labor, use the materials/facilities/services column to calculate the value of the force account, such as the estimated contract-related construction hours multiplied by hourly wage rates with the total amount indicated in the Construction column, or attach a separate Force Account Schedule. See Appendix V: Form and Documents Samples for an example of a properly completed Table 2 – Budget Justification for Retail Costs involving Force Account labor. There are two acceptable methods for determining actual construction costs:
 1. Break down the construction costs into labor and materials components for each activity (use this method for activities involving force account labor); or
 2. Use unit price (\$/Unit) and the number of units (Quantity) for each activity. The units used (e.g., linear feet (lf), square feet (sf), etc.) must be priced to include all proposed improvements related to and necessary for the major construction activity.
- Construction – enter the price of a material associated with a construction activity. This is the quantity in the “\$/Unit” column multiplied by the number in the “Qty” column.
- Acquisition – enter any cost involved with a proposed activity involving acquisition of real property (easements, rights-of-way, etc.). The projected acquisition costs must be broken out by the activity for which the acquisition is needed. Acquisition costs associated with construction activities, such as easements for a water system improvement project, should be shown in the “Acquisition” column. Please keep in mind that TDA requires compliance with the Uniform Real Property Acquisition and Relocation Policies Act of 1970. **Do not add a separate Acquisition activity line item unless the project involves acquisition of real property, in which case the “Construction” column should be blank for the Acquisition activity.**
- Total – the totals for each line item and column will calculate automatically. Each activity cost and the associated total activity costs must be consistent with those shown on Table 1. General Administration and Engineering costs are not shown on Table 2.
- Signature of Registered Engineer/Architect Responsible For Budget Justification (and Seal) – for public facilities projects, a professional engineer or architect licensed to practice in the State of Texas must complete this form. The engineer or architect’s signature and registration seal must be on the form. Please also provide the date the form is completed and the engineer or architect’s telephone number. If the professional seal is a pressure (non-ink) seal, please ensure that a penciled-over image of the seal is visible on the duplicate copy.

National Program Objectives

Indicate which National Program Objective (NPO) the proposed project addresses. Additional data may be required depending on which NPO you select:

- Activities benefitting low-to-moderate income persons;
 - LMI Area Benefit;
 - LMI Housing Activity;
 - LMI Limited Clientele; or
 - LMI Jobs
- Prevention / Elimination of Slums or Blight; or
- Urgent Need.

Provide a Justification of Beneficiary Identification Method that was used to identify the beneficiaries of the proposed projects. Provide specific references to programs and income limits or the condition on which the limited clientele eligibility was based. The number of limited clientele beneficiaries must be substantiated through clientele lists or certified by the director of the facility or program. Additional questions will appear if the Prevention/Elimination of Slums or Blight NPO is selected:

- Area Basis / Spot Basis – by selecting the appropriate box, indicate if the proposed activity will address slums or blight on an area or a spot basis.
- Conditions – describe the conditions that are present in the area to designate and qualify the areas as a slum or blighted area.
- Boundaries – Describe the boundaries of the slum/blight area. Do not use this field to document the Census tract/block group data.
- Percentage Deteriorated Buildings/Qualified Properties – Enter the percentage of deteriorated buildings/properties in the area at the time it was designated a slum/blight area.
- Public Improvement/Type Condition – If the activity qualifies for CDBG assistance on the basis that public improvements throughout the area are in a general state of deterioration, enter a description of each type of improvement in the area and its condition at the time the area was designated as slum/blight.
- Slum/Blight Designation Year – Enter the year the area was designated as a slum/blight area. If the period during which such designations are valid has lapsed, the applicant entity must re-evaluate and re-designate the area.

NOTE: Funds to address the Urgent Need NPO are awarded separately on an invitation-only basis. For more information regarding NPOs, refer to the National Program Objectives section of this guide.

Anticipated Objectives and Outcomes

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

- Activity – using the dropdown menu, select the appropriate activity. If the options in the drop-down menu do not accurately describe the proposed activity, you may type the appropriate project type in this field rather than selecting from those provided from the drop-down list. Also, use the boxes marked “+” and “x” on the right side of the page to add or delete space for additional activities.
- Anticipated Objective – select one anticipated objective for each activity:
 - Create a suitable living environment.

- Provide decent affordable housing
- Create economic opportunities.
- Anticipated Outcome – select one outcome for each activity in the application (excluding engineering and administration):
 - Availability / Accessibility
 - Affordability
 - Sustainability

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

Anticipated Outcome Units

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

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

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

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

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

Additional Activity Information

Select only those that apply.

- *One-for-One Replacement* – requires that a grantee replace occupied and vacant units that are demolished or converted.
- *Revolving Loan Fund* – established to make loans whereby principal repayments of loans are re-paid into the fund and re-lent to other borrowers.
- *Brownfield Activity* – any activity designed to treat a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated, especially one considered as a potential site for redevelopment.
- *Special Assessment* – means the recovery of the capital costs of a public improvement, such as streets, water or sewer lines, curbs, and gutters, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement, or one-time charge made as a condition of access to public improvement.
- *Favored Activity* – certain activities specifically related to economic development.

- *Colonia* – Any identifiable unincorporated community that is determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and was in existence as a colonia prior to the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (November 28, 1990).
- *Presidentially Declared Disaster Area* – any area that is listed as an active disaster area on the Federal Emergency Management Agency website (www.fema.gov).
- *Historic Preservation Area* – any area that has been identified in accordance with the standards for the treatment of historic properties as set by the Secretary of the Interior.
- *Displacement* – a displaced person is any lower income family or individual that moves from real property, or moves his or her personal property from real property, permanently and involuntarily, as a direct result of the conversion of an occupied or vacant occupiable low/moderate income dwelling unit, or the demolition of any dwelling unit, in connection with an assisted activity.
- *Float Funded* – process by which a state’s CDBG funds are already under contract to grant recipient, yet the state awards the same funds to another grant recipient providing that the state is repaid before the initial grant recipient needs the funds to meet their obligation(s) for their CDBG funded activities.

Colonia Identification

Complete this form for **each** colonia identified in the application that will benefit from the proposed activities/projects (click on the clearly marked bars at the top of the page to add or delete additional forms for multiple colonias). If a question is inapplicable, the question must be answered “N/A”. Blank spaces are not considered to be a response.

Attachments

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

Resolutions

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

The language of the resolution must, at a minimum:

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

In a multi-jurisdiction application, a cooperative agreement must also be included and signed by all participating local governments, and must state which participant will serve as the lead administrative entity if the project is funded.

Additionally, each locality participating in a multi-jurisdiction application must submit a resolution adhering to the guidelines above.

For a sample resolution, see Appendix V: Form and Document Samples.

Documentation of Match

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

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

Match must be fully documented in the application. For more information on the acceptability of each of the different types of match, refer to Appendix II: Matching Funds.

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

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

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

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

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

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

Published Notices of Public Hearing and Application Activities

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

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

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

Other requirements that must be followed include:

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

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

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

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

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

For sample public notices, see Appendix V: Form and Document Samples.

Project Maps including Census Maps

Each application for TxCDBG funding must be accompanied by a project map, or maps, that clearly show the following information.

The maps must show:

- the boundaries of the county;
- the locations of the target area colonia(s) within the county; and
- the locations of all proposed project activities within the target colonia areas.

If the colonia area benefiting from an application activity is an area that has been annexed by an incorporated city, maps must be provided that show:

- the city's corporate city limits;
- the boundary of the area annexed by the incorporated city after September 1, 1999; and
- the locations of all proposed project activities including any activities located outside of the city's corporate city limits (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, water wells, wastewater treatment plants etc.).

Applicants using Census data to document project beneficiaries must provide maps that clearly show:

- all of the Census geographic areas (e.g., census tracts, block numbering areas, block groups) within the applicant's jurisdiction where census data is used to document project beneficiaries and locations of the project activities on the same census maps; and
- the census tract numbers, block numbering area numbers, and block group numbers must be legible on these census maps.

If project beneficiaries are determined on the basis of area benefit, the project area or service area boundaries must also be delineated on the map. Maps must be reproducible. Care should be taken in copying maps so that project activities that may have been designated by a colored mark are still identifiable.

In addition, the applicant must submit a FEMA Flood Map with the project location identified. Maps are available at <https://msc.fema.gov>

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

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

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

Additionally, the applicant must also submit a **draft** of the selection guidelines that will govern the selection process of the households that will receive benefit. Samples of housing rehabilitation and OSSF guidelines can be found in

the CDBG Project Implementation Manual on the TDA website. If the applicant has already received TDA approval for the same activity and target area include a copy of the approval letter with the guidelines.

Documentation of Beneficiaries

Clear documentation of an applicant's beneficiary identification method **must** be received with the application. Applicants must include with their application either a completed survey of the target area; for previously completed surveys the TxCDBG Approval Letter and the Survey Tabulation Form or supporting documentation of the HUD based Census Low-to-Moderate-Income Summary Data (LMISD) spreadsheet for the census geographic area. Applications that do not include this information have not documented the National Program Objective of principally benefitting low to moderate income individuals and will be disqualified.

Evidence of Active SAM Registration

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

Annual Audit

Applicants must comply with the audit requirements in the Texas Local Government Code for the fiscal year ending 2015. The applicant is required to submit their most recent annual audit or audit opinion letter with their application to demonstrate financial capacity. The auditor's opinion letter is preferred to the whole audit (note – not the management letter). Annual audits for fiscal years ending on or before December 31, 2014 will not be accepted. Failure to submit an audit for FY2015 or FY 2016 **with the application** by the application deadline will result in automatic disqualification.

A303 Categorical Exclusion Not Subject to 58.5

The applicant shall include a completed A303 Categorical Exclusion Not Subject to 58.5 form for the proposed project. (See Appendix V: Form and Document Samples)
(See Appendix V: Form and Document Samples)

Pre-agreement Option

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

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

Applicant Name: _____

Application Review Checklist for Colonia Economically Distressed Areas Program

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

COLONIA ECONOMICALLY DISTRESSED AREAS PROGRAM Application Contents	Initial if complete NA if not applicable
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Original Application – Part 1

Cover Sheet	
Most recent Annual Audit's or CPA Opinion Letter	
Completed 424 Form with original signature	
Project Approval Information with all question answered	
Community Needs Assessment	
Project Summary by Target area and locations identified & Source and Use of non-TxCDBG funds Disclosure	
Cranston-Gonzalez National Affordable Housing Act	
Model Subdivision Rules Assessment	
Table 1	
Table 2	
National Program Objectives	
Colonia Identification	

Attachments – Part 2

Resolution passed by the applicant	
Match documentation - Letter(s) of Commitment	
Public notices	
Copy of actual published public hearing notice or Publisher's Affidavit and copy of notice	
Copy of actual published notice of application activities and availability of the application for public review or Publisher's Affidavit and copy of notice	
Listing of the local service providers that were sent the written notification of the public hearing	
Project Map documenting the Benefit area including Census maps and FEMA Flood Map	
Waiting List and Selection Guidelines for Housing Activities (Rehab or OSSF) (if applicable)	
Documentation supporting Low-to-Moderate Income beneficiaries (Survey or ACS data) (See Appendix I)	
Evidence of Active SAM Registration	
A303 Categorical Exclusion Not Subject to 58.5	
Pre-Agreement Request letter (if applicable)	

Electronic Copy– Part 3

Only the PDF document of the of the application is needed. CD-Rom or email to cdbgapps@TexasAgriculture.gov	
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Appendix I: Using Census Data and Surveys

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

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

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

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

Navigating the LMISD Spreadsheets

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

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

- f. “lowmod” – number of LMI persons within the block group
- g. “lowmoduniv” – total number of persons within the block group
- h. “lowmod_pct” – percentage of LMI persons in the block group

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix II: Matching Funds

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

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

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

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

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

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

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

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

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

Example #4 - An applicant proposes a sewer system improvements project that includes acquisition of easements and a site for a lift station. TxCDBG funds will finance 100% of the sewer system construction improvements and the

applicant's match will finance 100% of the acquisition, engineering, and administrative costs related to the delivery of the construction improvements. This match is considered allowable because the acquisition, engineering and administrative costs are directly related to the TxCDBG funded sewer construction activity.

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

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

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

Cash

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

Force Account Labor (in-kind service)

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

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

Administration/Engineering (in-kind service)

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

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

Equipment Use (in-kind)

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

To document the value of estimated in-kind equipment use match based on a use allowance, the applicant may use equipment hourly rates and mileage rates established by the Federal Emergency Management Agency (available from TxCDBG under separate cover).

Depreciation value may be used only if the equipment is not already fully depreciated and the schedule is based on acquisition cost. The applicant must provide an attachment/schedule that shows how the value of the match was determined.

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

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

Materials and Supplies

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

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

Land

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

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

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

Appendix III: Sample Table 1 & Table 2

TABLE 1 Complete a separate table for each activity or colonia target area.

Add Another Table 1

Remove this Table 1

Identify the target area for this project. Only one Table 1 is needed if the same target area, beneficiaries, and national objective apply. If any of these are different, add a new Table 1. Refer to the Application Guide for instructions.

Target Area: **Town of Prickly Pear - East Side**

Construction Completion Type: **Contract**

Activity Description	HUD Act #	Total Benes	LMI Benes	LMI %	TxCDBG Construction	TxCDBG Engineering	TxCDBG Acquisition	Other Construction	Other Engineering	Other Acquisition	Activity Total	+
Water Improvements	03J	100	75	75.00%	125,000	30,000	0	10,000	0	0	165,000	X
Acquisition of Real Property	1	0	0	0.00%	0	0	10,000	0	0	0	10,000	X
General Program Administration (use Construction columns)	21A	0	0	0.00%	25,000	0	0	0	0	0	25,000	X
ACTIVITY TOTALS:		100	75	75.00%	150,000	30,000	10,000	10,000	0	0	200,000	

Race	# Non-Hispanic Beneficiaries	# Hispanic Beneficiaries	Total Activity Beneficiaries	+
White	12	13	25	X
Black African American	12	12	24	X
Asian	15	12	27	X
Asian/White	12	12	24	X
TOTALS:	51	49	100	
Gender	Total Males	Total Females	Total Benes	
	50	50	100	

REQUIRED - Census Geographic Area Data										County Code	+
Identify the census tract and block group(s) in which the project will take place										25	
Census Tract (6-digit)	01	02	03	04	05	06	07	08	09	10	X
9501.00	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Census Tract (6-digit)	01	02	03	04	05	06	07	08	09	10	X
9500.00	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- ☐ City-wide Benefit
- ☐ County-wide Benefit

Beneficiary Identification Method(s)

- ☐ An approved TxCDBG survey was used to identify the beneficiaries for this activity.
- ☒ 2010 Census information used to identify the beneficiaries for this activity?
- ☒ The required Census or Texas State Data Center map has been provided if required.

Provide the number of beneficiaries identified through each of the following methods for this activity:

TxCDBG Survey: **0** 2010 Census: **100** Area Benefit: **0** Housing Activity: **0** Limited Clientele: **0**

TABLE 1 Complete a separate table for each activity or colonia target area.

Add Another Table 1

Remove this Table 1

Identify the target area for this project. Only one Table 1 is needed if the same target area, beneficiaries, and national objective apply. If any of these are different, add a new Table 1. Refer to the Application Guide for instructions.

Target Area: **Town of Prickly Pear - North Side**

Construction Completion Type: **Contract**

Activity Description	HUD Act #	Total Benes	LMI Benes	LMI %	TxCDBG Construction	TxCDBG Engineering	TxCDBG Acquisition	Other Construction	Other Engineering	Other Acquisition	Activity Total	+
Sewer Improvements	03J	50	40	80.00%	60,000	15,000	0	10,000	0	0	85,000	X
ACTIVITY TOTALS:		50	40	80.00%	60,000	15,000	0	10,000	0	0	85,000	

Race	# Non-Hispanic Beneficiaries	# Hispanic Beneficiaries	Total Activity Beneficiaries	+
Black African American	10	8	18	X
Native Hawaiian / Other Pacific Islander	7	10	17	X
American Indian/Alaskan native	7	8	15	X
TOTALS:	24	26	50	
Gender	Total Males	Total Females	Total Benes	
	25	25	50	

REQUIRED - Census Geographic Area Data										County Code	+
Identify the census tract and block group(s) in which the project will take place										25	
Census Tract (6-digit)	01	02	03	04	05	06	07	08	09	10	X
9500.00	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

- ☐ City-wide Benefit
- ☐ County-wide Benefit

Beneficiary Identification Method(s)

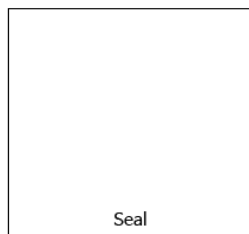
- ☐ An approved TxCDBG survey was used to identify the beneficiaries for this activity.
- ☒ 2010 Census information used to identify the beneficiaries for this activity?
- ☒ The required Census or Texas State Data Center map has been provided if required.

Provide the number of beneficiaries identified through each of the following methods for this activity:

TxCDBG Survey: **0** 2010 Census: **50** Area Benefit: **0** Housing Activity: **0** Limited Clientele: **0**

TABLE 2 - BUDGET JUSTIFICATION OF RETAIL COSTS

Activity Description	HUD Act #	Materials/Facilities/Services	\$/Unit	Unit	Quantity	Construction	Engineering	Acquisition	Total	
Water Improvements	03J	8" PVC Water Pipe	\$8.00	LF	2,500	\$20,000	\$0	\$0	\$20,000	X
Water Improvements	03J	75,000 gal. Ground Storage Tank	\$80,000.00	EA	1	\$80,000	\$0	\$0	\$80,000	X
Water Improvements	03J	8" Tapping Sleeve & Valve	\$2,500.00	EA	2	\$5,000	\$0	\$0	\$5,000	X
Water Improvements	03J	Booster Pumps	\$10,000.00		3	\$30,000	\$0	\$0	\$30,000	X
Water Improvements	03J	Acquisition of Storage Tank Site	\$0.00		0	\$0	\$0	\$10,000	\$10,000	X
Water Improvements	03J	6" PVC Sewer Pipe	\$6.00	LF	2,000	\$12,000	\$0	\$0	\$12,000	X
Water Improvements	03J	6" Roadway Boring	\$12,000.00	LF	4	\$48,000	\$0	\$0	\$48,000	X
Water Improvements	03J	Pump Repairs	\$10,000.00	LS	1	\$10,000	\$0	\$0	\$10,000	X
Water Improvements	03J	Engineering: Survey	\$0.00		0	\$0	\$15,000	\$0	\$15,000	X
Water Improvements	03J	Engineering: Design	\$0.00		0	\$0	\$15,000	\$0	\$15,000	X
Water Improvements	03J	Engineering: Construction	\$0.00		0	\$0	\$15,000	\$0	\$15,000	X
						\$205,000	\$45,000	\$10,000	\$260,000	



Signature of Registered Engineer/Architect Responsible For Budget Justification:

Date:

Phone Number

Appendix IV: TxCDBG Activity Code Reference Table

Code	Description
01	<p>Acquisition of Real Property Acquisition of real property that will be developed for a public purpose. Use code 01 for the CDBG-funded purchase of real property on which, for example, a public facility or housing will be constructed.</p> <p>When CDBG funds are used to:</p> <ul style="list-style-type: none"> • acquire a public facility that will be rehabilitated with CDBG funds and continue to be used as a public facility, assign the appropriate 03* code. • acquire housing that will be rehabilitated, use code 14G.
02	<p>Disposition of Real Property Costs related to the sale, lease, or donation of real property acquired with CDBG funds or under urban renewal. These include the costs of temporarily maintaining property pending disposition and costs incidental to disposition of the property.</p>
03A	<p>Senior Centers Acquisition, construction, or rehabilitation of facilities (except permanent housing) for seniors. 03A may be used for a facility serving both the elderly and the handicapped, provided it is not intended primarily to serve persons with handicaps. If it is, use 03B instead. For the construction of permanent housing for the elderly, use code 12; for the rehabilitation of such housing, use the appropriate 14* code.</p>
03D	<p>Youth Centers Acquisition, construction, or rehabilitation of facilities intended primarily for young people age 13 to 19. These include playground and recreational facilities that are part of a youth center. For the acquisition, construction or rehabilitation of facilities intended primarily for children age 12 and under, use 03M; for facilities for abused and neglected children, use 03Q.</p>
03E	<p>Neighborhood Facilities Acquisition, construction, or rehabilitation of facilities that are principally designed to serve a neighborhood and that will be used for social services or multiple purposes (including recreational). Such facilities may include libraries and public schools.</p>
03F	<p>Parks, Recreational Facilities Development of open space areas or facilities intended primarily for recreational use.</p>
03G	<p>Parking Facilities Acquisition, construction, or rehabilitation of parking lots and parking garages. Also use 03G if the primary purpose of rehabilitating a public facility or carrying out a street improvement activity is to improve parking. If parking improvements are only part of a larger street improvement activity, use 03K.</p>
03I	<p>Flood Drainage Improvements Acquisition, construction, or rehabilitation of flood drainage facilities, such as retention ponds or catch basins. Do not use 03I for construction/rehabilitation of storm sewers, street drains, or storm drains. Use 03J for storm sewers and 03K for street and storm drains.</p>

03J	<p>Water/Sewer Improvements Installation or replacement of water lines, sanitary sewers, storm sewers, and fire hydrants. Costs of street repairs (usually repaving) made necessary by water/sewer improvement activities are included under 03J.</p> <p>For water/sewer improvements that are part of:</p> <ul style="list-style-type: none"> • more extensive street improvements, use 03K (assign 03K, for example, to an activity that involves paving six blocks of Main Street and installing 100 feet of new water lines in one of those blocks). • a housing rehabilitation activity, use the appropriate 14* matrix code. <p>For construction or rehabilitation of flood drainage facilities, use 03I.</p>
03K	<p>Street Improvements Installation or repair of streets, street drains, storm drains, curbs and gutters, tunnels, bridges, and traffic lights/signs.</p> <p>Also use 03K:</p> <ul style="list-style-type: none"> • for improvements that include landscaping, street lighting, and/or street signs (commonly referred to as “streetscaping”). • if sidewalk improvements (see code 03L) are part of more extensive street improvements.
03L	<p>Sidewalks Improvements to sidewalks. Also use 03L for sidewalk improvements that include the installation of trash receptacles, lighting, benches, and trees.</p>
03M	<p>Child Care Centers Acquisition, construction, or rehabilitation of facilities intended primarily for children age 12 and under. Examples are daycare centers and Head Start preschool centers.</p> <p>For the construction or rehabilitation of facilities for abused and neglected children, use 03Q. For the construction or rehabilitation of facilities for teenagers, use 03D.</p>
03O	<p>Fire Stations/Equipment Acquisition, construction, or rehabilitation of fire stations and/or the purchase of fire trucks and emergency rescue equipment.</p>
03P	<p>Health Facilities Acquisition, construction, or rehabilitation of physical or mental health facilities. Examples of such facilities include neighborhood clinics, hospitals, nursing homes, and convalescent homes. Health facilities for a specific client group should use the matrix code for that client group. For example, use 03Q for the construction or rehabilitation of health facilities for abused and neglected children.</p>
03	<p>Other Public Facilities and Improvements Do not use this code unless an activity does not fall under a more specific 03* code. Also, do not use one activity for multiple facilities and then assign it an 03 because the types of facilities are different. One legitimate use of 03 is for activities that assist persons with disabilities by removing architectural barriers from or providing ADA improvements to government buildings (activities that otherwise would not be eligible for CDBG funding).</p>

04	Clearance and Demolition Clearance or demolition of buildings/improvements, or the movement of buildings to other sites.
05D	Youth Services Services for young people age 13 to 19 that include, for example, recreational services limited to teenagers and teen counseling programs. Also use 05D for counseling programs that target teens but include counseling for the family as well. For services for children age 12 and under, use 05L; for services for abused and neglected children, use 05N.
05L	Child Care Services Services that will benefit children (generally under age 13), including parenting skills classes. For services exclusively for abused and neglected children, use 05N.
05M	Health Services Services addressing the physical health needs of residents of the community. For mental health services, use 05O.
05R	Homeownership Assistance (not direct) Homeowner downpayment assistance provided as a public service. If housing counseling is provided to those applying for downpayment assistance, the counseling is considered part of the 05R activity. Assistance provided under 05R must meet the low/mod housing national objective. Therefore, unless the assistance is provided by an 105(a)(15) entity in a CRSA, it is subject to the public service cap and only low/mod households may be assisted. If the assistance is provided by a 105(a)(15) in a CRSA, the housing units for which CDBG funds are obligated in a program year may be aggregated and treated as a single structure for purposes of meeting the housing national objective (that is, only 51% of the units must be occupied by LMI households). For more extensive types of homeownership assistance provided under authority of the National Affordable Housing Act, use code 13.
05U	Housing Counseling Housing counseling for renters, homeowners, and/or potential new homebuyers that is provided as an independent public service (i.e., not as part of another eligible housing activity).
05	Other Public Services Do not use this code for public services activities unless an activity does not fall under a more specific 05* code. Examples of legitimate uses of this code are referrals to social services, neighborhood cleanup, graffiti removal, and food distribution (community kitchen, food bank, and food pantry services).
06	Interim Assistance Only for activities undertaken either to: <ul style="list-style-type: none"> • Make limited improvements (e.g., repair of streets, sidewalks, or public buildings) intended solely to arrest further deterioration of physically deteriorated areas prior to making permanent improvements. • Alleviate emergency conditions threatening public health and safety, such as removal of tree limbs or other debris after a major storm.

08	Relocation Relocation payments and other assistance for permanently or temporarily displaced individuals, families, businesses, non-profit organizations, and farms.
14A	Rehab: Single-Unit Residential Rehabilitation of privately owned, single-unit homes.
14A	Rehab: Single-Unit Residential Water Services First-time yardlines/service connections.
14A	Rehab: Single-Unit Residential Sewer Services First-time yardlines/service connections and on-site sewage facilities.
14B	Rehab: Multi-Unit Residential Rehabilitation of privately owned buildings with two or more permanent residential units. For the rehabilitation of units that will provide temporary shelter or transitional housing for the homeless, use 03C.
14C	Rehab: Public Housing Modernization Rehabilitation of housing units owned/operated by a public housing authority (PHA).
14D	Rehab: Other Publicly Owned Residential Buildings Rehabilitation of permanent housing owned by a public entity other than a PHA. For the rehabilitation of other publicly owned buildings that will provide temporary shelter or transitional housing for the homeless, use 03C.
14H	Rehab: Administration All delivery costs (including staff, other direct costs, and service costs) directly related to carrying out housing rehabilitation activities. Examples include appraisal, architectural, engineering, and other professional services; preparation of work specifications and work write-ups; loan processing; survey, site, and utility plans; application processing; and other fees. Do not use 14H for the costs of actual rehabilitation and do not use it for costs unrelated to running a rehab program (e.g., tenant/landlord counseling). For housing rehabilitation administration activities carried out as part of general program administration (and thus not required to meet a national objective), use code 21.
15	Code Enforcement Salaries and overhead costs associated with property inspections and followup actions (such as legal proceedings) directly related to the enforcement (not correction) of state and local codes. For the correction of code violations, use the appropriate rehabilitation code.
16A	Residential Historic Preservation Rehabilitation of historic buildings for residential use.
16B	Non-Residential Historic Preservation Rehabilitation of historic buildings for non-residential use. Examples include the renovation of an historic building for use as a neighborhood facility, as a museum, or by an historic preservation society.

18A	<p>Economic Development: Direct Financial Assistance to For-Profits</p> <p>Financial assistance to for-profit businesses to (for example) acquire property, clear structures, build, expand or rehabilitate a building, purchase equipment, or provide operating capital. Forms of assistance include loans, loan guarantees, and grants. With one exception, a separate 18A activity must be set up for each business assisted. The exception is an activity carried out under 570.483(b)(4)(vi), for which job aggregation is allowed.</p>
19C	<p>CDBG Non-Profit Organization Capacity Building</p> <p>Activities specifically designed to increase the capacity of non-profit organizations to carry out eligible community revitalization or economic development activities. Such activities may include providing technical assistance and specialized training to staff.</p>
20	<p>Planning</p> <p>Program planning activities, including the development of comprehensive plans (e.g., a consolidated plan), community development plans, energy strategies, capacity building, environmental studies, area neighborhood plans, and functional plans.</p>
21A	<p>General Program Administration</p> <p>Overall program administration, including (but not limited to) salaries, wages, and related costs of grantee staff or others engaged in program management, monitoring, and evaluation. Also use 21A to report the use of CDBG funds to administer Federally designated Empowerment Zones or Enterprise Communities.</p> <p>For CDBG funding of HOME admin costs, use 21H; for CDBG funding of HOME CHDO operating expenses, use 21I.</p>

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

Appendix V: Form and Document Samples

Sample Resolution

RESOLUTION

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

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

WHEREAS, certain conditions exist which represent a threat to the public health and safety; and

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

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

1. That a Texas Community Development Block Grant Program application for the (FUND NAME) is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture.
2. That the County's application be placed in competition for funding under the (FUND NAME).
3. That the application be for (\$500,000.00) of grant funds to provide (first-time water service).
4. That the Commissioners Court directs and designates (the County Judge) as the County's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the County's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
6. That it further be stated that (XYZ) County is committing (\$25,000.00) from its (General Fund) as a cash contribution toward the administration activities of this (first-time water service) project.

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

John Doe, County Judge
(XYZ) County, Texas

Mary Smith, County Clerk
(XYZ) County, Texas

Sample Public Hearing Notice and Application Activities Notice

SAMPLE PUBLIC HEARING NOTICE:

Published on (DATE):

PUBLIC HEARING NOTICE

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

SAMPLE APPLICATION ACTIVITIES NOTICES:

Published on (DATE):

PUBLIC NOTICE

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

EXHIBIT A

PERFORMANCE STATEMENT

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

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

CURRENT NEED

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

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

Sewer Improvements

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

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

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

Engineering

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

General Administration

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

**Environmental Review
for Activity/Project that is Exempt or
Categorically Excluded Not Subject to Section 58.5
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

Project Information**Project Name:****Responsible Entity:****Grant Recipient** (if different than Responsible Entity):**State/Local Identifier:****Preparer:****Certifying Officer Name and Title:****Consultant** (if applicable):**Project Location:****Description of the Proposed Project** [24 CFR 58.32; 40 CFR 1508.25]:**Level of Environmental Review Determination:**☐ Activity/Project is Exempt per 24 CFR 58.34(a): _____☐ Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b): _____**Funding Information**

Grant Number	HUD Program	Funding Amount

Project Name

Project Locality and State

HEROS Number

Estimated Total HUD Funded Amount:

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable):

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input type="checkbox"/>	

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in

Project Name

Project Locality and State

HEROS Number

Law, Authority, or Factor	Mitigation Measure

--	--

Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: _____

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Sample Pre-Agreement Request

<<date>>

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

Re: Pre-Agreement Cost Approval for Administration and Engineering

Dear Ms. Barnard:

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

1. All applicable state and federal laws, including procurement procedures for professional services and applicable vendors; all applicable TxCDBG policies and procedures, including a completed Environmental Assessment necessary for the Release of Funds (for construction activities) by TxCDBG, acquisition requirements, approval of plans and specifications as regulated by the Texas Commission on Environmental Quality (TCEQ), Davis-Bacon wage requirements, and any applicable contract Special Conditions.
2. The Department shall not reimburse any costs under this agreement until a 2016 [FUND NAME] contract is fully executed with the city. Department shall not be liable for costs incurred prior to [DATE] or for any activities not included in Exhibit A, Performance Statement, and Exhibit B, Budget, of the executed contract associated with the 2016 grant.

Sincerely,

Mayor, City of XYZ

Appendix VI: Colonia Funds and Platting Subdivisions

With the advent of the Colonia Fund, an opportunity arose to assist low- to moderate-income residents of colonias that are not legally platted and recorded subdivisions. Several projects were funded and some subdivisions were officially recorded, while others will remain indefinitely at the preliminary plat stage in the absence of an entity to act as a developer (i.e., without guarantee of funding to afford necessary, prerequisite improvements).

In several instances, applicants proposed numerous vacant lots among or adjacent to occupied lots for platting. Including vacant lots can create the impression of impropriety, if not actual misuse of project funds, as it is difficult to tie the work associated with these lots to beneficiaries. Often, target areas proposed for platting assistance were within the extraterritorial jurisdictions of cities that are not willing to issue plat approval for lack of foreseeable financing for infrastructure improvements.

TxCDBG encourages and funds platting projects because of enhanced funding availability for physical improvements with the resultant recording of a final plat. It is not the intention of TxCDBG to encourage inconclusive engineering and legal exercises with questionable long-term benefit. TxCDBG encourages localities to determine financing sources and implementation steps necessary for concluding the subdivision process in previously determined target areas.

Although exceptions might be possible, the area to be platted shall be confined to the immediate area (occupied lots) surrounding the occupied resident households. All activities must be confined to the qualifying beneficiaries identified in the application. Grant funds shall not be reimbursed unless a certification is provided by the county that the completed project is in compliance with all applicable laws, particularly the requirements of Chapter 232, Subchapters B and C, Local Government Code. If any law or regulation is violated, the county applicant becomes liable for reimbursement of any grant funds paid for a legally improper activity.

To apply for platting using Colonia Funds for planning, a letter guaranteeing construction improvements must be provided with the application. Presumably, under this situation a Colonia Fund - Planning contract for platting activities would not need the maximum two year period that most Colonia Fund - Planning contracts require. Platting is also an eligible activity under the Economically Distressed Areas Program (EDAP).

Other items to examine are an inventory of water and/or wastewater needs, an analysis of needs, and a plan showing improvements by phases. Ideally, this would be proposed to be accomplished while fully considering why these services are planned. That is, people and the housing that they live in should be considered as well as the influencing features outside and inside the colonia. Some study of land uses, drainage patterns, streets and roads is necessary to understand the colonia and how providing basic services is impacted.

A county may apply for platting as “Special Engineering Services” under a construction project application and must justify the cost requested for the platting activities. The applicant’s proposal must be for construction-related activities and infrastructure facilities that are needed to allow plat recordation. The funding requested for platting as “Special Engineering Services” will be drawn from the Colonia Fund allotment reserved for planning activities and the applicants request will take priority over any other planning proposal in an application received for the 2015-2016 Colonia Fund. Any application that includes a request for funds for platting that results in a grant to an applicant must result in a recordation of the plat (within the grant’s contract period) or the applicant/grantee will be liable for reimbursement of the entire grant award where TxCDBG funded platting activities resulted in no recordation of the plat.

A county may apply for platting to record a subdivision as a legal subdivision using Colonia Planning funds for a colonia where all infrastructure facilities are available already if the county identifies the impediments to recordation and proposes a performance statement to accomplish the platting process and recordation during a two-year TxCDBG contract period. Any application that includes a request for funds for platting that results in a grant to an applicant must result in a recordation of the plat (within the grant’s original or extended contract period). If extended, the

applicant/grantee would have a 24-month threshold violation, but would be liable for reimbursement of the entire grant award where TxCDBG funded platting activities resulted in no recordation of the subdivision.

In 1995, colonia-prevention laws were strengthened in Texas, providing enhanced requirements for platting, selling and connecting utilities to residential land outside city limits in any county within 50 miles of the Texas-Mexico border. The laws also require that when a new residential subdivision is created, the sub-divider must either install water and sewer service facilities prior to approval of the subdivision plat, or provide a financial guarantee (such as a bond or a letter of credit) to cover the utilities' cost if the installation is not completed by a promised date stated on the plat.

Violators of Texas platting laws are subject to civil penalties of up to \$15,000 for each lot conveyed.