



## **Texas Community Development Block Grant Program**

2024 Colonia Fund  
Construction Program

Application Guide – Project Application

For assistance: [CDBGApps@TexasAgriculture.gov](mailto:CDBGApps@TexasAgriculture.gov)

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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 Texas Government Code, Section 487.351(c), the Texas Department of Agriculture (TDA) will give priority to eligible activities in the areas of economic development, community development, and rural health to support workforce development.

The objectives of the TxCDBG Program are:

1. To improve public facilities to meet basic human needs, principally for persons of low-to-moderate income;
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 persons of low-to-moderate income; and
4. To provide assistance and public facilities to eliminate conditions hazardous to the public health and of an emergency nature.

## 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.
- Project Application: Applicants whose Community Applications scored 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
TDA invites highest scoring communities to complete Project Applications	Approx. May 1, 2024
Administration and engineering services required to be awarded	June 14, 2024
Meet with Project Team to review community needs, discuss most feasible projects, and begin project development*	
Upload pre-submission project information in TDA-GO <ul style="list-style-type: none"> <li>• Project description and brief benefit area explanation</li> <li>• Draft maps indicating benefit area, activities, and colonia boundaries</li> <li>• Beneficiary documentation</li> </ul>	August 1, 2024
Pre-submission Check-In with TDA to provide feedback and answer Applicant questions. Likely topics include: <ul style="list-style-type: none"> <li>• Requirements such as FMSSA, Citizen Participation, SAM</li> <li>• Technical assistance regarding project details and application forms</li> </ul>	Schedule after upload of pre-submission project-information
Complete Project Application forms in TDA-GO	--
Adopt Project Application local governing body resolution	August 25, 2024*
Publish notice of application availability	August 26, 2024
Submit application in TDA-GO	August 30, 2024
TDA Review of Project Application	September 2024
Award Kick-Off Meetings and Site Visits	Sept – Nov 2024
Anticipated Grant Agreement start date	February 1, 2025

\*TDA staff will be available to provide technical assistance, but involvement not required for this step.

## Part I. Colonia Fund: Construction Program Goals and Requirements

The Colonia Fund: Construction (CFC) Program provides funding for improvements in colonia communities to address basic human needs.

Project Application Due Date	August 30, 2024, 11:59 p.m. C.T.
Grant Amount	\$1,000,000
Minimum Match Amount	\$0
National Program Objective	Benefit Low-to-Moderate Income Persons
Application Method	Applications will be accepted online via the TDA-GO! grant management system. The system may be accessed by navigating to <a href="https://tda-go.intelligrants.com/">https://tda-go.intelligrants.com/</a> .

### 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 Stratagem

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, in its sole discretion, if the agency declines the pre-agreement request.

If the Applicant’s pre-agreement request is approved, TDA will allow Grant Administration Services and Engineering Services under the pre-agreement stratagem beginning on 4/5/24. 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 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.

## Project Selection

Projects proposed in the Project Application shall be developed using the community needs identified in the previously accepted Community Application. No additions, modifications, or changes to the Needs Assessment shall be permitted for the Project Application.

## Eligible Project Area

For the CFC Program, an eligible project area must meet the required definition for a colonia. Under the TxCDBG Program, a "colonia":

- is an identifiable community;
- is unincorporated;
- is located within 150 miles of the Texas-Mexico border;
- has existed as a colonia prior to the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (November 28, 1990); and
- is defined by a set of criteria, which includes:
  - lack of potable water supply;
  - lack of adequate sewage systems; and/or
  - lack of decent, safe, and sanitary housing.

Colonias are often identified by an "M number" issued by the Texas Water Development Board.

## Colonia Designation

Each application activity must provide benefit to residents of a colonia that is eligible under the Cranston-Gonzales Act and TxCDBG requirements. Applicants must submit the Colonia Inventory and Needs Assessment report in TDA-GO for each colonia community included in the project.

## Eligible Project Activities

All activities funded through the CFC Program must be designed exclusively for the benefit of colonia residents and must meet the National Program Objective of Benefit to Low- to Moderate-Income Persons. Generally, this means that the work will be constructed within the established boundaries of the colonia community AND the beneficiaries are primarily colonia residents. Reference TxCDBG Guide to National Program Objective for detailed guidance on eligible activities.

The reported beneficiaries for public improvements must include colonia residents AND any residents outside of the colonia boundaries that will also benefit from the improvements, so that TDA can evaluate the entire service area for eligibility.

If work is proposed outside of colonia boundaries, the Applicant must demonstrate that:

- The work is necessary to adequately serve the colonia residents;
- The proposed location and scope of the work is the most reasonable and efficient option available; and
- The non-colonia beneficiaries do not exceed ten (10) housing units or 25% of the total beneficiaries, whichever is less.

Under no circumstances will grant or match funding be used for housing rehabilitation or other private property improvements not located within a colonia community.

### Primary Project Activities

The Project Application must dedicate a minimum of 51% of all grant funds to one or more of the following activities:

- water system improvements;
- sewer system improvements; and/or
- housing rehabilitation.

### Additional Project Activities

The Project Application may also identify additional activities that meet the needs of colonia residents and cumulatively do not exceed 49% of the total grant funding. Reference TxCDBG Guide to National Program Objective for detailed guidance on eligible activities.

In accordance with §487.354 of the Texas Government Code, a community that receives TxCDBG funding targeted toward street improvement projects in eligible colonia areas must allocate not less than five percent (5%) but not more than 15 percent (15%) of the total award to providing financial assistance to colonias within the community to enable the installation of adequate street lighting in those colonias if street lighting is absent or needed.

### Associated Activities

- Grant administration; and  
Engineering services.

### Ineligible Project Activities

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

- Construction of buildings and facilities used for the general conduct of government (e.g., city halls and courthouses). The only exception is for improvements made to these buildings solely to provide complete access for elderly persons and persons with severe disabilities;
- Financing of political activities;
- Purchase of construction equipment;
- Income payments, such as housing allowances;
- Activities in a floodway may be ineligible; see Implementation Manual, Chapter 3 for specific guidance;
- New housing construction, in most instances; and
- Operation and maintenance expenses of public facilities, improvements and services, including activities identified through the environmental review as maintenance activities.

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

### Project Costs

The Applicant must provide an estimate of project costs to support the grant requests. All work necessary to complete the project and to satisfy the National Program Objective must be included in the project costs and may not be excluded from the proposal for convenience.

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

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 – \$1,000,000
- Minimum Match Commitment – amount committed in the previously accepted Community Application; in limited circumstances and in its sole discretion, TDA may proportionally reduce the local matching funds for applications not requesting the maximum grant funds allowable. However, 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.
- General Administration – up to \$60,000 or 6% of the total grant funds requested, whichever is less.
- Engineering Services – up to \$85,000 or 8.5% of the total grant funds requested, whichever is less.
- Projects with less than \$500,000 in eligible costs will not be funded.

### TxDOT Compliance

Project Applications must indicate whether the proposed infrastructure improvements will be located within a Texas Department of Transportation (TxDOT) controlled highway, road, or right of way. If so, the Applicant will be required to provide documentation to TDA indicating that the Applicant has notified and/or consulted with TxDOT regarding its proposed improvements prior to the Project Application deadline.



## Part II. General TxCDBG Application Requirements

### Application Completeness

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

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

- The project is located in, or substantially benefits, an entitlement area, including the extraterritorial jurisdiction of an entitlement city;
- The Applicant does not have an active SAM.gov registration;
- The application contains ineligible activities, and any remaining eligible activities do not meet the minimum grant amount;
- The application contains activities not supported by the community needs identified in the previously accepted Community Application;
- The Applicant does not comply with the TxCDBG Citizen Participation requirements;
- The application contains false information;
- 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, including TxCDBG survey requirements if applicable;
- The application forms are 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 respond, refuses to respond, or does not provide an adequate response to requests for revisions or additional information within the prescribed timeline.

## Basic Eligibility Documentation Requirements

### Application Resolution

TxCDBG Project Applications require a resolution from the local governing body (e.g. County Commissioners Court) authorizing the submission of the application. The governing body must adopt/pass the resolution before the Project Application submission and after the application public hearing. Failure to comply with this resolution requirement may result in disqualification of the application.

The language of the resolution must, at a minimum:

1. Authorize the submission of an application for funding under the Texas Community Development Block Grant Program;
2. Designate the fund category under which the application is to be considered;
3. Designate the activities addressed in the application;
4. Designate the dollar amount being requested;

5. 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; and
6. Commit to compliance with all federal, state, and program requirements, including environmental review, labor standards, procurement, acquisition of property, civil rights, and administrative requirements.

### Partnering Service Providers

In the event that an applicant is partnering with another entity or service provider (e.g. water supply corporation, locality providing service to the project area, etc.) that will own or operate the proposed improvements, TDA will request a cooperative agreement to outline the responsibilities between the applicant and the partnering entity or entities, upon award.

### Signatory Resolution

TxCDBG applications and grant agreements require a resolution from the local governing body (e.g., County Commissioners Court) 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 I:

1. Designate a person(s) (e.g., County Judge or County Commissioner) 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 County Auditor) 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 to authorize signatories for subsequent TxCDBG applications. The community may provide an updated resolution at any time as local needs change.**

For sample resolutions, see Appendix I.

### Application Notice

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 application. 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 in,
  - 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 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 (except attached in Appendix I).
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 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 I.

### Evidence of Active SAM Registration

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

### 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 a Financial Management System Self-Assessment (FMSSA) to be used by TDA in a risk analysis prior to releasing any 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.

## Project-Specific Documentation Requirements

### Project Maps including Census 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 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 HUD-Census-based

data (LMISD) data, the benefit area based on the collection lines, as defined in the *Guide to Meeting a National Program Objective*, must still 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 benefit area to ensure that no potential conflict of interest exists. (See the “*Conflict of Interest*” section of this Application Guide) Identification of property owners is not required to be noted or submitted with the application, but failure to identify potential conflicts of interest may be subject to the sanctions described in the “*False Information on Applications*” section of this guide.

### Documentation of Beneficiaries

Each application for TxCDBG funding must include clear documentation of the persons served by the project for each benefit area. Detailed instructions are provided in Part I above, the [2023 Survey Methodology Manual](#), and the [TxCDBG Guide to Meeting a National Program Objective](#).

In addition to the basic eligibility requirements, TDA must evaluate each Project Application to determine if the project is feasible and reasonable. The application must request approval prior to application submittal to include any benefit area that:

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

### Documentation of Match

Matching funds must be fully documented as to source, type, use, and minimum dollar amount.

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 (in accordance with Ch 5)
2. In-kind personnel services/equipment use;
3. Donated Land; or
4. Any combination of the above.

## Basic Principles

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.

Funds expended prior to the Project Application submittal are not eligible as match 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 in the event that the project is selected for funding. If these resources are not made available, the locality may be subject to the sanctions described in the "False Information on Applications" section of this application

guide. **If a grant is awarded, match 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, 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.

*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 Engineers 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)*

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 the match by 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.

### *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.

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

Applicants with projects that include the provision of housing rehabilitation, first-time on-site sewage facilities (OSSF), replacement of on-site sewage facilities, or scattered first-time water or sewer service yard lines (that are not associated with the installation of a main trunk line) must provide a waiting list of residents that have indicated a need and willingness to participate in the program. At a minimum, this waiting list must include the addresses and LMI status of the potential beneficiaries. The waiting list must not be based on the applicant's unconfirmed estimate of need, but may be based on local records of requested assistance, participation in a local program to address housing needs, interest following a public meeting, or similar identification of local housing needs.

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



## Other Program Policies

### 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.

### 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.

## Part III. 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. Training will be offered at both on-site workshops and state-wide webinars.

### 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.

### Buy America Build 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 TxCDBG Project Implementation Manual Chapter 4 and Policy Issuance 23-01 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.

## 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.

### 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](http://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.

# Appendix I: Public Participation Form and Document Samples

## *Sample Application Resolution*

### RESOLUTION

A RESOLUTION OF THE [Commissioners Court] OF [County], TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE [COLONIA FUND: CONSTRUCTION (CFC) PROGRAM].

WHEREAS, the [Commissioners Court] of the [County] of \_\_\_\_\_ 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 the [County] of \_\_\_\_\_ to apply for funding under the Texas Community Development Block Grant Program;

WHEREAS, the [County] of \_\_\_\_\_, in consideration for the receipt and acceptance of federal funding if awarded, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections as follows;

- in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, to take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;
- in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;
- in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), to adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;
- in accordance with Executive Order 13166, to take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;
- in accordance with Section 504 of the Rehabilitation Act of 1973, to not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

- in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing; and
- in accordance with the Violence Against Women Act (VAWA) Reauthorization Act of 2022, to ensure that no local nuisance or crime-free ordinances must not result in penalties or eviction for victims of domestic violence and/or violent crimes.

WHEREAS, the [County] of \_\_\_\_\_, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE [Commissioners Court] OF [County], TEXAS,

1. That a Texas Community Development Block Grant Program application for the **Colonia Fund: Construction (CFC) Program** is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture.
2. That the County's application be submitted for consideration under the [Colonia Fund: Construction].
3. That the application be for [\$1,000,000] of grant funds to provide [first-time water service].
4. 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.
5. That it further be stated that the [County] of \_\_\_\_\_ is committing [\$25,000.00] from its [General Fund] as a cash contribution toward the administration activities of this [first-time water service] project.
6. The [County] of \_\_\_\_\_ **[ADOPTS/REAFFIRMS]** the following policies:
  - a. Citizen Participation Plan and Grievance Procedures (Form A1013);
  - b. Excessive Force Policy (Form A1003);
  - c. Fair Housing Policy (Form A1015).
  - d. *[If Grant Recipient employs 15 or more employees]*, Section 504 Policy and Grievance Procedures (Form A1004);
  - e. **VAWA Right to Report (Form A1008)**; and
  - f. Code of Conduct Policy (Form A1002).
7. The [County] of \_\_\_\_\_ affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:
  - g. Section 3 economic opportunity;
  - h. Limited English Proficiency; and
  - i. Activity to affirmatively Further Fair Housing choice.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mary Smith, [County Clerk]  
[ County] of \_\_\_\_\_, Texas

\_\_\_\_\_  
John Doe, [County Judge]  
[ County] of \_\_\_\_\_, Texas



*Sample Signatory Resolution*

RESOLUTION

A RESOLUTION OF THE [Commissioners Court] OF [County], TEXAS AUTHORIZING [COUNTY] REPRESENTATIVES IN MATTERS PERTAINING TO THE [COUNTY]'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the [Commissioners Court] of [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 [County] to participate in the Texas Community Development Block Grant Program; and

WHEREAS, the [Commissioners Court] of [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 [Commissioners Court] OF [County], TEXAS:

That the 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 [County Judge] shall serve as the 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 [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, County Clerk  
(XYZ) County, Texas

\_\_\_\_\_  
John Doe, County Judge  
(XYZ) County, Texas

**Sample – Application Activities Notice**

Published on (September 26, 20XX):

PUBLIC NOTICE

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County is giving notice of the county’s intent to submit Texas Community Development Block Grant Program grant applications for a Colonia Fund: Construction grant request of \$1,000,000 for (the installation of a sewer system) in the (community of XX) in XX County. The application is available for review at the (XYZ) County Courthouse during regular business hours. Para obtener una copia en espanol, comuníquese con [local contact name] al XXX-XXX-XXXX.

**Sample – Affidavit of Posting – Notice of Public Hearing and/or Application Activities Notice**

I, [Authorized Official], do hereby certify that pursuant to the laws of the State of Texas and of the [Applicant], a Notice publishing the [Document\*] for Application No. [Application] was conspicuously posted at [Location] in a manner plainly visible to the general public on [first date of posting] through [final date of required posting]. Pursuant to TxCDBG program requirements, the notice has been posted in two locations:

Location of Posted Notice: [for example, the center of the north door of the County Courthouse, etc.]

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Second Location of Posted Notice: [County’s website URL or second physical location]

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Attached to this affidavit is a photograph of the Notice as posted on the premises in which the notice is legible, and screen shots of the web posting, if applicable.

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Grant Recipient Signature and Title Date

Agreement No. \_\_\_\_\_

State of Texas

County of \_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

SEAL Notary Signature

\_\_\_\_\_

My Commission expires:

## Citizen Participation Plan:

### TxCDBG Project Implementation Manual, Chapter 1 Administration and Reporting – Section 1.1.5 Public Participation

TxCDBG applicants and funded Grant Recipient are required to carry out public participation in accordance with the Citizen Participation Plan adopted for the TxCDBG Program. In this section, the term Grant Recipient includes applicants for TxCDBG funding. Each Grant Recipient certifies by signing a 424 Form that it has and will comply with the requirements of this Citizen Participation Plan.

Each Grant Recipient must maintain a citizen participation file that includes 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 Grant Recipient must have written citizen complaint procedures that provide a timely written response to complaints and grievances. Residents must be made aware of the location, days, and hours when copies of the plan are available.

#### Technical Assistance:

When requested, the Grant 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 Grant Recipient based upon the specific needs of the community's residents.

#### Public Hearing Provisions:

A key component of the program is the opportunity for local residents to express needs and concerns regarding TxCDBG-funded projects to the Grant Recipient.

- The Grant Recipient must hold a public hearing prior to authorizing submittal of the grant application.
- If the project is funded, the Grant Recipient must hold a public hearing concerning any proposed substantial change, as determined by TDA, in the use of TxCDBG funds.
- Upon completion of the activities, the Grant Recipient must hold a public hearing and review its program performance, including the actual use of TxCDBG funds.

Public hearings, as required by the Request for Application Guides and *Chapters 11 and 12* and *Section B* of the TxCDBG Project Implementation Manual, must comply with the following:

- Hearing must be held in a location convenient to the project beneficiaries.
- Hearing must be held at, or after, 5 p.m. on a weekday or on a Saturday or Sunday.
- Grant Recipient must provide accommodation for citizens with disabilities.
- Hearings should be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be reasonably expected to participate. The Grant Recipient must adhere to its Limited English Proficiency Plan. See *Chapter 10*.
- Grant Recipient must provide notice of the hearing to citizens at least seventy-two hours (three days) prior to the scheduled hearing—including the date, time, location of the hearing, and the topics to be considered.

- Records related to the hearing must be made available to the public as required by [Texas Government Code, Chapter 552](#). Required documentation includes the public hearing notice, sign-in sheet with a list of attendees, the minutes of the hearing, and a summary of public comment(s).

Public Notice Provisions:

Public Notices are required at several stages of the grant, as described in Request for Application Guides and *Chapters 3, 10, 11, and 12, and Section B of this manual*.

- Public Notice may be given in one of three ways:
  - Publish the notice in a newspaper of general circulation;
  - Post the notice in at least two public places accessible to the general public at the time of the posting; it must include the courthouse/city hall and a location within the target area (if applicable); OR
  - Post the notice in one public place accessible to the general public at the time of the posting, such as the courthouse/city hall, **and** post on Grant Recipient’s website.
- Posted notices must be in a location accessible to the general public at the time of the posting.
- The Public Notice must include all required information in English and any other appropriate language(s) per the recipient’s Limited English Proficiency (LEP) plan. See *Chapter 10 Civil Rights*.
- The Grant Recipient must submit documentation of the Public Notice:
  - **Published Notices** – TDA will accept either a copy of the notice or the full newspaper page on which the notice occurred. The publication text, title, date of publication, name of the newspaper, and page number must be clear and readable, and supported by affidavit. See *Sample Affidavit of Posting (Form A101)*. The original newspaper tear sheet or a photocopy of the notice and a publisher’s affidavit must be kept with the Grant Recipient’s local file for the public, TDA monitors, and other state or federal inspectors.
  - **Website Notices** – Screen shots of the posting with the date visible must be retained as documentation of the posting.
  - **Posted Notices** – Legible photographs showing the location of the posting are required.
  - **Posted Notices** – Must be supported by affidavit. See *Sample Affidavit of Posting (Form A101)*.