



Texas Community Development Block Grant Program

2019-2020 Colonia Fund: Planning (CFP)

Application Guide

Table of Contents

| | |
|--|----|
| TxCDBG Goals and Requirements..... | 3 |
| Choosing a Grant Writer and/or Planner..... | 3 |
| Application Submittal and Deadline Requirements..... | 3 |
| Applicant Threshold Requirements..... | 5 |
| Action Plan and Selection Procedures..... | 5 |
| Eligible Applicants and Activities..... | 6 |
| National Program Objectives (NPO)..... | 6 |
| Eligible Planning Activities..... | 7 |
| Ineligible Activities..... | 8 |
| Required Activities..... | 9 |
| Application and Contract Maximums..... | 9 |
| Identifying Activity Beneficiaries..... | 10 |
| Beneficiary Identification Methods..... | 10 |
| Citizen Participation Plan Requirements..... | 11 |
| Local Certifications..... | 13 |
| Fair Housing Activities..... | 14 |
| Conflict of Interest..... | 14 |
| Federal Funding Accountability and Transparency Act (FFATA)..... | 15 |
| Scoring Criteria..... | 16 |
| False Information on Applications..... | 17 |
| Overview and Completeness Information..... | 18 |
| Project Maps..... | 18 |
| Planning Matrix..... | 19 |
| Application Instructions..... | 20 |
| Attachments..... | 25 |
| Appendix I: Using Census Data and Surveys..... | 30 |
| Appendix II: Matching Funds..... | 33 |
| Appendix III: Colonia Planning Matrix..... | 34 |
| Appendix IV: Colonia Funds and Platting Subdivisions..... | 35 |
| Appendix V: Form and Document Samples..... | 37 |
| Appendix VI: TxCDBG Activity Code Reference Table..... | 42 |

TxCDBG Goals and Requirements

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

The objectives of the TxCDBG Program are:

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

Choosing a Grant Writer and/or Planner

Applicants are responsible for identifying the person or firm that will provide planning services for the project, if funded. Federal guidance has become increasingly restrictive, and prevents vendors from providing “statements of work” prior to being procured (see 2 CRF 200.319). In order to ensure objective vendor performance and eliminate a real or apparent unfair competitive advantage, anyone that develops or drafts specifications, requirements, statements of work (including the grant application), invitation for bids, and/or requests for proposals shall be excluded from competing for such procurement. For purposes of the CDBG program, volunteers of an organization and grant writers are considered to be employees, officers, and/or agents of the grant recipient. As such, no volunteer or member of an organization or anyone involved in the application for funding can participate in, or benefit from, the procurement if CDBG funds are involved.

Communities that intend to use outside contractors for planning services must procure these services **before the provider performs any work** or assists in any way in preparing the application for TxCDBG funding.

Additionally, grant recipients that intend to designate a council of government (COG) as a subrecipient to carry out an eligible activity – such as grant writing and planning services – must execute a subrecipient agreement (interlocal agreement) before the COG performs any work or assists in any way in preparing the application for TxCDBG funding.

Refer to Chapter 5 of the Implementation Manual for step-by-step instructions regarding procurement of planning services.

Application Submittal and Deadline Requirements

The application procedures for the 2019-2020 TxCDBG Colonia Fund: Planning (CFP) are included in this Application Guide. The 2019-2020 CFP Application is available at www.TexasAgriculture.gov. The procedures in this application guide supersede those published in all previous TxCDBG application guides.

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

The deadline for all 2019-2020 TxCDBG CFP applications is 5:00 p.m. CT on September 13, 2019.

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

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

signatures and one copy of the original.

Contact Information

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

Telephone Contact Information

| | |
|----------------------------|----------------------------|
| Chad Hinds at 512-936-0232 | Joe Midura at 512-936-7880 |
|----------------------------|----------------------------|

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

- A completed 424 Form with original signature;
- All application forms, fully completed;
- A passed/adopted Local Government Resolution authorizing submission of the application;
- Evidence of compliance with the TxCDBG Citizen Participation Plan including the Public Hearing Notice;
- Legible, quality maps; and
- Annual Audit (See Attachments Section).
- Active SAM.gov registration

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

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

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

Applicants may submit one CFP application in the 2019-2020 application cycle. Applicants may not submit a single jurisdiction application and also be participating in a multi-jurisdiction application. For more information regarding single- and multi-jurisdiction applications, refer to the "Application Information" section of the most recently published TxCDBG Action Plan.

Applicants cannot simultaneously pursue funds under the Colonia Fund *and* another TxCDBG fund category for substantially the same project. However, projects that have been unsuccessful in securing a Colonia Fund award are eligible for consideration under another fund category if they meet that fund category’s requirements.

Applicant Threshold Requirements

An applicant must meet all of the following requirements in order for its application to be considered:

1. Demonstrate the ability to manage and administer the proposed project, including delivery of all the proposed benefits outlined in the application.
2. Demonstrate financial management capacity.
3. Levy and collect a local property tax or local sales tax option.
4. Demonstrate satisfactory performance on prior and existing TxCDBG contracts and resolve all outstanding compliance and audit findings related to previous TxCDBG awards.

The applicant must demonstrate progress in all current open contracts to be eligible to submit an application. See the following threshold requirements for all TxCDBG fund categories:

| Fund Category | Contract Period | Progress Threshold #1 | Progress Threshold #2 |
|---|------------------------|--|--|
| Disaster Relief | 12 months | Obligate 50% of TxCDBG contract funds at 9 months | Construction complete, PCR and final draw submitted at 12 months |
| FAST Fund | 12 months | Obligate 50% of TxCDBG contract funds at 9 months | Construction complete, PCR and final draw submitted at 12 months |
| Community Development | 24 months | Obligate 50% of TxCDBG contract funds at 12 months | Construction complete, PCR and final draw submitted at 24 months |
| Downtown Revitalization/Main Street and Micro-enterprise Revolving Fund | 24 months | Obligate 50% of TxCDBG contract funds at 12 months | Construction complete, PCR and final draw submitted at 24 months |
| Colonia Fund (CFC, CFP, CEDAP, NOT CSH) | 24 months | Obligate 50% of TxCDBG contract funds at 12 months | Construction complete, PCR and final draw submitted at 24 months |
| Planning Capacity Building | 24 months | Obligate 50% of TxCDBG contract funds at 12 months | Construction complete, PCR and final draw submitted at 24 months |
| Community Enhancement | 24 months | Obligate 50% of TxCDBG contract funds at 12 months | Construction complete, PCR and final draw submitted at 24 months |
| TCF Infrastructure/Real Estate | 36 months | Obligate 50% of TxCDBG contract funds at 18 months | Construction complete, PCR and final draw submitted at 36 months |

Action Plan and Selection Procedures

The requirements and procedures specified in the current TxCDBG Program Action Plan will govern the 2019-2020 - CFP Fund application process. Copies of the Action Plan are available on the TDA website at www.TexasAgriculture.gov.

Of the annual State CDBG allocation, 6.75% (approximately) is allocated to the Colonia Fund. Of that Colonia Fund allocation, 97.5% (approximately) are used to award grants through the Colonia Fund: Construction (CFC) program and 2.5% (approximately) are used to award grants through the CFP program. Subsequent to awarding funds, any portion of the CFC allocation that is unable to be awarded (i.e., fund an application in the minimum amount of \$75,000, etc.) may be used to fund additional eligible CFP applications, and conversely, any portion of the CFP allocation that is unable to be awarded may be used to fund additional eligible CFC applications.

Eligible applications will compete for funding without regard to regional location. Application scoring is completed by TDA staff and then applicants are notified of the final scores and funding recommendations.

When selecting CFP applications for funding, the comprehensive proposals will take priority over target area applications in the allocation of funding.

Eligible Applicants and Activities

Funds for colonia planning activities are available to eligible applicants that are non-entitlement counties located within 150 miles of the Texas-Mexico border. Under TxCDBG, a "colonia" is an identifiable community defined by a set of criteria, which includes:

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

Eligible applicants apply for funds for planning activities that fall within one of the following areas:

Colonia Comprehensive Planning – planning activities that will generate a countywide general assessment and/or profile of a county’s colonia areas. Applicants must demonstrate and document fulfillment of the National Program Objective (NPO) to benefit primarily low to moderate income individuals (each colonia must qualify).

In addition, applicants for a Colonia Comprehensive Plan Update may be eligible if previously funded Colonia Comprehensive Planning contract(s) expired no less than ten (10) years prior to the 2019-2020 application deadline.

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

Colonia Area Planning – planning activities that focus on a particular colonia identified from a Colonia Comprehensive Plan that do not duplicate any previously TxCDBG-funded planning activities in the colonia. Applicants must demonstrate and document that primarily low to moderate income persons will benefit from the proposed project.

In order to be eligible to submit an application for Colonia Area Planning, the county must have in place a completed Colonia Comprehensive Plan that prioritizes items for future action. The targeted colonias included in the Colonia Area Planning application must be identified in a previously completed Colonia Comprehensive Plan.

Refer to Appendix III: Colonia Planning Matrix

National Program Objectives (NPO)

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

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

extent that the housing is occupied by LMI persons.

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

Applicants are required to document and report the beneficiaries of each proposed application activity regardless of the NPO met by the activity. Once an applicant has identified the persons that will benefit from the proposed eligible activity, there are two (2) acceptable ways to document the total beneficiaries and number of LMI beneficiaries for each proposed application activity:

1. HUD Census and American Community Survey based data (LMISD); or
2. The completion of a TxCDBG approved survey. See Appendix I for additional information.

Eligible Planning Activities

Planning projects for the Colonia Fund planning grants should be geared toward completing activities that prepare each colonia area for needed water, sewer, and housing improvements. This process should include the following: a compilation of information concerning the physical characteristics of an area; area mapping, if needed; a study of the area's demographic characteristics; studies of existing housing structures and related needs; studies of existing and needed water and wastewater facilities; the identification of any barriers to the provision of water and sewer service (such as, city ordinances or the lack of platting of the area); initiation of removal of any barriers, or methods to cope with barriers; and the development of plans and strategies that identify possible alternative solutions to the area's needs.

Eligible activities for Colonia Area Planning include:

- payment of the cost of planning community development (including water and sewage facilities) and housing activities;
- costs for the provision of information and technical assistance to residents of the area in which the activities are located and to appropriate nonprofit organizations and public agencies acting on behalf of the residents;
- costs for preliminary surveys and analyses of market needs, preliminary site engineering and architectural services, site options, applications, mortgage commitments, legal services, and obtaining construction loans;
- costs of planning that could lead to annexation by a city of a colonia that is in close proximity; and
- platting, if documentation that funds for water and/or sewer service in the area to be platted are available to be spent there and platting and recordation would be completed within the original two-year contract period, if awarded. It is recommended that platting be applied for as a special engineering service as part of a construction application.

NOTE: Do not apply for Planning funds to study the building of a water or wastewater system, or any other public facility, when construction funds have recently been awarded or are currently being requested for the same system/facility.

Eligible activities for countywide Colonia Comprehensive Planning include:

- verification of the number of dwellings, number of lots, number of occupied lots, and the number of persons residing in each county colonia;
- mapping the locations of each colonia in a county;
- collecting demographic and economic information on colonia residents;
- assessing the physical environment in each colonia, including land use and conditions, soil types, and flood prone areas;
- creating an inventory of the existing infrastructure (water, sewer, streets, drainage) in each colonia and the infrastructure needs in each colonia including projected infrastructure costs;
- assessing the condition of the existing housing stock in each colonia and projected housing costs;
- creating a ranking system for colonias that will enable counties to prioritize colonia improvements rationally and systematically plan and implement short-range and long-range strategies to address colonia needs
- establishing goals and objectives;
- establishing a five-year capital improvement program;

- assessing the effect of the Model Subdivision rules established pursuant to §16.343 of the Water Code and enforcement actions throughout the county; and
- costs of planning that could lead to annexation by a city of a colonia that is in close proximity.

The following is a list of eligible planning activities, as specified in 24 CFR Section 570.205, which should be used as a guide when developing an application.

- Planning activities that consist of all costs of data gathering, studies, analysis, and preparation of plans and implementing actions, including, but not limited to:
 - comprehensive plans;
 - community development plans;
 - functional plans, in areas such as:
 - housing, including the development of a consolidated plan;
 - land use and urban environmental design;
 - economic development;
 - open space and recreation;
 - energy use and conservation;
 - floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;
 - transportation;
 - utilities; and
 - historic preservation.
- Other eligible activities include plans and studies such as:
 - small area and neighborhood plans;
 - capital improvements programs; individual project plans *excluding* engineering and design cost related to a specific activity that are eligible as part of the cost of such activity under Sections 570.201-570.204;
 - the reasonable costs of general environmental and historic preservation studies. However, costs necessary to comply with 24 CFR Part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this Part are eligible as part of the cost of such activities under Sections 570.201 - 570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of Section 570.200(g);
 - strategies and action programs to implement plans, including development of codes, ordinances and regulations;
 - support of clearinghouse functions, such as those specified in Executive Order 12372; and
 - analysis of impediments to fair housing choice.
- Policy-planning-management-capacity building activities are eligible that enable the recipient to:
 - determine its needs;
 - set long-term goals and short-term objectives, including those related to urban environmental design;
 - devise programs and activities to meet these goals and objectives;
 - evaluate the progress of such programs and activities in accomplishing these goals and objectives; and
 - carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

Ineligible Activities

In general, any type of activity not described or referred to in Section 105(a) of the Housing and Community Development Act of 1974, as amended, is ineligible for TxCDBG funding. Specific ineligible activities under the TxCDBG Program include:

- Construction of buildings and facilities used for the general conduct of government (e.g., city halls and courthouses). The only exception is for improvements made to these buildings solely to provide complete access for elderly persons and persons with severe disabilities;
- Financing of political activities;

- Purchase of construction equipment;
- Income payments, such as housing allowances;
- New housing construction; and
- Operating and maintenance expenses of public facilities, improvements and services;
- Additionally, administrative activities, engineering and design and the cost of audit is not eligible under the Colonia Planning Fund.

Required Activities

Certifications, Presentations, Reports and Publications

Each application automatically budgets \$750 (see the Benefit to Low and Moderate Income Persons) for the “Certifications, Presentations, Reports and Publications” planning element. This planning element requires a grantee’s executive board to pass a resolution (as a requirement for final reimbursement) after a report is presented of the final results/findings of the planning grant that was awarded to the grantee. The resolution must indicate:

1. the participation of local officials that met for no less than one (1) hour (as set for in the contract) to prepare and review planning documents for contract compliance;
2. that the goals and objectives developed for each planning element were presented, discussed and reviewed by local officials;
3. that the inventory, analyses, and plans (and details associated with them) required in the contract were presented to, and discussed/reviewed by, local officials;
4. the capital needs listed and ranked within the reports were presented to, and discussed/reviewed by, local officials;
5. that opportunities were provided for citizen participation in the planning process;
6. that a local review established that the planning documents were suitable as policy guides for the locality;
7. that the planning documents are accepted by the county as substantiation for payment requisition to the TDA, and for Contractor’s payment to its consultant(s); and
8. the purposes for which the locality intends to use its planning documents produced under the contract.

Examples of acceptable activities to the above requirements could include:

- a description of the distribution of digital and hardcopy versions of documents done in the facilitation of a local review;
- the requirement for a specific type of mapping software to be used;
- requirement for separate inventory and plan maps for each element specifying as much;
- the requirements for credit for financing and disclaimer statements; and/or advertising the planning documents as available for review 12 days before the final hearing/presentation

Application and Contract Maximums

For Colonia Area Planning projects, the maximum contract amount is \$100,000. Applicants must justify any amount requested in the application and the amount requested is subject to review. A matrix to determine the suggested fee for requested Colonia Area Planning activities is located in **Appendix III: Colonia Planning Matrix**. An applicant must not propose to prepare a study and/or plan that duplicates previous work.

Each Colonia Area Planning proposal applicant will be able to price their project with the matrix after determining their project area population and their requested planning activities. Any applicant who proposes special projects not listed on the matrix must include separate documentation to explain the project and to justify the funds requested. **TxCDBG staff will make the determination as to the acceptability/eligibility of all such special planning activities.** Please note that all planning projects are reimbursement type contracts. Payments are made upon completion of the planning activities.

For initial Colonia Comprehensive Planning projects, the maximum contract amount is \$100,000. Applicants must justify any amount requested in the application and the amount requested is subject to review and negotiation. However, a sliding scale may be used to establish smaller maximum grant amounts based on an amended performance statement or the eligible county’s total unincorporated population.

Colonia Comprehensive Plan Updates:

An applicant for a Colonia Comprehensive Plan *Update*:

- may apply for:
 - up to \$100,000 if the applicant provides matching funds of **fifty percent (50%) or more** of the requested grant funds; or
 - up to \$30,000 if the applicant provides matching funds of **less than fifty percent (50%)** of the requested grant funds.
- must provide a reasonable cost justification in the application for the updated plan.

See page 7 for Colonia Comprehensive Plan Updates eligibility.

Identifying Activity Beneficiaries

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

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

Activities Principally Benefiting Low-to-Moderate Income Persons

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

Area Benefit Activities

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

Planning-only Activities

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

Beneficiary Identification Methods

An activity in the Colonia Fund must address the NPO of principally benefitting low-to-moderate income (LMI) persons. The application 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 otherwise the application will be disqualified.

Surveys

Use of surveys is an acceptable method for documenting beneficiary income levels. Refer to the agency website at www.TexasAgriculture.gov for a copy of the most recent Survey Methodology Manual and required survey forms. Surveys of 200 or more households may use random sampling techniques and all surveys must result in at least an 80% response rate. When the income profile of a community has changed substantially since the last Census, surveys are often a useful alternative. Surveys may also be used to document the beneficiaries of a project not included in the census

data used to document part of the service area.

A local survey is the best way to document the beneficiaries of direct benefit activities.

Detailed instructions for documenting beneficiaries can be found in Appendix I: Using Census Data and Surveys. Adhere to these requirements to **avoid disqualification**.

Obtaining Census Maps

To obtain a Census map of a specific area, visit the U.S. Census Bureau web site (<https://www.census.gov/programs-surveys/geography/geographies/reference-maps.2010.html>).

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

Citizen Participation Plan Requirements

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

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

Compliance with this requirement reduces the number of legal challenges and citizen complaints against the local government.

TxCDBG applicants and funded localities are required to carry out citizen participation in accordance with the Citizen Participation Plan adopted for the TxCDBG Program. Each applicant certifies by signing a 424 Form that it has and will comply with the requirements of this Citizen Participation Plan.

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

Complaint Procedures:

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

Technical Assistance:

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

Public Hearing Provisions:

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

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

1. Public notice of the hearings must be published in a local newspaper at least seventy-two (72) hours prior to the scheduled hearing. The public notice must include the date, time, location and topics to be considered at

the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.

2. The public hearing must be held at a time and location convenient to potential or actual beneficiaries and include accommodations for persons with disabilities. Furthermore, the applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing. The public hearing must be held after 5:00 p.m. on a weekday or at a convenient time on a Saturday or Sunday.
3. When a significant number of non-English speaking residents are expected to participate in a public hearing, an interpreter must be present to accommodate the needs of the non-English speaking residents.

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

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

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

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

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

Applicants must comply with the following citizen participation requirements in the event that the application is successful:

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

The applicant certifies compliance with the TxCDBG Citizen Participation Plan requirements by signing the 424 form. Failure to comply with these requirements may result in disqualification of the application.

Local Certifications

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

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

1. It will minimize displacement of persons as a result of activities assisted with such funds.
2. The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) and the Fair Housing Act (42 USC 3601-20), and that it will affirmatively further fair housing, as specified by TDA.
3. It will provide opportunities for citizen participation, hearings and access to information with respect to its community development programs, and that it is following the TxCDBG Program Citizen Participation Plan.
4. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with such funds by assessing any amount against properties owned and occupied by persons of low-to-moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless:
 - (A) such funds are used to pay the proportion of such fee or assessment related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or
 - (B) for purposes of assessing any amount against properties owned and occupied by persons of low-to-moderate income who are not persons of very low income, the contractor certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (A).
5. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulations at 49 CFR Part 24, and the requirements of 24 CFR 570.606 including the following of a residential anti-displacement and relocation assistance plan, as specified by TDA, in the event that displacement of residential dwellings will occur in connection with a project assisted with TxCDBG funds.
6. It has adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
7. To the best of the TxCDBG contractors' knowledge and belief, no Federal appropriated funds have been paid or will be paid, by or on behalf of the TxCDBG Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress,

or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

8. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the TxCDBG Contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
9. The TxCDBG contractor must require that the language of this certification be included in the award documents for all sub-awards at all levels (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

Minority Participation/Local Opportunity

The TxCDBG program encourages localities to affirmatively take action to utilize small, minority (MBE) and women-owned (WBE) businesses whenever possible. Although funded localities are not directly responsible for meeting a specific minority business participation goal, TxCDBG reports to HUD on the levels of MBE and WBE hiring under all CDBG contracts. To increase participation of small, minority and women owned businesses, localities may use the Texas 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.

Fair Housing Activities

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

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

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

Conflict of Interest

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 contract 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 CFR 570.489(g), Uniform Grant Management Standards (UGMS) of the Texas Comptroller of Public Accounts, 2 CFR 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 contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards.

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

TDA may grant an exception to the non-procurement conflict of interest provisions on a case-by-case basis if it determines that such exception will serve to further the purpose of the TxCDBG and the effective and efficient administration of the project. An exception may be considered only upon written request from the city or county that includes the following elements identified in 24 CFR 570.489(h)(4):

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

Federal Funding Accountability and Transparency Act (FFATA)

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

Beginning October 1, 2010, TDA is responsible for reporting data on each TxCDBG award, which will be entered into

the usaspending.gov database. This data includes:

- The name of the entity receiving the award;
- The amount of the award;
- Information on the award, including transaction type, funding agency, Catalog of Federal Domestic Assistance (CFDA) number, program source, and a descriptive award title;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, state, zip plus 4, congressional district, and county; and
- The Data Universal Numbering System (DUNS) number for the entity receiving the award.

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

In addition, applicants must register on the System for Award Management (SAM) and entities must have an active registration to receive TxCDBG funding. Information on SAM registration is available at <https://www.sam.gov>. Evidence of SAM registration is a requirement (see attachments list and application checklist).

Scoring Criteria

| Colonia Area Planning Component | 340 Total Points Maximum |
|---|-------------------------------------|
| 1. Community Distress -- 35 Points (Maximum) | |
| • Percentage of persons living in poverty | 15 points |
| • Per Capita Income | 10 points |
| • Percentage of housing units without complete plumbing | 5 points |
| • Unemployment rate | 5 points |
| 2. Benefit To Low/Moderate-Income Persons -- 30 Points (Maximum) | |
| Points are then awarded based on the low to moderate income percentage for all of the colonia areas where planning activities are located according to the following scale: | |
| • 100% to 90% of TxCDBG funds benefiting low to moderate income persons | 30 points |
| • 89.99% to 80% of TxCDBG funds benefiting low to moderate income persons | 25 points |
| • 79.99% to 70% of TxCDBG funds benefiting low to moderate income persons | 20 points |
| • 69.99% to 60% of TxCDBG funds benefiting low to moderate income persons | 15 points |
| • Below 60% of TxCDBG funds benefiting low to moderate income persons | 5 points |
| 3. Matching Funds -- 20 Points (Maximum) | |
| Applicant(s') target population equal to or less than 1,500 according to the most recent Census: | |
| • Match equal to or greater than 5% of grant request | 20 points |
| • Match at least 2%, but less than 5% of grant request | 10 points |
| • Match less than 2% of grant request | 0 points |
| Applicant(s') target population equal to or less than 3,000 but over 1,500 according to the most recent Census: | |
| • Match equal to or greater than 10% of grant request | 20 points |
| • Match at least 2.5%, but less than 10% of grant request | 10 points |
| • Match less than 2.5% of grant request | 0 points |
| Applicant(s') target population equal to or less than 5,000 but over 3,000 according to the most recent Census: | |
| • Match equal to or greater than 15% of grant request | 20 points |
| • Match at least 3.5%, but less than 15% of grant request | 10 points |
| • Match less than 3.5% of grant request | 0 points |
| Applicant(s') target population over 5,000 according to the most recent Census: | |
| • Match equal to or greater than 20% of grant request | 20 points |
| • Match at least 5%, but less than 20% of grant request | 10 points |
| • Match less than 5% of grant request | 0 points |

The population category under which county applications are scored is based on the actual number of beneficiaries to be served by the colonia planning activities.

4. Project Design -- 255 Points (Maximum)

Each application is scored by TDA staff using the following information submitted in the application to generate scores on the project design factor:

- The severity of need within the colonia area(s), how clearly the proposed planning effort will remove barriers to the provision of public facilities to the colonia area(s) and result in the development of an implementable strategy to resolve the identified needs;
- The planning activities proposed in the application;
- Whether each proposed planning activity will be conducted on a colonia-wide basis;
- The extent to which any previous planning efforts for colonia area(s) have been accomplished;
- The TxCDBG cost per low/moderate-income beneficiary;
- The availability of grant funds to the applicant for project financing from other sources; and
- The applicant's past performance on previously awarded TxCDBG contracts.

For the Project Design selection factor, a Colonia Planning Component application must receive a minimum score of at least 70 percent of the maximum number of points allowable under this factor to be considered for funding.

| COLONIA COMPREHENSIVE PLANNING COMPONENT | 200 Maximum | Total | Points |
|--|------------------------|--------------|---------------|
| 1. Community Distress -- 25 Points (Maximum) | | | |
| • Percentage of persons living in poverty 10 points | 10 points | | |
| • Per Capita Income 5 points | 5 points | | |
| • Percentage of housing units without complete plumbing 5 points | 5 points | | |
| • Unemployment Rate 5 points | 5 points | | |

2. Project Design -- 175 Points (Maximum)

Each application will be scored by staff using the following information submitted in the application to generate scores on the project design factor:

- The severity of need for the comprehensive colonia planning effort and how effectively the proposed comprehensive planning effort will result in a useful assessment of colonia populations, locations, infrastructure conditions, housing conditions, and the development of short-term and long term strategies to resolve the identified needs;
- The extent to which any previous planning efforts for colonia area(s) have been accomplished;
- Whether the applicant has provided any local matching funds for the planning or preliminary engineering activities;
- The applicant's past performance on previously awarded TxCDBG contracts; and
- Award history. An applicant that has previously received a TxCDBG comprehensive planning award would receive lower priority for funding.

For the Project Design selection factor, a Colonia Planning Component application must receive a minimum score of at least 70 percent of the maximum number of points allowable under this factor to be considered for funding.

False Information on Applications

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

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

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

1. Disqualification of the application and holding the locality ineligible to apply for TxCDBG funding for a

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

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

Appeals Process

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

Overview and Completeness Information

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

TxCDBG staff will not consider applications that are incomplete, received after the deadline, or that lack information needed to make determinations concerning the eligibility of each application activity and the applicant's compliance with TxCDBG and Federal program requirements. A substantially complete TxCDBG application must include all of the following information:

- Cover Sheet
- Most recent Audit (2017 or after)
- Active SAM registration
- Application Checklist
- Form 424
- Project Approval Information
- Community Needs Assessment
- Description of Planning Activities
- Justification of Target Area
- Beneficiary Data
- Beneficiary Data Summary (to be completed for each activity/target area)
- Benefit to Low and Moderate Income Persons
- National Program Objectives
- Community Base Questionnaire
- Colonia Planning Fund Questionnaire
- Colonia Identification
- Attachments / Application Checklist lists all required forms.

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

Project Maps

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

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

- The location of all beneficiaries

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

Planning Matrix

(See Appendix III applicable to Target Area applications).

This area is intentionally blank._____

Application Instructions

Cover Sheet

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

Application Checklist

Carefully read the list of required attachments and application forms located on page 31 of this guide, checking off each completed item. This minimizes the likelihood of serious deficiencies or disqualification.

424 Form

The numbered sections below coincide with the numbered fields on the 424 Form. All information is required unless otherwise noted.

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

- E. Local: Amount committed from local resources such as a WSC, WCID, MUD, or any other local entity other than the applicant;
- F. Other: Amount committed from resources other than those listed above; and
- G. Total: This will calculate automatically.

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

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

Project Approval Information

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

Community Needs Information

List of All Identified Community Needs

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

Community Needs Assessment Questionnaire

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

Fair Housing Activities

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

Citizen Participation: The Needs Addressed In This Application Were Determined By

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

Description of the Need(s) Addressed in This Application

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

Justification for Target Area

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

Table 1

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

*If funded, the applicant must analyze its community components benefitting under the grant contract and suggest actions and/or improvements to aid disaster resiliency, including recommendations for further study.

Table 2

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

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

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

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

Beneficiary Identification Information

- A TxCDBG survey was used to identify beneficiaries for this activity. – Select this box if a survey is being used to qualify an activity and answer the survey specific questions.
- LMISD information was used to identify beneficiaries for this activity. – Identify whether the proposed activity will benefit an entire city, county, or other census designated unit.
- Provide the number of beneficiaries identified through each of the following methods for this activity – Provide the cumulative totals for each beneficiary identification method

ADDITIONAL PROJECT INFORMATION

1. Are there persons with a reportable financial interest to disclose?

For Question 1: The following must be included:

- The name and pecuniary interest of any interested party;
- The type of interest; and
- Verified eligibility status through the System for Award Management (Not on SAM debarred list)

2. Has the preparer of the application been “pre-procured according to TxCDBG requirements?”

For Question 2:

- If not pre-procured, then the person or firm may not be of consultive assistance to the applicant, if funded.

3. Finally, Disclose the source(s) and use(s) of non-TxCDBG funds.

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

NOTE: All contractors, service providers, including Councils of Government (COGs) and subcontractors, must have an eligibility status verified (not suspended or debarred) through the System for Award Management (www.SAM.gov) prior to any formal action authorizing the award of a contract to the contractor (examples of formal action include but are not limited to, authorizing resolution, authorizing ordinance, Council/Commissioners Court approval of award, contract execution, etc.).

Applicants must provide information on anyone with financial interest in the proposed project exceeding \$50,000 or 10 percent of the requested amount (whichever is lower). This includes developers, contractors, or consultants involved in the application for TxCDBG assistance or in the planning, development, or implementation of the project or activity. A "financial interest" is any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residence in housing for which assistance is sought is not considered a covered financial interest.

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

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

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

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

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

Each reportable source of funds must indicate:

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

TDA will make all applicant disclosure reports available to the public for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be available along with the disclosure reports, but in no case for a period less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Texas Public Information Act (Chapter 552, Texas Government Code). Failure to provide any required information may delay the processing of the application and may result in sanctions and penalties, including imposition of the administrative and civil penalties specified under 24 CFR Section 4.38.

National Program Objectives

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

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

Anticipated Objectives and Outcomes

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

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

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

Anticipated Outcome Units

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

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

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

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

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

Community Base Questionnaire

Complete all questions. If not applicable, answer N/A. **Blank spaces may be considered a response. The applicant loses a point for each blank space for a maximum of three (3) point deduction. More than three (3) blank spaces, the Questionnaire may be considered incomplete.**

Colonia Planning Fund Questionnaire

Complete all questions pertaining to the applicant. If inapplicable, the question must be answered “N/A”. Blank spaces are not considered to be a response.

Colonia Identification Form(s)

For specific colonias identified in the Colonia Area Planning application, complete this form for **each** colonia that will benefit from the proposed activities/projects. If a question is inapplicable, the question must be answered “N/A”. Blank spaces are not considered to be a response

Attachments

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

Resolutions

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

The language of the resolution must, at a minimum:

1. Authorize the submission of an application for funding under the Texas Community Development Block Grant Program.
2. Designate the Colonia Planning Fund as the fund category under which the application is to be considered.
3. Designate the activities addressed in the application. That is state the names of the planning activity elements chosen from the aforementioned cost matrix.
4. Designate the dollar amount being requested.

5. Designate persons (e.g., County Judge and County Commissioner, or Mayor and City Administrator) who will be authorized to execute documents in conjunction with the application, and any resulting grant contract. It is recommended that more than one person be designated to execute official documents for the locality, in order to meet any impending deadlines in case of unavailability (e.g., the governing body's chief elected official and another local public official, such as County Judge and a County Commissioner, City Mayor and City Manager, etc.). Failure to have a designated official execute these documents will result in disqualification of the application.
6. Commit to the provision of resources by source and use (if applicable) in support of the proposed project activities, including the specific source (e.g., General Fund, Water/Sewer Fund, General Obligation Bonds) and use of those resources.
7. Commit to compliance with all federal, state, and program requirements, including environmental review, labor standards, procurement, acquisition of property, civil rights, and administrative requirements.

In a multi-jurisdiction application, a cooperative agreement must also be included and signed by all participating local governments, and must state which participant will serve as the lead administrative entity if the project is funded. Additionally, each locality participating in a multi-jurisdiction application must submit a resolution adhering to the guidelines above.

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

Documentation of Match

The following guidelines serve to clarify the type of match acceptable under the Texas Community Development Block Grant Program. Acceptable types of match for a Colonia Planning Fund application can only be the following:

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

Letters of Commitment

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

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

See page 10 for matching funds requirements for [Colonia Comprehensive Plan Updates](#).

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

Published Notices of Public Hearing and Application Activities

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

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

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

Other requirements include:

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

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

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

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

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

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

Project Related Census Maps

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

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

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

Documentation of Beneficiaries

Clear documentation of an applicant's beneficiary identification method **must** be received with the application. Applicants must include with their application either a completed survey of the target area; for previously completed surveys the TxCDBG Approval Letter and the Survey Tabulation Form or supporting documentation of the HUD based Census Low-to-Moderate-Income Summary Data (LMISD) spreadsheet for the census geographic area.

Evidence of Active SAM Registration

The applicant shall include a screen-shot from the System for Award Management (SAM) website at <https://sam.gov> verifying the entity's registration is active. Without evidence of an active SAM registration, the application is ineligible to receive HUD fund, will not be considered for funding and will be automatically disqualified.

Annual Audit

Applicants must comply with the audit requirements in the Texas Local Government Code for the fiscal year ending 2017 or later. The applicant is required to submit its most recent annual audit or audit opinion letter with its application to demonstrate financial capacity. The audit opinion letter is preferred to the whole audit (Note: not the management letter). A certified public accountant (CPA) who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy must conduct the audit and prepare the annual financial statement. Applicants may not submit self-performed audits. The audit must be an organizational wide audit and cannot be limited to certain parts of the organization. Annual audits for fiscal years ending on or before December 31, 2016 will not be accepted. Failure to submit an audit for FY 2017 or FY 2018 by the application deadline will result in automatic disqualification.

A303 Categorical Exclusion Not Subject to 58.5

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

Pre-agreement Option

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

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

Application Review Checklist

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

Applicant Name: _____

Application Review Checklist for Colonia Planning Fund

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

| | | |
|--|--|---|
| COLONIA FUND: Planning Application Contents | | Initial if complete NA if not applicable |
|--|--|---|

Original Application – Part 1

| | |
|--|--|
| Cover Sheet | |
| Completed 424 Form with original signature | |
| Application Checklist | |
| Project Approval Information with all questions answered | |
| Community Needs Assessment | |
| Description of Planning Activities Table 1 | |
| Justification for Target Area | |
| Benefit to Low- and Moderate-Income Persons Table 2 | |
| National Program Objectives | |
| Community Base Questionnaire | |
| Colonia Planning Fund Questionnaire | |
| Colonia Identification | |

Attachments – Part 2

| | |
|---|--|
| Resolution passed by the applicant | |
| Match documentation - Letter(s) of Commitment | |
| Public notices | |
| Copy of actual published public hearing notice or Publisher’s Affidavit and copy of notice | |
| Copy of actual published notice of application activities and availability of the application for public review or Publisher’s Affidavit and copy of notice | |
| Listing of the local service providers that were sent the written notification of the public hearing | |
| Project Map documenting the Benefit area | |
| Census Maps for documenting the Benefit area when using Census data to qualify for LMI | |
| Documentation supporting Low-to-Moderate Income beneficiaries (See Appendix I) | |
| Evidence of active SAM Registration | |
| Most recent (2017 or later) Annual Audit or Audit Opinion Letter | |
| Form A303 Categorical Exclusion Not Subject to 58.5 | |
| Pre-Agreement Request Letter (if applicable) | |

Appendix I: Using Census Data and Surveys

The first step is to determine the service area of the proposed project.

The determination of the area served by an activity is critical to this method. The inclusion or exclusion of a particular portion of a community's jurisdiction can make the difference in determining whether the percentage of LMI (Low-to-moderate income) residents in the service area is high enough to qualify under the LMI benefit national objective.

The area that will be served by an activity need not be coterminous with census tracts, block groups, or other officially recognized boundaries. It is critical, however, that the service area be the **entire area** served by the activity.

For example, even though a predominantly LMI neighborhood may be one of several neighborhoods served by an activity (for example, a water main replacement) the percentage of LMI income persons in the total area served by the activity is considered for this purpose.

However, the service area boundaries of CDBG-funded activities frequently do not coincide with census or other official geographic boundaries. This is especially true in smaller communities and rural areas, where low population densities mean that block groups or census tracts cover large areas. Scenarios commonly faced by applicants include:

- The service area comprises only a small portion of the unit of general local government, or of a block group. In such situations, information on the percentage of LMI persons in the unit of government or the block group/census tract is not useful, because the service area residents make up a small fraction of the total, and their economic characteristics may not mirror those of the larger area. A survey of the service area residents may be the most appropriate way to determine whether the service area qualifies under the LMI area benefit criterion. (See Surveys below) Examples of such activities include: extending water lines to serve a small, unincorporated rural settlement in a county; reconstruction of a sewer line serving one subdivision in a city of 4,000, where the entire city is one census tract.
- The service area includes all or part of several units of general local government and may contain both incorporated and unincorporated areas. HUD's LMISD may be usable for only a portion of the service area; therefore, the State and its grant recipients may need supplementary survey data for the other portions of the service area. It may be necessary to survey a large area to determine the percentage of service area residents who are LMI. Examples of activities include: (1) construction of a rural water system which serves more than one incorporated city plus portions of the surrounding unincorporated area of two counties in which the cities are located; (2) construction of a new fire station in a city where the municipal fire department provides, through contract, fire protection service for two adjoining townships (one of which is in a different county). The service area may be a sparsely populated rural area.

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

To obtain a Census map of a specific area, visit the U.S. Census Bureau web site (https://www2.census.gov/geo/maps/dc10map/GUBlock/st48_tx/place/). LMISD spreadsheets and other the beneficiary documentation tools can be found on the TDA website.

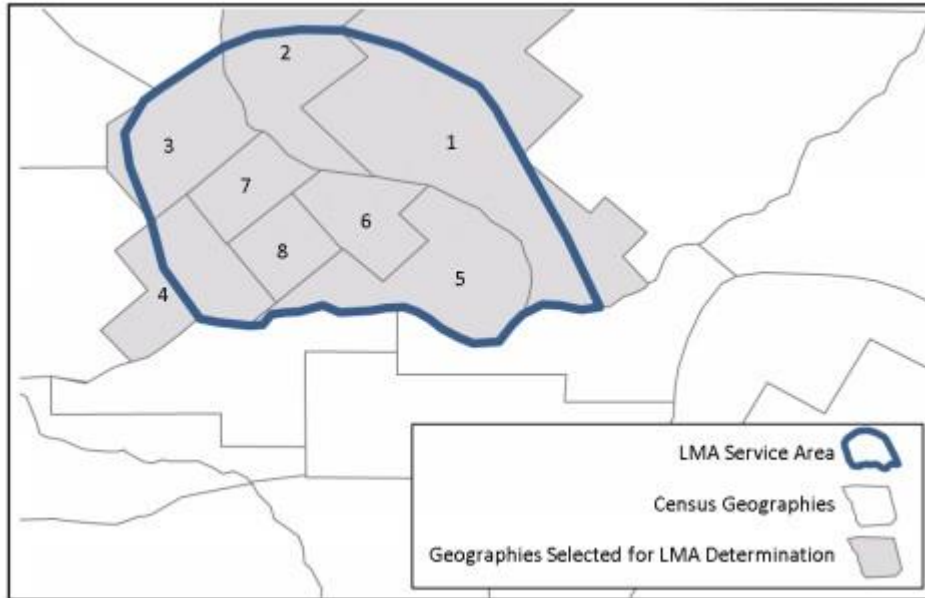
Per CPD notice 19-02, TxCDBG will only allow the use of the LMISD data to qualify a project when a reasonable determination of the activity's service area closely corresponds to LMISD geographies. The service area shall not be drawn to intentionally include LMI persons that would not benefit, nor shall it be drawn to intentionally exclude non-LMI persons that would benefit.

Grantees may combine geographies to best represent service areas, typically by combining two or more block groups.

When using multiple geographies in the determination of LMA compliance of a service area, grantees are reminded that percentages shall not be averaged across multiple geographies.

The proper calculation is as follows:

$$\text{LMI \%} = (\text{LMI Persons Geography A} + \text{LMI Persons Geography B} + \text{LMI Persons Geography C...}) \div (\text{LMI Universe Geography A} + \text{LMI Universe Geography B} + \text{LMI Universe Geography C...})$$



In the above figure, the service area completely encloses geographies 5, 6, 7 and 8; additionally, geographies 1, 2, 3 and 4 are partially overlain by the service area. The entirety of the data for all geographies 1 through 8 must be included in the determination of the service area LMI. The grantee shall not prorate geographies 1, 2, 3, or 4, **nor use a survey of the outlying areas to “supplement” the complete LMISD geographies.**

If the LMISD geographies do not reasonably correspond to the service area, it may not be appropriate to use the LMISD to qualify an activity. Grantees may consider conducting a methodologically-sound local income survey to determine LMI compliance for the specific service area. **Grantees may NOT combine LMISD and survey data – only one method of determining beneficiaries may be used.**

Navigating the LMISD Spreadsheets

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

1. ALL BLOCK GROUPS STATEWIDE – data for every block group in the state
 - a. “GEOID” – identifies the concatenation of State, County, Tract, and Block Group FIPS codes
 - b. “geoname” – identifies each block group by census tract and county
 - c. “Stusab” – identifies the state abbreviation
 - d. “Countyname” – identifies the county
 - e. “State” – identifies Texas
 - f. “County” – identifies the county by numerical code
 - g. “Tract” – identifies the census tract
 - h. “Blkgrp” – identifies the block group
 - i. “Low” – identifies the count of Low income persons.
 - j. “Lowmod” – number of LMI persons within the block group
 - k. “Lowmoduniv” – total number of persons within the block group

- l. “lowmod_pct” – percentage of LMI persons in the block group
- m. “MOE_LowmodPct” –Margin of error for the low-mod data. The MOE does NOT provide an expanded range for compliance with the 51.00% LMI percentage. For example, a service area of 50 percent LMI with a 2 percent MOE would still be just 50 percent LMI for compliance purposes.
2. LOCAL UNITS OF GOVERNMENT (ALL) – data for all entities in the state
 - a. “geoname” – identifies the entity
 - b. “Stusab” - identifies Texas
 - c. “State” - identifies the state by numerical code
 - d. “Place” – provides a place’s identifying census number, if applicable
 - e. “low” - number of low-income persons within the block group
 - f. “lowmod” – number of LMI persons within the block group
 - g. “lowmoduniv” – total number of persons within the block group
 - h. “lowmod_pct” – percentage of LMI persons in the block group
 - i. “MOE_LowmodPct” –Margin of error for the low-mod data. The MOE does NOT provide an expanded range for compliance with the 51.00% LMI percentage. For example, a service area of 50 percent LMI with a 2 percent MOE would still be just 50 percent LMI for compliance purposes.

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

The “LOCAL UNITS OF GOVERNMENT (ALL)” data may be used to qualify a project with an entity-wide project.

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

- A copy of the data from the LMISD spreadsheet(s) for the applicant and/or the TxCDBG-completed cover sheet, which includes low-and moderate-income benefit percentages for each census geographic area.
- For target area activities that do not benefit the entire city or county, a census map that contains the numbers for each census geographic area, the boundaries of each census geographic area, the locations of the project activities within each census geographic area, and the service area for each project receiving benefit. Applicant must clearly define service area on a project/census map.
- TxCDBG always, reserves the right to require an income survey for the actual service area if concerns about eligibility are raised, so applicants are advised to seek technical assistance from the program prior to application deadlines to verify projects
- The Census information and maps are available from various state agencies and from various websites. When trying to obtain information or maps, first check with your local Council of Governments, as most have these materials for their respective regions. You may also contact TxCDBG staff for information concerning the availability of Census information. Census maps are available on the Census Bureau website at https://www2.census.gov/geo/maps/dc10map/GUBlock/st48_tx/place/.

Appendix II: Matching Funds

Cash

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

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

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

Appendix III: Colonia Planning Matrix

The amounts shown below are maximums. Applicants must justify the requested amount as the basis of negotiation. Proposed planning should benefit entire colonia area(s). If less than an entire colonia area will benefit (i.e. target area planning), the applicant must complete the Justification of Target Area in sufficient detail to justify the request. The “typical” types of activities shown here are a starting point for negotiation with TDA regarding expanded efforts within each “typical” type of activity, inasmuch as the county should have received the basic inventory and analysis and plan for each colonia in its previously prepared comprehensive plan. TxCDBG will not pay for duplication of previous effort shown in the comprehensive plan. **NOTE:** “Certificates, Presentations, Reports and Publications” is a required cost; \$750 will be budgeted within an applicant’s total award amount.

| # of Beneficiaries | 1 to 250 | 251 to 500 | 501 to 1000 | 1001 to 1500 | 1501 to 2000 | 2001 to 3000 | 3001 to 4000 | 4001 to 6500 | 6501 to 9000 | 9001 to 10000 | 10001 to 20000 | 20001 to 30000 | 30001 or more |
|---|----------------|------------------|-------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|----------------------|----------------------|---------------------|
| Mapping | \$2,000 | \$2,500 | \$3,000 | \$3,500 | \$4,250 | \$5,500 | \$7,250 | \$9,000 | \$12,250 | \$12,250 | \$12,250 | \$12,250 | \$12,250 |
| Housing-Related | \$5,000 | \$7,500 | \$10,500 | \$17,500 | \$20,000 | \$20,000 | \$20,000 | \$20,000 | \$20,000 | \$20,000 | \$20,000 | \$20,000 | \$20,000 |
| Streets/Roads-Related | \$1,500 | \$1,750 | \$2,000 | \$2,500 | \$2,750 | \$3,000 | \$3,500 | \$5,600 | \$6,000 | \$7,000 | \$7,500 | \$7,800 | \$8,000 |
| Water-Related | \$5,000 | \$5,500 | \$6,000 | \$6,500 | \$7,500 | \$8,500 | \$9,000 | \$10,500 | \$12,000 | \$14,500 | \$14,500 | \$14,500 | \$14,500 |
| Wastewater-Related | \$5,000 | \$5,500 | \$6,000 | \$6,500 | \$7,500 | \$8,500 | \$9,000 | \$10,500 | \$12,000 | \$14,500 | \$14,500 | \$14,500 | \$14,500 |
| Drainage-Related | \$5,000 | \$5,500 | \$6,000 | \$6,500 | \$7,500 | \$8,500 | \$9,000 | \$10,500 | \$12,000 | \$14,500 | \$14,500 | \$14,500 | \$14,500 |
| Aerial Topographic Mapping with two-foot contours (showing each housing unit) | \$4,500 | \$5,000 | \$6,000 | \$7,000 | \$8,500 | \$11,000 | \$14,500 | \$18,000 | \$24,500 | \$24,500 | \$24,500 | \$24,500 | \$24,500 |

Special Activities

See eligible activities previously discussed in the application guide and summarized below:

- Payment of the cost of planning community development (including water and sewage facilities) and housing activities;
- Costs of providing information and technical assistance to residents of the area in which the activities are located and to appropriate nonprofit organizations and public agencies acting on behalf of the residents; and
- Costs for preliminary surveys and analyses of market needs, preliminary site engineering and architectural services, site options, applications, mortgage commitments, legal services, and obtaining construction loans.

Special activities are all other eligible colonia planning activities included in Section 916 of the Cranston-Gonzalez National Affordable Housing Act of 1990. TxCDBG reserves the right to negotiate this element in the event a grant is awarded. Documentation of costs must be submitted.

Do not apply for planning funds to study the building of a water or wastewater system, or any other public facility, when construction funds have recently been awarded or are currently being requested to build that facility.

Appendix IV: Colonia Funds and Platting Subdivisions

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

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

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

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

Do not apply for planning funds for platting unless a letter guaranteeing construction improvements is provided with the application. Under this situation, a CFP contract for platting activities would not need the maximum two year period that most CFP contracts require. *Platting has been an eligible activity under the Texas Water Development Board's (TWDB's) Economically Distressed Areas Program (EDAP), when appropriately staged as part of a project to provide services.*

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

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

A county may apply for platting to record a subdivision as a legal subdivision using Colonia Planning funds for a colonia where all infrastructure facilities are available already if the county identifies the impediments to recordation and proposes a performance statement to accomplish the platting process and recordation during a two-year TxCDBG contract period. **Any application that includes a request for funds for platting that results in a grant to an applicant must result in a recordation of the plat (within the grant’s original or extended contract period).** If extended, the applicant/grantee would have a 24-month threshold violation, but would be liable for reimbursement of the

entire grant award where TxCDBG funded platting activities resulted in no recordation of the subdivision.

Appendix V: Form and Document Samples

Sample Resolution

A RESOLUTION OF THE COUNTY COMMISSIONER'S COURT OF THE COUNTY OF _____, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM (TxCDBG) APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE **(COLONIA PLANNING FUND)**; AND AUTHORIZING **(THE COUNTY JUDGE)** TO ACT AS THE COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE COUNTY'S PARTICIPATION IN THE TxCDBG PROGRAM.

WHEREAS, the Commissioner's Court of (XYZ) County desires to develop a viable community, including decent housing and a suitable living environment, principally for persons of low and moderate income; and WHEREAS, certain conditions exist in colonia areas that represent a threat to public health and safety; and

WHEREAS, it is necessary and in the best interests of (XYZ) County to avail itself of the 2019-2020 TxCDBG Colonia Fund for planning activities;

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS COURT OF (XYZ) COUNTY, TEXAS;

1. That the County of (XYZ) undertake a program to prepare the following planning efforts:

- _____
- _____

2. That the requested amount of TxCDBG funds is a maximum of \$ _____

3. That a Texas Community Development Block Grant Program application for the Colonia Fund for Planning Activities is hereby authorized to be filed on behalf of the County with the Texas Department of Agriculture and any other appropriate agencies as defined in the regulations.

4. That the Commissioner's Court directs and designates the (The County Judge) as the County's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the County's participation in the Texas Community Development Block Grant Program regarding the Colonia Fund.

5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

6. That it further be stated that (XYZ) County is committing (\$X,XXX.XX) from its (General Fund) as a cash contribution toward the **planning activities** of this (colonia planning) project.

Passed and approved this _____ day of _____, 20XX

County Judge, County of _____

Sample Public Notices

Published on (Month/Day/Year):

PUBLIC NOTICE
(XYZ) COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

Sample Application Activities Notice

Published at least five (5) days prior to submitting the application(s).

PUBLIC NOTICE
XYZ COUNTY
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

XYZ County is giving notice of the county’s intent to submit a Colonia Fund Planning Activities application for a grant from the TxCDBG Program. The grant application request is \$_____ for planning activities benefitting persons located in the A and B Colonias. The application is available for review at the XYZ County Courthouse during regular business hours. Para obtener una copia en español, comuníquese con [local contact name] al XXX-XXX-XXXX.

Sample Pre-Agreement Request

<<date>>

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

Re: Pre-Agreement Cost Approval for Planning

Dear Ms. Barnard:

This is to notify the Texas Department of Agriculture, Texas Community Development Block Grant (TxCDBG) Program that the city of XYZ intends to proceed with its 2019-2020 **Colonia Fund Planning** application project per the pre-agreement costs stratagem. As a condition of this pre-agreement to acknowledge and agree to the following:

1. All applicable state and federal laws and TxCDBG policies, including procurement procedures for professional services and applicable vendors, a completed Environmental Review Exemption Certification, all other requirements necessary prior to planning activities being accomplished by TxCDBG, and any applicable contract Special Conditions will be completed.
2. The Department shall not reimburse any costs under this agreement until a 2019 or 2020 Colonia Planning Fund contract is fully executed with the county. Department shall not be liable for costs incurred prior to <<Application deadline date>>, or for any activities not included in Exhibit A, Performance Statement, and Exhibit B, Budget, of the executed contract associated with the 2019-2020 grant.

Sincerely,
County Authorized Signatory

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

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Certifying Officer Name and Title:

Consultant (if applicable):

Project Location:

Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:

Level of Environmental Review Determination:

Activity/Project is Exempt per 24 CFR 58.34(a): _____

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b): _____

Funding Information

| Grant Number | HUD Program | Funding Amount |
|---------------------|--------------------|-----------------------|
| | | |
| | | |

Estimated Total HUD Funded Amount:

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

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

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

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals.⁴⁰ Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

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

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

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

| Law, Authority, or Factor | Mitigation Measure |
|---------------------------|--------------------|
| | |
| | |
| | |
| | |

Preparer Signature: _____ Date: _____

Name/Title/Organization: _____

Responsible Entity Agency Official Signature:

_____ Date: _____

Name/Title: _____

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

Appendix VI: TxCDBG Activity Code Reference Table

| | |
|-----------|--|
| 20 | Planning Program planning activities, including the development of comprehensive plans (e.g., a consolidated plan), community development plans, energy strategies, capacity building, environmental studies, area neighborhood plans, and functional plans. |
|-----------|--|

For a comprehensive list of activity codes, go to:

http://archives.hud.gov/offices/cpd/systems/idis/library/refmanual/ref_man_b.pdf