



Texas Community Development Block Grant Program

2025 Community Development Fund

Round 2

Application Guide – Project Application

For assistance: CDBGApps@TexasAgriculture.gov

Table of Contents

Application Guide – Project Application	1
Timeline of Application Process	1
Steps in Project Application Process	2
Step 1: Project Team Selection	2
Application Preparer/Grant Administrator/Project Engineer	2
Pre-Agreement Option	2
Step 2: Schedule and publicize public hearing	2
Step 3: Conduct public hearing	4
Step 4: Select Project(s)	4
Step 5: Complete Basic Project Information for TDA Approval	5
Step 6: Develop Project Documentation	5
Project Beneficiaries	5
Project Maps	6
Project Costs	7
Documentation of Match	7
Financial Capacity	11
Evidence of Active SAM Registration	11
Step 7: Publish Notice of Application Activities	11
Step 8: Complete and submit application forms in TDA-GO	12
Signatory Resolution	12
Local Certifications	13
Application Completeness	14
False Information on Applications	14
Appeals Process	15
General CDBG Federal Requirements	16
Fair Housing Activities	16
Minority Participation/Local Opportunity	16
Build America Buy America	16
Conflict of Interest	17
Federal Funding Accountability and Transparency Act (FFATA)	18
Appendix E: Project Application Public Participation Form and Document Samples	19
Required Format - Public Hearing Notice	19
Required Format – Notice of Application Activities	19

Sample Public Hearing Script	20
Required Format - Signatory Resolution.....	21

Application Guide – Project Application

TxCDBG Application Process Update

TDA has recently implemented a two-stage application process:

- Community Application: an initial application was submitted containing basic information required to determine a community's TxCDBG eligibility and to calculate scores for competitive grants. No project-specific commitments were required for this stage.
- Project Application: Applicants whose Community Applications score within funding range have been invited by TDA to submit a Project Application with complete project information.

Timeline of Application Process

Applicants must adhere to the following timeline. Failure to meet these milestones may result in disqualification of the Project Application.

Task/Step	Date to Complete
Community Application	
TDA released Community Application	September 18, 2024
Adopted local governing body resolution(s)	December 9, 2024
Submitted TDA-GO Community Application	December 9, 2024
Project Application	
TDA invites highest scoring communities to complete Project Applications	May 20, 2025
Training webinar: Introduction to Project Application	May 30, 2025
Administration and engineering services recommended to be awarded	July 1, 2025
Publicize notice of public hearing (72 hours notice)	June 28, 2025
Conduct public hearing	July 1, 2025
Project development check-in with TDA Staff (email or virtual meeting)	July 1, 2025
Submit Basic Project Information for TDA Approval	August 1, 2025
Complete Project Application forms in TDA-GO	--
Publish notice of application availability	September 26, 2025
Adopt revised local governing body resolution, if additional matching funds commitments are required	October 1, 2025
Submit application in TDA-GO	October 1, 2025
Submit FMS performance report in TDA-GO	October 1, 2025
TDA review of Project Application	Oct – Nov 2025
Award Kick-Off Meetings and Site Visits	Oct – Dec 2025
Anticipated Grant Award date	November 2025
Anticipated Grant Agreement start date	February 1, 2026

Steps in Project Application Process

Step 1: Project Team Selection

Application Preparer/Grant Administrator/Project Engineer

An Applicant may procure 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 grant management purposes if the application is funded. However, costs for application preparation are not eligible for matching funds or reimbursement with TxCDBG funds.

For services to be paid through grant funds, the Applicant must follow the procurement guidelines included in the most recent TxCDBG Implementation Manual to contract for such services. For services to be paid through matching funds, TDA strongly recommends that Applicants follow the same procurement guidelines. Following those guidelines will ensure a competitive process and compliance with all applicable state and federal requirements. See the [“Conflict of Interest”](#) section of this Guide for important information about the timing of this procurement.

Pre-Agreement Option

Applicants have the opportunity to request a pre-agreement option in which TxCDBG may reimburse funded applicants for certain administrative and/or engineering costs incurred prior to the Grant Agreement start date. TDA will notify the Grant Recipient if, in its sole discretion, the agency declines the pre-agreement option request.

If the requested pre-agreement option is approved, TDA will allow Grant Administration Services and Engineering Services to begin incurring costs on December 9, 2024. This means that the Project Team may begin work and incur costs, such as preparation of the environmental review and preliminary engineering, during the period required for TDA’s review of the submitted Project Application and award of grant funds. Such costs are allowable only to the extent that they would have been allowable if incurred after the start date of the TxCDBG Grant Agreement and only with the written approval of TDA. **All existing grant rules apply to the pre-agreement period; see TxCDBG Project Implementation Manual for details or contact TDA staff for additional clarification.**

By submitting a TxCDBG Project Application, the Applicant commits to not begin work other than grant administration and/or engineering work or otherwise complete the proposed project until the grant is approved by TDA. If a documented situation occurs endangering public safety and this timeline is no longer feasible, please contact TDA immediately to discuss the options available. Failure to do so will result in disqualification of the Applicant’s Project Application at TDA’s sole discretion.

Step 2: Schedule and publicize public hearing

Prior to the submission of an application for TxCDBG funds, each applicant must hold at least one public hearing to solicit input on future project selection. The applicant must provide community residents with at least 72 hours’ notice of the upcoming hearing using a public notice.

The hearing must be conducted between July 1, 2024, and July 1, 2025. **Failure to complete the public hearing by July 1, 2025, will result in cancellation of the Project Application.**

Public hearing notices under this section must be issued and documented in **one** of the following ways:

1. Publish the notice in a newspaper of general circulation;
 - Documentation must be clear, readable, and complete, including the publication text, title, date of publication, name of the newspaper, and page number.
 - Documentation may consist of:
 - A clear picture or photocopy of the full newspaper page showing all required information without the page being cut or folded,
 - A newspaper tear sheet,
 - A newspaper clipping or photocopy of the notice supported by a publisher's affidavit (Form A101 in the TxCDBG Project Implementation Manual).

OR

2. Post the notice in at least two public places including the courthouse/city hall and a second location within the community;
 - Notices must be posted in locations accessible to the general public at the time of the posting and include all required information in English and any other appropriate language(s) per the recipient's Limited English Proficiency (LEP) plan. See *TxCDBG Project Implementation Manual, Chapter 10 Civil Rights*.
 - Clear photographs showing the location of the public posting(s) are required.
 - The postings must be supported by affidavit (Use Form A101 in TxCDBG Implementation Manual).

OR

3. Post the notice in at least two public places including one at the courthouse/city hall and one on the Grant Recipient's website.
 - Notices must be posted in locations accessible to the general public at the time of the posting and include all required information in English and any other appropriate language(s) per the recipient's Limited English Proficiency (LEP) plan. See *TxCDBG Project Implementation Manual, Chapter 10 Civil Rights*.
 - Clear photographs showing the location of the public posting(s) are required.
 - Screen shots of the website posting with the computer date stamp visible must be provided as documentation of the posting.
 - The postings must be supported by affidavit (Use Form A101 in TxCDBG Implementation Manual).

In addition to the public hearing notices above, written notification of the public hearing must be sent to local organizations that provide services or housing for low-to-moderate income persons residing in the jurisdiction.

- a. Organizations 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.
- b. If the service provider serving the jurisdiction's residents is located within the community, then that office should receive the notification but if a local office is not located in the community, then the regional office location that serves the jurisdiction's residents should receive the notification.

- c. Applicants must provide a list of the local service providers that received written notification of the public hearing. Copies of the written notifications must be retained by the applicant and will be reviewed by TDA staff during site visits.

Applicants should ensure that public notices are published on or before the correct days allowing sufficient time for publication and public hearing issues to be resolved rather than just prior to submitting the application.

The public hearing and public hearing notice must comply with the Public Participation requirements, as described in the TxCDBG Project Implementation Manual, Chapter 1 *Administration and Reporting*. The format for the public hearing notice is provided in Appendix E Project Application Public Participation and Forms and Document Samples.

Step 3: Conduct public hearing

Prior to the submission of an application for TxCDBG funds, each applicant must hold at least one public hearing to solicit input on future project selection. The public hearing must address the following topics:

- The development of housing and community development needs, including—
 - Current supply of affordable housing and past efforts to increase supply,
 - Current social services available to residents and what needs and/or populations remain underserved, and
 - Current condition of public infrastructure (water/sewer/streets/drainage/accessibility/etc.) and efforts to improve these conditions;
- The anticipated funding opportunities for which the needs identified through this process may be considered, including —
 - Name of funding opportunity,
 - Anticipated amount of funding available, and
 - Whether the proposed funding will meet the national objective of benefit to low-to-moderate income persons;
- The community's need for any eligible activities under the Texas Community Development Block Grant Program;
- The community's use of past TxCDBG grant funds, if applicable; and
- 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.

A sample script to be used for the public hearing is provided in Appendix E.

Minutes or notes from the public hearing discussion must be retained in local files. Any community needs identified through the public hearing or other public input may be added to the TDA-GO Additional Community Needs page.

Step 4: Select Project(s)

Projects proposed in the Project Application must meet the following requirements:

- Project activities must correspond to the regional priority identified in the previously accepted Community Application.
- Projects must be developed using the community needs identified in the previously accepted Community Application and/or the public hearing and other public participation opportunities. Any project not supported by one or both of these methods will not be considered for the grant application or any future amendment requests.

- Project activities must be eligible for CDBG funding (see Appendix D TxCDBG Activity Code Reference Table)
- Projects must benefit an area that is primarily residential in nature, including projects with community-wide benefit.
- Projects must meet the National Program Objective to benefit primarily low- to moderate-income persons. Reference TxCDBG Guide to Meeting a National Program Objective for detailed guidance on eligible activities.

The Applicant may select multiple projects, and must fully document each Benefit Area (i.e. a specific TxCDBG activity in a specific location or target area). Up to six (6) Benefit Areas can be accommodated in a single application.

TDA staff are available for initial consultation with Applicants to discuss the feasibility of projects under consideration and provide technical assistance regarding project eligibility, service area identification, and other concerns. Requests can be made by emailing CDBGapps@TexasAgriculture.gov.

Step 5: Complete Basic Project Information for TDA Approval

Applicants must complete the Basic Project Information section of the TDA-GO Project details page and provide sufficient information – including a project description, map(s) of the service area, a description of how the residents of the identified service area will benefit from the proposed improvements, and a plan to document the national program objective – for TDA staff to determine the project's feasibility.

Basic Project Information section must be completed no later than July 1, 2025, for the application to continue.

Step 6: Develop Project Documentation

Submitted Project Applications must propose project(s) that are fully developed. The proposed project scope cannot be changed after the application deadline, unless at the direction of TDA staff. TDA will not approve a change in project scope based on changing priorities of the local government.

Placeholder applications submitted with the intent of securing funding but lacking substance regarding actual locations and project details will be considered incomplete and are subject to disqualification. Applications must justify any amount requested in the application and the amount requested is subject to review.

Project Beneficiaries

For the Community Development Fund, a community must meet the Low/Moderate Income NPO as per the Texas Administrative Code. The project must meet all requirements to document one of the following for each activity:

- LMI Area Benefit;
- LMI Housing Benefit; or
- LMI Limited Clientele benefit (requires TDA approval prior to passage of the local resolution).

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

- HUD's Low-Moderate Income Summary Data (LMISD) may be used to document beneficiaries within a specific Census geography. To obtain a Census map of a specific area, visit the [HUD LMISD Mapping Application](#).
- Use of door-to-door surveys is an acceptable method for documenting beneficiary income levels. Refer to the agency website at <https://www.texasagriculture.gov> for a copy of the most recent **Survey Methodology Manual** and required survey forms. Use the survey method to document beneficiaries for projects that have a small benefit area or for proposed project activities with a service area that cannot be "reasonably delineated" by standard census geographic areas (Place, Census Tract, Block Groups).

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

Inaccurate or incomplete documentation of beneficiaries will result in disqualification of the application.

In addition to the basic eligibility requirements, TDA must evaluate each Project Application to determine if the project is feasible and reasonable. The Grant Applicant must request approval no later than September 1, 2025, to include any benefit area that:

- Includes a vacancy rate of 30% or greater, and/or
- Proposes an activity with a cost per beneficiary of \$20,000 or more.

Project Maps

Maps are a key component in determining the eligibility of a project. All required maps must clearly identify the location of the work to be performed.

Each application for TxCDBG funding must include a project map(s), which clearly shows all of the following information on the same map:

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

The applicant, with the advice of the project engineer, is responsible for identifying the benefit area based on appropriate criteria independent of income documentation.

Example: The benefit area of a project to improve sewer main trunk lines includes all residents of property whose sewer collection lines flow into the new or replaced trunk lines en route to the treatment plant – even if the project qualifies to document beneficiaries based on LMISD data, the benefit area based on the collection lines, as defined in the Guide to Meeting a National Program Objective, must be clearly identified on each map separately from the boundaries of the census geography.

Applicants using HUD-Census-based data (LMISD) to document project beneficiaries must provide a map(s) that clearly shows all of the following information on the same map:

- Census geographic areas (e.g., census tracts, block numbering areas, block groups) used to document project beneficiaries, including clearly legible numbering for each geography;
- Location(s) of the benefit area(s); and
- Location(s) of all proposed project activities (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, water wells, wastewater treatment plants, public facility improvements, etc.).

In addition, applicants requesting a project within a floodplain should submit a FEMA Flood Map with the project location identified. If this map documents that any part of the project is located in a flood way, the

applicant must provide evidence that the project is eligible for consideration in accordance with 24 CFR §55.1(c). Maps are available at <https://msc.fema.gov>

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

Applicants are advised to note any property owners who may be in and/or adjacent to the project 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.

Project Costs

The Project Application must provide an estimate of project costs to support the grant requests. All work necessary to complete the project and meet the national program objective must be included in the project costs and may not be excluded from the proposal for convenience.

The program can fund only the actual, allowable, and reasonable costs of the proposed project, and may not exceed these amounts. For all projects awarded under the TxCDBG program, TDA and the applicant will agree upon the final award amount and TDA will assign the eligible costs to either grant or matching funds. At no time will the final award exceed the amount originally requested in the application.

Grant funds may be used for the following costs in support of eligible TxCDBG program activities up to the maximum amount below – if actual cost exceeds this amount, matching funds will be assigned to these costs:

- Maximum Total Grant Request – \$750,000
- Minimum Match Commitment – The amount of local funds committed by the Applicant in the previously accepted Community Application. In limited circumstances TDA may, in its sole discretion, proportionally reduce the local matching funds for applications not requesting the maximum grant funds allowable. TDA will not pro-rate the matching funds committed if the Applicant requests less than the maximum grant funds primarily to reduce the local matching funds invested.
- Planning Activities (Comprehensive Plan) – up to \$75,000.
- General Administration – up to \$60,000 or 10% of the total grant funds requested, whichever is less.
- Engineering Services – up to \$85,000 or 12% of the total grant funds requested, whichever is less.
- Projects with less than \$350,000 in eligible costs will not be funded.

Documentation of Match

While other resources are strongly encouraged, the commitments for a community’s local 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.

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, including contracted services and materials purchases (see Chapter 5 of the TxCDBG Project Implementation Manual);
2. In-kind personnel services/equipment use (see Chapter 8 of the TxCDBG Project Implementation Manual);

3. On hand materials or supplies;
4. Donated land; or
5. Any combination of the above.

Basic Principles of Match Funds

All work necessary to complete the project and meet the national program objective must be included in the application project costs, and the Applicant must commit sufficient funds to complete all such project costs. Any anticipated costs that exceed the maximum grant amount will be committed as 'matching funds', and the Applicant may not exclude costs from the application for convenience or to avoid or reduce a formal matching funds commitment.

TxCDBG applicants commit to a minimum amount of matching funds in the Community Application. If the estimated project costs in the Project Application exceed the sum of the maximum grant amount and the previously authorized matching funds commitment, the local governing body (i.e., City Council or Commissioners Court) must adopt an updated application resolution committing sufficient funds to account for all estimated project costs. The updated match commitment will be used to calculate the contractual matching funds ratio for the grant agreement.

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

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

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

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

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

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

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

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

All resources committed in an application and considered in the scoring of that application must be provided if the project is selected for funding. If these resources are not made available, the locality may be subject to the sanctions described in the “*False Information on Applications*” section of this guide. **If a grant is awarded, the matching funds committed in the grant application will be included in the grant agreement, establishing a contractual match ratio used to calculate the maximum amount of grant funds to be disbursed for actual costs.**

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.

Source of Match

Local Resources

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 that local match can only be counted for expenditures, which would not occur if the proposed application is not funded, except for 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.

Other State or Federal Resources Commitments for other State or Federal funds (e.g., Texas Water Development Board, USDA) must be supported by a grant/loan offer, grant 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. Evidence of State or Federal funding 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.

United States Department of Agriculture Rural Development (USDA-RD): TxCDBG will accept matching funds from the USDA-RD Programs for TxCDBG applications only if the applicant has submitted the preliminary application for the USDA-RD grant or loan matching funds to USDA prior to the TxCDBG application deadline.

Texas Water Development Board (TWDB): TxCDBG will accept matching funds from the TWDB programs for TxCDBG applications only if the applicant has submitted the preliminary application or the required questionnaire for the TWDB grant or loan matching funds to the TWDB prior to the TxCDBG application deadline.

Commitments of State or Federal funds not restricted to a particular project (e.g., American Rescue Plan Act funds) must be supported by documentation of the amount of such assistance provided to the community AND a letter signed by the local authorized official confirming that the funds have not and will not be dedicated to any purpose other than the TxCDBG project while the application is pending.

Non-Cash Match

Non-cash 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 the Engineer's Budget Justification, which shows how the value of each type of match was determined. The following documentation is acceptable:

Force Account Labor (in-kind service)

The value of force account labor match must be based on the estimated TxCDBG grant-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 grant-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 grant-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 grant-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)

To document the value of the match by use allowance, the applicant may use equipment hourly rates and mileage rates established by the Federal Emergency Management Agency.

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.

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.

On Hand 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.

Donated Land

The value of certain property that is necessary and donated for the project may be claimed as matching funds as long as the donated property changes hands, i.e., a city cannot donate property to itself as a match. The value of easements, rights-of-way, property associated with existing locations for the same infrastructure system, or similar property donation will not be considered as matching funds.

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.

Financial Capacity

TxCDBG Applicants must demonstrate the financial capacity necessary to be responsible for grant funding. In lieu of a copy of the community's annual audit as required by the Texas Local Government Code, an Applicant must complete TDA's Financial Management System Self-Assessment (FMSSA) for risk analysis prior to the release of grant funds. If determined to be necessary, conditions may be included in the Grant Agreement to ensure appropriate financial management capacity. These conditions may be as modest as additional documentation of authority, or as significant as a requirement to allow a third-party local government to manage grant financials for high-risk communities.

Evidence of Active SAM Registration

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

Step 7: Publish Notice of Application Activities

Applicants must provide reasonable advance public notice of the availability of a proposed Project Application to afford affected citizens an opportunity to review the application's contents to determine the degree to which they may be affected and submit comments on the proposed activities. TDA recommends making copies of the proposed Project Application available at libraries, government offices, and public places.

1. The Applicant must issue a public notice that includes the following information:
 - The TxCDBG fund categories for which applications will be submitted;
 - The amount of TxCDBG funds requested;
 - A short description of the proposed project activities;
 - The locations of the project activities included; and
 - The location and hours when the application will be available for public review.
2. The public notice of a Project Application availability must be issued:
 - After a complete copy of the application, including all attachments, has been prepared and made available for public review;
 - After adoption of the local government resolution authorizing the submission of the application; and
 - At least five (5) days prior to the submission of an application for TxCDBG funds.
3. The Applicant must publicize and document the public notice utilizing one of the acceptable methods outlined in Chapter 1, Section 1.1.5 of the TxCDBG Project Implementation Manual.
4. In the preparation of the final Project Application, the community shall consider comments and views received related to the proposed application and may, if appropriate, modify the final application prior to submission of the application to TDA. The final Project Application shall be made available to the public.

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

The required format for the application submission notice is provided in Appendix E Project Application Public Participation Forms and Document Samples.

Step 8: Complete and submit application forms in TDA-GO

Signatory Resolution

TxCDBG applications and grant agreements require a resolution from the local governing body (i.e., City Council) authorizing specific individuals and/or positions to take action on behalf of the community.

The language of the resolution must, at a minimum, include all provisions of Appendix E Project Application Public Participation Forms and Document Samples:

1. Designate a person(s) (e.g., City Administrator or Mayor) who will be authorized to execute documents in conjunction with the application, and any resulting grant agreement, and
2. Designate a person(s) (e.g. Finance Director or City Secretary) who will be authorized to execute financial documents, including payment requests, in conjunction with the application, and any resulting grant agreement.

Once the Signatory Resolution is adopted and submitted to TDA, the community may continue to rely on the same resolution for subsequent TxCDBG applications. The community may provide an updated resolution at any time as local needs change.

The format for the signatory resolution is provided in Appendix E Project Application Public Participation Forms and Document Samples. To review the resolution, if any, currently accepted in TDA-GO, see the Organization Profile or the Organizational Compliance – Reference Attachment document.

Local Certifications

By certifying and submitting a TxCDBG application, the Applicant affirms 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 agreement, each TxCDBG Grant Recipient 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 U.S.C. §§2000d et seq.) and the Fair Housing Act (42 U.S.C. §§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 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 Grant Recipient certifies that it lacks sufficient funds under this agreement 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 Grant Recipient's knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the TxCDBG Grant Recipient, 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 Grant Recipient shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

9. The TxCDBG Grant Recipient 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.

Application Completeness

Applications considered incomplete, noncompliant with program requirements, or received late will be disqualified. Applications lacking information necessary to determine eligibility of the activity or compliance with TxCDBG and Federal program requirements will be disqualified.

Applications may be subject to disqualification for reasons including, but not limited to, any of the following:

- The project is located in, or substantially benefits, an entitlement area, including the extraterritorial jurisdiction of an entitlement city;
- The application contains ineligible activities, and any remaining eligible activities do not meet the minimum grant amount;
- The application proposes projects that do not conform to the regional project priority commitments identified in the previously accepted Community Application;
- The application does not comply with the requirement to assess the Applicant's housing and community development needs prior to submission of a TxCDBG application;
- The Applicant does not comply with the TxCDBG Public Participation requirements, including documentation of the required public hearing held on or before February 17, 2025;
- The application contains activities not supported by the community needs identified in the previously accepted Community Application or the public participation process;
- The applicant fails to complete Basic Information section of application by April 2, 2025
- 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 activity meets a National Program Objective, including TxCDBG beneficiary documentation requirements where applicable;
- The application is incomplete and/or inaccurate including, but not limited to:
 - Preparation of an assessment of the applicant's housing and community development needs;
 - Legible, quality project-related maps;
 - Disclosure of all individuals and/or firms with a financial interest in the project;
 - A passed/adopted local government resolution authorizing the submission of the application;
- The Applicant does not have an active SAM.gov registration;
- 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; or
- The application contains false information.

False Information on Applications

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

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

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

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

An applicant may appeal a decision of the State TxCDBG Director by filing an appeal with the Administrator for Trade and Business Development.

Appeals Process

Refer to 4 TAC §30.8.

General CDBG Federal Requirements

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 grant 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.

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 agreements. To increase participation of small, minority and women owned-businesses, localities may use the Texas Comptroller of Public Accounts Historically Underutilized Business (HUB) Directory. Also, in accordance with Section 3 of the Housing and Urban Development Act of 1968, successful applicants using CDBG funding for housing or other public construction are required, to the greatest extent feasible, to provide training and employment opportunities to lower-income residents and contract opportunities to businesses in the project area.

Build America Buy America

The Applicant must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grant Recipient's infrastructure project. Applicants that receive funding for infrastructure projects in Program Year 2024 must ensure that the following items used in the project are produced in the United States, (see Chapter 4 of the TxCDBG Project Implementation Manual for details):

- (1) All iron and steel used:
- (2) Specifically listed manufactured products:
 - a. Metals other than iron or steel (non-ferrous metals),
 - b. Lumber,
 - c. Composite building materials, and
 - d. Plastic and polymer-based pipe and tube materials, including PVC pipe; and
- (3) All construction materials and manufactured products.

Conflict of Interest

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

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

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

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

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

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

- Whether undue hardship will result to the city or persons affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

Under no circumstances can TDA provide a waiver or exception for conflicts of interest related to procurement of goods or services.

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, 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 following:

- 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 Unique Entity Identifier (UEI) number for the entity receiving the award – this number is assigned through SAM.gov.

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

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

Appendix E: Project Application Public Participation Form and Document Samples

Required Format - Public Hearing Notice

Published on [February 3, 2025]:

PUBLIC HEARING NOTICE

[City/County] of [Community Name] TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In accordance with Texas Administrative Code, Title 4, Part 1, Section 30.7 [City/County] of [Community Name] will hold a public hearing at [7:00 p.m. on February 7, 2025], at [City Hall/Courthouse/other location] regarding the submission of an application to the Texas Department of Agriculture for one or more Texas Community Development Block Grant Program (TxCDBG) grants for Program Year 2025. [City/County] of [Community Name] may be eligible to participate in the Community Development Fund [and the Colonia Fund Construction Program / Downtown Revitalization Program]. 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 [City/County] encourages citizens to participate in the development of TxCDBG application(s) and to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to [Name, Title] at [XXX-XXX-XXXX] or at [location]. Persons with disabilities that wish to attend this meeting should contact [City Hall/Courthouse] to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact [location] at least two days before the meeting so that appropriate arrangements can be made. Para más información en español, comuníquese con [Name] al XXX-XXX-XXXX.

Required Format – Notice of Application Activities

Published on [date]:

PUBLIC NOTICE

[Community Name] TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

[Community Name] is giving notice of the [City/County]'s intent to submit Texas Community Development Block Grant Program grant application for a Community Development Fund grant request of \$750,000 for [brief project description] in [location]. The application is available for review at the [local government office location] during regular business hours. Para obtener una copia en español, comuníquese con [local contact name] al [XXX-XXX-XXXX].

Sample Public Hearing Script

Thank you for joining me for this public hearing to discuss our community's housing and community development needs.

Before we discuss our own community needs, let me provide some background on the funding opportunities through the Texas Community Development Block Grant Program (TxCDBG). The Texas Department of Agriculture (TDA) administers this federal block grant funding allocated from the U.S. Department of Housing and Urban Development (HUD) to the State of Texas. TDA offers competitive grant programs to distribute the funding to small and rural communities across the state. Our community [has/not] received TxCDBG funding in the past [list previously funded projects]. The community needs identified in this hearing will be used to guide our own application(s) for TxCDBG funding, and to provide valuable information to TDA for the future of the program.

The first topic is affordable housing. In our community, [information on current supply of affordable housing and past efforts to increase supply]. Are there any comments about affordable housing?

The next topic is social services. In our community, the following social services are available to our residents: [list services and providers]. Are there any comments about these services, additional services that are needed, or populations that remain underserved by social services?

The third topic is public infrastructure. In our community, [information on current condition of public infrastructure]. We have addressed these needs in the past by [identify local efforts, including grants, local bonds, annual budget expenditures, etc.]. Are there any comments about our local infrastructure needs?

Finally, the fourth topic is economic development. In our community, [information on current efforts to promote economic development]. Are there any comments about economic development needs or opportunities?

Now that we have outlined many of the needs that we have in our community, let's discuss the specific funding opportunity available. In 2025, TDA is accepting applications for the Community Development Fund and the [city/county] submitted an application, committing local matching funds in order to improve our application's score. The [city/county] has been invited to continue and submit project details for an application of \$750,000 in grant funding as well as local matching funds committed in order to improve our application's score. The projects in the application must benefit primarily low- to moderate income areas. We do not anticipate that any project we identify will result in displacement of residents or businesses; however, if this does occur, we will minimize the impact of such displacement and assist displaced persons as required by the program. I have a copy of the Application Guide that includes a list of eligible activities for this funding competition, which I can share with you as well.

If you have any additional comments, concerns, or community needs to include after this hearing concludes, please send them to: [name and contact information]

Required Format - Signatory Resolution

RESOLUTION

A RESOLUTION OF THE [CITY COUNCIL / COMMISSIONERS COURT] OF [CITY / COUNTY], TEXAS AUTHORIZING [CITY / COUNTY] REPRESENTATIVES IN MATTERS PERTAINING TO THE [CITY/COUNTY]'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the [City Council / Commissioners Court] of [City/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, it is necessary and in the best interests of [City/County] to participate in the Texas Community Development Block Grant Program; and

WHEREAS, the [City Council / Commissioners Court] of [City / County] is committed compliance with federal, state, and program rules, including the current TxCDBG Project Implementation Manual; and

NOW, THEREFORE, BE IT RESOLVED BY THE [CITY COUNCIL / COMMISSIONERS COURT] OF [CITY / COUNTY], TEXAS:

That the [City Council / Commissioners Court] directs and designates the following to act in all matters in connection with any grant application and the County's participation in the Texas Community Development Block Grant Program:

- The [Mayor, Mayor Pro-Tem, City Manager, County Judge, etc] shall serve as the [City/County]'s Chief Executive Officer and Authorized Representative to
 - execute a grant application and any subsequent contractual documents,
 - certify environmental review documents between the Texas Department of Agriculture and the City/County, and
 - certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs, and
 - be assigned the role of Authorized Official in the TDA-GO grant management system.
- In addition to the above designated officials, should any grant be funded the [Mayor Pro-Tem, City Manager, City Secretary, City Council Member, County Clerk, County Auditor, County Treasurer, etc] is authorized to
 - certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs,
 - prepare and submit other financial documentation, and
 - be assigned the role of Project Director or Payment Processor in the TDA-GO grant management system.

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

Mary Smith, [City Clerk/County Clerk]
[Community Name], Texas

John Doe, [Mayor/County Judge]
[Community Name], Texas