



Texas Community Development Block Grant Program

2020 Planning and Capacity Building

Application Guide

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TxCDBG Goals and Requirements

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

The objectives of the TxCDBG Program are:

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

Choosing a Prequalified Planning Service Provider (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 (2 CFR 200.319). 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 to be considered 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 COG as a subrecipient to carry out an eligible activity - such as grant writing and/or planning services – must execute a subrecipient agreement (interlocal agreement) before the COG performs work or assists in any way in preparing the application for TxCDBG funding.

In an effort to simplify the procurement process for communities, for contracts less than \$50,000, TDA has solicited Applications to Prequalify Planning Service Providers from vendors interested in providing planning services for the 2020 application cycle. Service providers submitted their applications direction to TDA. TDA reviewed the proposals based on satisfaction of the minimum qualifications and developed a pre-qualified list of vendors which is available on TDA’s website.

Communities submitting an application to TDA for PCB funding that intend to use a third-party planning service provider must solicit planners from the pre-approved list of vendors. Communities will be required to select a planning service provider through formal action of the locality’s governing body prior to the service provider preparing the grant application. The streamlined procurement forms can be found on the TDA website.

Total Planning Service Contract Amount	Required Procurement Method
\$50,000 or less	Streamlined Process
>\$50,000 to \$75,000	Traditional Method

Refer to Chapter 5 of the Implementation Manual for step-by-step instructions regarding procurement of professional services for contracts greater than \$50,000.

Application Submittal and Deadline Requirements

The application procedures for the 2020 TxCDBG Planning and Capacity Building (PCB) Fund are included in this Application Guide. The application for the 2020 PCB Fund is available at www.TexasAgriculture.gov. The procedures in this application guide supersede those published in all previous TxCDBG PCB Fund application guides.

The deadline for all 2020 TxCDBG PCB Fund applications is 5:00 p.m. C.T. on **September 1, 2020**.

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 one (1) complete application with original signatures and one (1) copy of the original. The copy may be a paper duplication of the entire application OR a scan of the entire original application, including attachments. Electronic copies may be emailed to cdbgapps@TexasAgriculture.gov or submitted on a CD or flash drive with the original application.

Contact Information

Mailing Address (for U.S. Postal Service): Texas Department of Agriculture Texas Community Development Block Grant Program Post Office Box 12847, Capitol Station Austin, Texas 78711	Physical Address (for Overnight Carriers): 1700 N. Congress Avenue, 11 th Floor Mailroom Austin, Texas 78701 Or Hand Deliver to staff on 2 nd Floor
Telephone Contact Information	Aubrey-Ann Gilmore at 512-936-7894

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;
- 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;

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	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	Planning complete, records, maps 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

In addition, PCB applicant must demonstrate local capacity and readiness to proceed with planning activities, including all of the following by completing the Community Questionnaire:

1. Local need for planning activities, which may include:
 - a. Lack of current planning documents (adopted within ten years prior to the application deadline); or
 - b. Documentation of significant event(s) that have occurred or are anticipated that may impact the ability of the applicant to provide services (e.g. significant population changes, natural or manmade disaster,

new industry/business locating in the area, announced closure of major area employer, announced construction of major highway in the area, etc.)

2. Local willingness to engage in effective planning activities, which may include:
 - a. Previous planning efforts, including a description of planning recommendations actually implemented;
 - b. Existing planning documents, including plans for land use, housing, capital improvements, water/wastewater systems, streets, drainage systems, Main Street program, and/or other local plans;
 - c. Alternatively, demonstration of involvement in request for planning grant by at least three (3) local residents who are not elected officials, local government staff, grant consultants, or family members of the same.
3. Administrative capacity to implement improvements identified during the planning process, which may include:
 - a. Local staff, such as city manager or city administrator, planning staff, and/or code enforcement staff;
 - b. Local planning organizations, such as Planning & Zoning Commission, Zoning Board of Adjustment, Citizens Advisory Committee, Utility Board of Directors actively involved in long-term planning, and/or other local planning group;
 - c. Adoption of key codes and/or ordinances, or the capacity and political will to do so, including zoning ordinance, subdivision ordinance, building code, and ordinances/codes for plumbing, electrical, fire, natural gas, mobile homes, minimum housing standards, flood plains, dangerous structure, and/or fair housing.
4. Financial capacity to implement improvements identified during the planning process, through both local fund and federal or state funding, including:
 - a. Available local funds and revenue sources;
 - b. Current debt service requirements and available future debt capacity; and
 - c. Capacity to apply for federal and state funding.

Action Plan

The requirements and procedures specified in the current TxCDBG Program Action Plan will govern the PCB Fund application process. Applicants are strongly encouraged to read the entire Action Plan prior to completing and submitting this application for funding assistance. Copies of the Action Plan are available on the TDA website at www.TexasAgriculture.gov.

Eligible Applicants

Eligible applicants are non-entitlement units of general local government, incorporated cities and counties not participating or designated as eligible to participate in the entitlement portion of the federal Community Development Block Grant Program. Non-entitlement cities that are not participating in urban county programs through existing participation agreements are eligible applicants unless the city's population counts toward the urban county CDBG allocation.

Non-entitlement cities are located predominately in rural areas and are generally:

- cities with populations of less than 50,000 persons;
- cities that are not designated as a central city of a metropolitan statistical area; or
- cities that are not participating in urban county programs.

Non-entitlement counties are also predominately rural in nature and generally have fewer than 200,000 persons in the non-entitlement cities and unincorporated areas located in the county.

While non-entitlement units of general local government are the only eligible applicants for TxCDBG funding, these applicants may submit applications that will provide benefits through other sub-recipient groups serving the jurisdiction.

For example, a county could submit an application to provide planning assistance for a water system that is owned and operated by a public utility district. The planning documents may become the property of the public utility district, but the programmatic and fiscal compliance responsibilities would remain with the applicant (the county).

Application and Contract Maximums

For the Planning and Capacity Building (PCB) Fund, the maximum grant request is based on beneficiary population, as described below. It is important to consider total project cost and the necessity of contributing match in determining the total request and total project cost. Applicant population shall be determined using most recent ACS 5-Year Estimate, Table B01003.

Beneficiary Population	Maximum Grant Amount	Minimum Match Commitment
200 to 1,000 persons	\$35,000	5%
1,001 to 1,500 persons	\$37,500	5%
1,501 to 2,500 persons	\$40,000	10%
2,501 to 5,000 persons	\$45,000	10%
5,001 to 7,500 persons	\$55,000	15%
7,501 to 10,000 persons	\$65,000	15%
10,001 to 25,000 persons	\$75,000	20%
25,000 to 50,000 persons	\$75,000	25%

Note: Requests to update existing plans funded within ten (10) years of the application due date may not exceed 60% of the maximum grant amount for the planning area.

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.
2. Prevention / Elimination of Slums or Blight
 - a. Addressing Slums or Blight on an Area Basis
 - b. Addressing Slums or Blight on a Spot Basis
3. Urgent Need - Meet other community development needs of particular urgency that represent an immediate threat to the health and safety of residents of the community.

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 the proposed

application activity:

1. HUD's Low and Moderate Income Summary Data (LMISD); or
2. The complete of a TxCDBG approved survey. See Appendix I for additional information.

Eligible Planning Activities

Planning and Capacity Building applications may request funds for the following (also see Appendix V for sample Performance Requirements):

Planning Element	Description
Base Planning	Includes base map, land use analysis, housing and population analysis, and financial analysis for capital improvements Required for applicants that do not already have these elements in place. Note: Requests for Base Planning activities to update or revise elements prepared within the last 10 years will not be approved.
Utility Studies <ul style="list-style-type: none"> • Water (Distribution and Supply) Systems • Wastewater (collection and treatment) Systems • Other Systems (ex. city-owned gas or electric systems) 	Includes system mapping, system analysis, and capital needs priority list. For water and wastewater systems, must also include plans to address drought-related water supply contingency plans and water conservation plans. Applicants may include one or several systems in the proposed planning effort. Note: Do not request utility planning studies for public infrastructure if construction funds have recently been awarded and/or requested for funding to include new construction and/or substantial rehabilitation of the system.
Transportation Studies <ul style="list-style-type: none"> • Local Street Conditions • Thoroughfare Conditions • Other Transportation Systems 	Includes system mapping, system analysis, and capital needs priority list.
Storm Drainage Study	Includes system mapping, system analysis, and capital needs priority list. Must address any Flood Hazard Areas within the planning area
Zoning Ordinance	Includes support for preparation and adoption of zoning ordinance. Recommended Option for applicants that do not already have this ordinance in place.
Subdivision Ordinance	Includes support for preparation and adoption of subdivision ordinance. Recommended Option for applicants that do not already have this ordinance in place.
Certifications, Presentations, Reports & Publications	Requires a grantee to make the final plan available for 12 days prior to acceptance, present the plan to the executive government, and pass a resolution accepting the plan. Required for all applications
Special Planning Studies	Requests for Special Planning Studies must document the specific need for the activity. TDA reserves the right to negotiate this element in the

	application and/or award stage, including requiring additional matching funds.
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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 PCB Fund.

Scoring Criteria

Planning and Capacity Building	Points Possible 160
COMMUNITY DISTRESS –30 Points (Maximum)	
<ul style="list-style-type: none"> • Poverty Rate of Applicant 	10 Points
<p>Determined by reviewing the most recent U.S. Census American Community Survey (ACS) 5-year estimate, Table B17001 for the applicant. Points are awarded using the following methodology:</p> <ol style="list-style-type: none"> 1. The poverty rate for each applicant is calculated by dividing the total number of persons at or below the designated poverty level by the population from which poverty persons was determined. Once this has been determined, the average poverty rate is determined by dividing the sum of all poverty rates by the number of applicants. 2. A base is calculated by multiplying the average poverty rate by 1.25. 3. The poverty rate of each applicant is then divided by the base to determine the applicant's poverty factor. 4. The poverty factor for each applicant is multiplied by the total maximum allowable points (10 points). Any applicants exceeding the total allowed points will be capped at the maximum. 	
<ul style="list-style-type: none"> • Per Capita Income 	10 Points
<p>Determined by reviewing the most recent U.S. Census American Community Survey (ACS) 5-year estimate, Table 19301 for the applicant. Points are awarded using the following methodology:</p> <ol style="list-style-type: none"> 1. Once per capita data is obtained for each applicant, the average annual per capita income (PCI) is calculated by dividing the sum of all annual per capita incomes by the total number of applicants. 2. A base is calculated by multiplying the average per capital income by 0.75 3. The base is divided by the annual per capital income for each applicant to determine the applicant's PCI factor. 	

<p>4. The PCI factor for each applicant is multiplied by the total maximum allowable points (10 points). Any applicants exceeding the total allowed points will be capped at the maximum.</p>	
<ul style="list-style-type: none"> Unemployment Rate 	10 Points
<p>Determined by reviewing the most recent U.S. Census American Community Survey (ACS) 5-year estimate, Table DP03 for the applicant. Points are awarded using the following methodology:</p> <ul style="list-style-type: none"> The applicant's unemployment rate is multiplied by the total maximum allowable points (10 points). Any applicants exceeding the total allowed points will be capped at the maximum. 	
BENEFIT TO LOW- TO-MODERATE INCOME (LMI) POPULATION – 49 Points (Maximum)	
<p>Points awarded equal the applicant's citywide LMI population greater than 51% using 2019 Low to Moderate Income Summary Data (LMISD) PLACE data as follows:</p> <p>$LMI\% - 51.00 = \text{number of points calculated to nearest hundredth decimal place}$</p> <p>Example: if PLACE data indicates an LMI rate of 62.15%, then $62.15 - 51.00 = 11.15$ points.</p>	
PROJECT DESIGN / PROGRAM PRIORITY - 40 Points (Maximum)	
TxCDBG Funding History	
Points are awarded in accordance with the following scale:	
<ul style="list-style-type: none"> Applicant has not been awarded a CD grant between 2015-2019, nor ever been awarded a PCB grant 	10 Points
<ul style="list-style-type: none"> Applicant has been awarded at least one CD grant between 2015-2019, but has not ever been awarded a PCB grant 	8 Points
<ul style="list-style-type: none"> Applicant has previously been awarded a PCB award 	0 Points
Matching Funds	
Points are awarded in accordance with the following scale:	
<ul style="list-style-type: none"> Applicant has committed at least 110% of minimum amount of matching funds required for applicant's population category. 	5 Points
<ul style="list-style-type: none"> Applicant has committed between 105% and 109.99% of minimum amount of matching funds required for applicant's population category. 	3 Points
<ul style="list-style-type: none"> Applicant has committed less than 105% of minimum amount of matching funds required for applicant's population category. 	0 Points
Applicant Population	
<ul style="list-style-type: none"> Applicant's beneficiary population as identified on Table 1 totals at least 200 persons but not more than 1,500 persons 	10 Points
<ul style="list-style-type: none"> Applicant's beneficiary population exceeds 1,500 persons 	0 Points
Planning Area	
<ul style="list-style-type: none"> Proposed planning area includes entire jurisdiction of the applicant; if only utility planning is requested, the entire service area for the utility will be considered the relevant jurisdiction 	10 Points
<ul style="list-style-type: none"> Proposed planning area represents a target area within the applicant's jurisdiction 	0 Points
Regional Distribution	
<ul style="list-style-type: none"> Applicant is located within a state planning region where NO communities were awarded PCB grants in 2019... (if applicant is one of the following regions, points shall be awarded: AACOG, ATCOG, CAPCOG, CBCOG, CVCOG, 	5 Points

GCRPC, LRGVDC, NORTEX, PBRPC, PRPC, RGCOG, SETRPC, STDC, TEXOMA)	
<ul style="list-style-type: none"> Applicant is located within a state planning region where at least one community was awarded a PCB grant in 2019: (BVCOG, CTCOG, DETCOG, ETCOG. HOTCOG, HGAC, MRGDC, NCTCOG, SPAG, WCTCOG) 	0 Points
PLANNING STRATEGY - 41 Points (Maximum)	
Local Planning Organization Statement	
<p>Awarded to applicants providing a letter from at least one of the following organizations: Planning & Zoning Commission, Zoning Board of Adjustments, Citizens Advisory Committee, Utility Board of Directors actively involved in long-term planning, and/or other local planning group. The letter from the Local Planning Organization must address the following:</p> <ol style="list-style-type: none"> Statement of commitment to planning process; Confirmation that the organization has reviewed the Community Questionnaire and verified its contents; List of 4 or more local strengths that will support the planning effort; List of recent projects undertaken to address community concerns, including the source of funds for the project; Assessment of the financial capacity of the community to address concerns and implement improvements identified during the planning process <p>Score shall be reduced by three (3) points for each item not adequately addressed in the originally submitted letter.</p>	20 Points
Local Commitment / Application Completeness	
<p>Score up to 21 points if an application is <u>submitted fully complete</u>, with all required attachments and supporting documentation. Three points will be deducted for each of the following items, if not included with the originally submitted application, if specific elements of the application are incomplete, or are not consistent with the overall application:</p> <ul style="list-style-type: none"> All fields of Community Questionnaire are completed and consistent; Amount of grant funds requested and matching funds committed are consistent throughout application (Form 424, Table 1, local government resolution,.....); Number of beneficiaries is consistent throughout application Community Needs Assessment identifies needs, including planning. Evidence of citizen participation is clear, legible, and complete All mathematical tabulations are correct Other inconsistencies / deficiencies that require clarification: 	21 Points

In the event of tie scores, the larger beneficiary population wins.

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

Census Data

Census data should be used to the maximum extent feasible for determining the income of persons residing in service areas; therefore, the boundaries of the service area determined by the applicant for the activity need to be compared with the boundaries of census divisions (tracts, block groups, etc.). The census divisions that best fall within the service area should be used for documenting the percentage of low-to-moderate income persons residing in that area. HUD based Census Low-to-Moderate-Income Summary Data (LMISD) spreadsheets are used to document this beneficiary information.

Surveys

Use of surveys is also 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**.

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, the following public hearing provisions must be observed:

1. Public notice of the hearings must be given in one of the following ways:
 - a. Published in a local newspaper at least seventy-two (72) hours prior to the scheduled hearing; or
 - b. Published on applicant's website AND posted in public places (e.g. city hall/county courthouse) 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.

1. At least five (5) days prior to the submission of an application for TxCDBG funds, the applicant must publish a public notice that includes the following information:
 - The TxCDBG fund categories for which applications will be submitted.
 - The amount of TxCDBG funds requested in 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.
2. Public notice must be given in one of the following ways:
 - a. Published in a local newspaper at least five (5) days prior to application submittal; or
 - b. Published on applicant's website AND posted in public places (e.g. city hall/county courthouse) at least five (5) days prior to application submittal
3. In the preparation of the final application, the community shall consider comments and views received related to the proposed application and may, if appropriate, modify the final application prior to submission of the application to TDA. The final application shall be made available to the public.

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 570.506 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.

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>.

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 Director of the Office of Rural Affairs.

Appeals Process

Refer to Title 4, Part 1, Chapter 30, Subchapter A, §30.6 of the Texas Administrative Code (TAC).

Project Maps

Each application for TxCDBG funding under the Planning and Capacity Building 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.)

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 40 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. 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.

Professional Services & Financial Interest Information

1. Application Services:

- The Applicant must disclose any person or firm other than employees of the applicant that assisted with preparation of the application. Third party service providers must be competitively procured in accordance with TxCDBG Program Project Implementation Manual (Chapter 5) before beginning any work on the project or the vendor will not be permitted to participate in the TxCDBG project after the application is complete. Eligible Grant Administrators must have current TxCDBG Program certification. Engineers must be licensed and in good standing with the Texas Board of Professional Engineers. Additionally, Council of Governments (COGs) that are designated as grant recipients to carry out eligible activities, such as administration services, must execute a subrecipient agreement (interlocal agreement) before the COG conducts any work to prepare the TxCDBG application for TxCDBG grant funding.

2. Implementation Services:

- The Applicant must designate the person or firm that will provide implementation services for the project if the TxCDBG funding is awarded. If “Yes” is selected for any implementation services to be completed by Force Account, complete the correlative Force Account Detail Information.

3. Construction by Applicant Employees

- Is the Applicant using force account for construction and related activities not listed above to complete the project? If “Yes”, select the source(s) of funds and complete the correlative Force Account Detail.

By signing the 424 form, the authorized signatory certifies:

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

4. Are there any persons with a reportable financial interest to disclosure?

The following must be included:

- Name of the firm and/or individual;
- Pecuniary interest of any interested party; and
- The type of interest.

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.

Table 1

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 consultative 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:

7. Any information that should have been disclosed in connection with the application but was inadvertently omitted.
8. 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.
9. Any changes in previously disclosed Other Government Assistance that exceeds the previously disclosed amount.

10. 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).
11. For changes to previously disclosed sources of funds, any change in a source of funds that exceeds the lower of:
 - c. 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
 - d. 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.
12. For changes to previously disclosed uses of funds, any change in a use of funds that exceeds the lower of:
 - c. 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
 - d. 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 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.**

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 Planning and Capacity Building 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.

For a sample resolution, see Appendix III: 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 PCB Fund application can only be the following:

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

Match must be fully documented in the application. Match funds are valid only if committed for activities proposed for funding with TxCDBG funds and the match will be used in the same project areas as the TxCDBG funds, or the match will be used for activities that directly relate to supporting activities proposed for TxCDBG funding.

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. Any application that shows funding from sources other than the locality 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.

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:
 - a. Full page of the newspaper with publication title and date; or
 - b. Publisher's affidavit and a copy of the notice) for the required public hearing; or
 - c. Affidavit of posting (see Appendix III), a copy of the notice for the required public hearing, and a printout-screenshot of publication of notice on applicant's website.

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:
 - a. Full newspaper page with the publication title and date; or
 - b. Publisher's affidavit and a copy of the notice; or
 - c. Affidavit of posting (see Appendix III), a copy of the notice, and a printout/screenshot of publication of notice on applicant's website.

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 III: 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. Applications that do not include this information have not documented the National Program Objective of principally benefitting low- and moderate-income individuals and will be disqualified.

Evidence of Active SAM Registration

The applicant shall include a screen-shot from the System for Award Management (SAM) website at <https://sam.gov> verifying the entity's registration is active. Without evidence of an active SAM registration, the application is ineligible to receive HUD 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 2018 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, 2017 will not be accepted. Failure to submit an audit for FY 2018 or FY 2019 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)

Local Planning Organization Letter of Support

The applicant shall include a letter of support from a local planning organization committed to implementing the planning recommendations. Local planning organizations include a Planning & Zoning Commission, Zoning Board of Adjustment, Citizens Advisory Committee, utility Board of Directors actively involved in long-term planning, and/or other local planning group. The letter should include the following:

- a. Statement of commitment to planning process;
- b. Confirmation that the organization has reviewed the Community Questionnaire and verified its contents;
- c. List of 4 or more local strengths that will support the planning effort;
- d. List of recent projects undertaken to address community concerns, including the source of funds for the project; and
- e. Assessment of the financial capacity of the community to address concerns and implement improvements identified during the planning process.

Applicant Name: _____

Application Review Checklist for Planning and Capacity Building 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.

PLANNING AND CAPACITY BUILDING FUND Application Contents	Initial if complete NA if not applicable
---	---

Original Application – Part 1

Completed 424 Form with original signature	
Project Approval Information with all question answered	
Community Needs Assessment	
Project Summary	
Justification For Target Area	
Professional Services & Financial Interest Information	
Table 1 Project Beneficiary Information	
National Program Objectives	
Community Questionnaire	

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 Annual Audit or Audit Opinion Letter	
Form A303 Categorical Exclusion Not Subject to 58.5	
Local Planning Organization Letter of Support	

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 between whether the percentage of L/M income residents in the service area is high enough to qualify under the L/M income 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 L/M income neighborhood may be one of several neighborhoods served by an activity (for example, a water main replacement) the percentage of L/M 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:

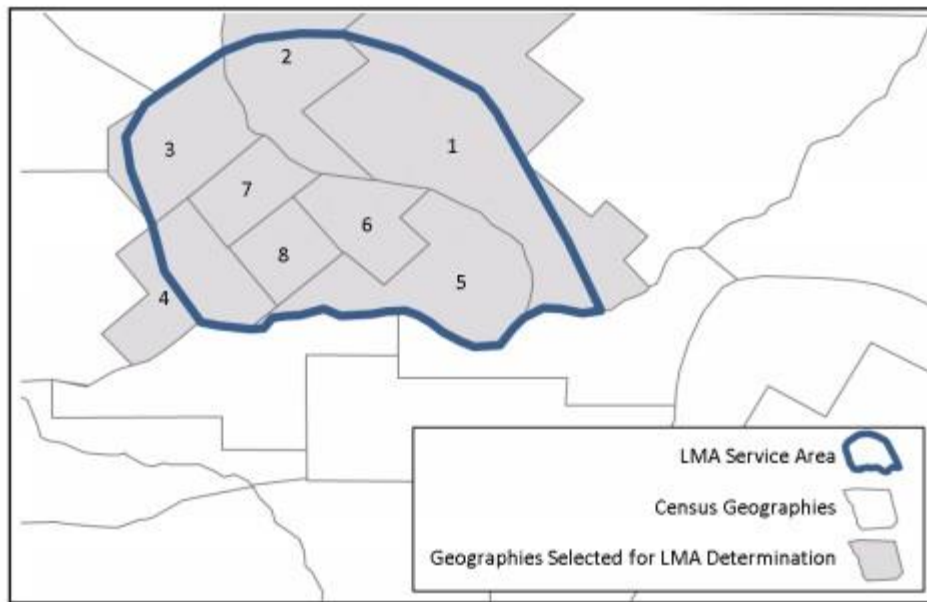
- The service area comprises only a small portion of the unit of general local government, or of a block group. In such situations, information on the percentage of L/M income persons in the unit of government or the block group/census tract is not useful, because the service area residents make up a 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 L/M income 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 (<http://www.census.gov/geo/maps-data/maps/block/2010/>). LMISD spreadsheets and other the beneficiary documentation tools can be found on the TDA website.

TxCDBG, as per CPD notice 14-13, will only allow the use of the LMISD data to qualify an activity and to document the activity beneficiaries under the following conditions:

1. The project activity will benefit a significant number of the persons within a census geographic area. The census geographic area could be a county, place, census tract, or block group.



If the geographies provided do not adequately represent the service area, grantees may consider conducting a survey to determine LMA compliance or reconsider the National Objective and activity.

When using multiple Census 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:

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

2. If only LMISD data is used to document the beneficiaries of an application activity, the low- and moderate-income benefit percentage must be at least 51% (not 50.99%) for a single census geographic area or for combinations of two or more census geographic areas.
3. The service area includes all or part of several units of general local government; the service area might contain both incorporated and unincorporated areas. The HUD-provided data may be usable for a portion of the service area, but may need to be supplemented by survey data for other portions of the service area.

Example: Construction of a rural water system which serves nine small incorporated towns plus portions of the surrounding unincorporated area of the two counties where the towns are located.

If an application activity does not benefit an entire census geographic area, or a significant number of the persons within a census geographic area, then the applicant must use another method to document the beneficiaries. The applicant must conduct a local TxCDBG survey to document all project beneficiaries in that census geographic area and the low- and moderate-income benefit percentage for the activity.

The survey data may be used as a *supplement* to the LMISD data for other census geographic areas to more accurately reflect the area's low- and moderate-income benefit percentage. **No additional data may be used to “substitute” or alter the LMISD data for a specific geography** such as previously acceptable methods of substituting data (prison, nursing home, etc.). Incarcerated populations are not considered eligible beneficiaries of TxCDBG projects, and may not be added to the total beneficiary information through surveys or any other method.

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. “countyname” – identifies the county
 - d. “state” – identifies Texas
 - e. “county” – identifies the county by numerical code
 - f. “tract” – identifies the census tract
 - g. “blkgrp” – identifies the block group
 - h. “low” – identifies the count of Low income persons.
 - i. “lowmod” – number of LMI persons within the block group
 - j. “lowmoduniv” – total number of persons within the block group
 - k. “lowmod_pct” – percentage of LMI persons in the block group
2. LOCAL UNITS OF GOVERNMENT (ALL) – data for all entities in the state
 - a. “Group” – identifies type of entity (COUNTIES, COUSUB/MCD, PLACES)
 - b. “geoname” – identifies the entity
 - c. “Stusab” – identifies Texas
 - d. “State” – identifies the state by numerical code
 - e. “Place” – provides a place’s identifying census number, if applicable
 - f. “County” – provides a county’s identifying census number, if applicable
 - g. “Cousub” – provides a county subdivisions/CDP identifying census number, if applicable
 - h. “lowmod” – number of LMI persons within the block group
 - i. “lowmoduniv” – total number of persons within the block group
 - j. “lowmod_pct” – percentage of LMI persons in the block group

The “ALL BLOCK GROUPS STATEWIDE” data may be used to qualify a project that benefits a target area(s) or used to recreate entity-wide LMI data that is broken out by block group 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 <http://www.census.gov/geo/maps-data/maps/block/2010/>.

Appendix II: 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.
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For a comprehensive list of activity codes, go to:

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

Appendix III: Form and Document Samples

Sample Resolution

A RESOLUTION OF THE CITY COUNCIL/COUNTY COMMISSIONER'S COURT OF THE CITY/COUNTY OF _____, TEXAS, AUTHORIZING THE FILING OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE; AND AUTHORIZING THE MAYOR/COUNTY JUDGE TO ACT AS THE CITY'S/COUNTY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S/COUNTY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the City Council/Commissioner's Court of the _____ desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income; and WHEREAS, certain conditions exist which represent a threat to public health and safety; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL/COMMISSIONERS COURT OF THE OF _____, TEXAS;

1. That the City/County of _____ undertake a program to prepare the following planning effort(s):

2. That the requested amount of TxCDBG funds is a maximum of \$_____.
3. That a Texas Community Development Block Grant Program application for Planning/Capacity Building Fund is hereby authorized to be filed on behalf of the City/County with the Texas Department of Agriculture and any other appropriate agencies as defined in the regulations.
4. That the City Council/Commissioner's Court directs and designates the <<**Title of ALL officials to be authorized**>> as the City's/County's Chief Executive Officer and Authorized Representatives to act in all matters in connection with this application and the City's/County's participation in the Texas Community Development Block Grant Program.
5. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, and civil rights requirements.
6. That the city/county commits itself, if funded by Texas Community Development Block Grant Program to appropriate \$_____ as matching funds and as a demonstration of its local support to the planning project.

Passed and approved this _____ day of _____, 20__

(Mayor/County Judge, City/County of _____)

Sample Public Hearing Notice and Application Activities Notice

SAMPLE PUBLIC HEARING NOTICE:

Published on (January 5, 2019):

PUBLIC HEARING NOTICE

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

(XYZ) County will hold a public hearing at 7:00 p.m. on January 12, 2019, at (XYZ) County Courthouse regarding the submission of an application(s) to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant(s). The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds. The County encourages citizens to participate in the development of this TxCDBG application and to make their views known at this public hearing. Citizens unable to attend this meeting may submit their views and proposals to (John Doe), County Judge at the County Courthouse. Persons with disabilities that wish to attend this meeting should contact the County Courthouse to arrange for assistance. Individuals who require auxiliary aids or services for this meeting should contact the County Courthouse at least two days before the meeting so that appropriate arrangements can be made. Para más información en español, comuníquese con [local contact name] al XXX-XXX-XXXX.

SAMPLE APPLICATION ACTIVITIES NOTICES:

Published on (February 28, 2019):

PUBLIC NOTICE

(XYZ) COUNTY

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The City of XYZ is giving notice of the city's intent to submit a Planning and Capacity Building Fund application for a grant from the Texas Community Development Block Grant Program. The grant application request is \$50,000 for citywide planning activities named in the application. The application is available for review at City Hall during regular business hours. Para obtener una copia en español, comuníquese con [local contact name] al XXX- XXX-XXXX.

SAMPLE - Affidavit of Posting – Notice of Public Hearing

I, _____, do hereby certify that pursuant to the laws of the State of Texas and of the City/County of _____, a Notice of the City's Notice of Public Hearing on the development of TxCDBG application(s) was posted on _____. The public notice was conspicuously posted at _____ in a manner plainly visible to the general public on _____, 20 ____ through _____, 20____ (*at least 72 hours prior to public hearing and at least one day prior to signing of this affidavit*). Pursuant to TxCDBG requirements, the physical address and location of the notice was as follows: (for example, lower left corner of east window, or in the center of the north door, etc.)

Attach a photograph of the Notice(s) as posted on the premises.

.....

Applicant Signature and Title

Date

State of Texas

County of _____

Subscribed and sworn to before me by _____

this _____ day of _____, 20____.

SEAL Notary Signature

My Commission expires:

SAMPLE - Affidavit of Posting – Notice of TxCDBG Application Availability for Public Review

I, _____, do hereby certify that pursuant to the laws of the State of Texas and of the City/County of _____, a Notice of the City's Notice of the City's TxCDBG application(s) activities and availability of the application(s) for public review on _____. The public notice was conspicuously posted at _____ in a manner plainly visible to the general public on _____, 20____ through _____, 20____ (*at least five days prior to public hearing and at least one day prior to signing of this affidavit*). Pursuant to TxCDBG requirements, the physical address and location of the notice was as follows: (for example, lower left corner of east window, or in the center of the north door, etc.)

Attach a photograph of the Notice(s) as posted on the premises.

.....

Applicant Signature and Title

Date

State of Texas

County of _____

Subscribed and sworn to before me by _____

this _____ day of _____, 20____.

SEAL Notary Signature

My Commission expires:

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. 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 IV: Score Sheet

APPLICANT:			
2020 PLANNING AND CAPACITY BUILDING FUND APPLICATION SCORING SHEET	Points Possible	Applicant Self-Score	TDA Score
COMMUNITY DISTRESS			
Poverty Rate of Applicant	10		
Per Capita Income	10		
Unemployment Rate	10		
BENEFIT TO LOW- TO-MODERATE INCOME (LMI) POPULATION			
LMI Rate	0-49		
PROJECT DESIGN / PROGRAM PRIORITY			
TxCDBG Funding History			
<ul style="list-style-type: none"> Applicant has not been awarded a CD grant between 2015-2019, nor been awarded a PCB grant 	10		
<ul style="list-style-type: none"> Applicant has been awarded at least one CD grant between 2015-2019, but has not been awarded a PCB grant 	8		
<ul style="list-style-type: none"> Applicant has previously been awarded a PCB award 	0		
Matching Funds			
<ul style="list-style-type: none"> Applicant has committed at least 110% of the minimum amount of matching funds required for its population category 	5		
<ul style="list-style-type: none"> Applicant has committed between 105% - 109.99% of the minimum amount of matching funds required for its population category 	3		
<ul style="list-style-type: none"> Applicant has committed less than 105% of the minimum amount of matching funds required for its population category 	0		
Applicant Population			
<ul style="list-style-type: none"> Applicant's beneficiary population as identified on Table 1 totals at least 200 persons but not more than 1,500 persons 	10		
<ul style="list-style-type: none"> Applicant's beneficiary population exceeds 1,500 persons 	0		
Planning Area			
<ul style="list-style-type: none"> Proposed planning area includes entire jurisdiction of the applicant; if only utility planning is requested, the entire service area for the utility will be considered the relevant jurisdiction 	10		
<ul style="list-style-type: none"> Proposed planning area represents a target area within the applicant's jurisdiction 	0		
Regional Distribution			
<ul style="list-style-type: none"> Applicant is located within a state planning region where NO communities were awarded PCB grants in 2019 (BVCOG, CTCOG, DETCOG, ETCOG, HOTCOG, HGAC, MRGDC, NCTCOG, SPAG, WCTCOG) 	5		
<ul style="list-style-type: none"> Applicant is located within a state planning region where at least one community was awarded a PCB grant in 2019 (AACOG, ATCOG, CAPCOG, CBCOG, CVCOG, GCRPC, LRGVDC, NORTEX, PBRPC, PRPC, RGCOG, SETRPC, STDC, TEXOMA) 	0		
PLANNING STRATEGY			
Local Planning Organization Statement	20		
Local Commitment / Application Completeness Score up to 21 points if an application is <u>submitted fully complete</u> , with all required attachments and supporting documentation.	21		
In the event of tie scores, the larger beneficiary population wins.	TOTAL		

Appendix V: SAMPLE Performance Standards for Planning Activities

EXHIBIT A

PERFORMANCE STATEMENT

CITY OF TYPICAL

All activities funded with TxCDBG funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or meet community development needs having a particular urgency. The Contractor certifies that the activities carried out under this contract will meet the National Objective of benefitting low- and moderate-income persons with at least 51% of the beneficiaries qualifying as low- to moderate-income.

Contractor shall identify a planning period and prepare a general plan regarding the following planning activities using generic population and other broad parameters for the purpose of funding allocation and for the area identified in the Application. The Contractor shall ensure that the amount of grant funds expended for each activity described herein does not exceed the amount specified for such activity in the Budget.

A. BASIC PLANNING ACTIVITIES

1. BASE MAPPING

Contractor shall prepare a corporate area base map, which should coordinate with the State Plane Coordinate System, in digitized format and hardcopy for use in reports and wall-mounting, preferably laminated for the city, at a scale of **1" = 600'** or better, (no smaller than 22 x 36 inches), which shall show at least the features (1) through (11) below:

The State Plane Coordinate (SPC) system provides coordinates on a flat grid for easy computation while maintaining a difference between geodetic and grid distance of one part in 10,000 or better. The State Plane Coordinate system divides the U.S. into a hundred or more distinct grid surfaces (Zones). Texas has five (5) State Plane Zones. Do not mix coordinates from one Zone with that in another. If you need to cross Zone boundaries, use Geodetic Positions. For more information about the State Plane Coordinate System contact the National Geodetic Survey Information Services.]

These data are to be used for graphical representation only. The Texas Department of Agriculture assumes no responsibility for the accuracy of said data.

- (1) Highway and street rights-of-way;
- (2) Highway designations and street names;
- (3) All major drainage ways;
- (4) Major bodies of water;
- (5) Block and lot lines for all platted subdivisions as available;
- (6) Property lines within unplatted subdivisions as available;
- (7) The width of all major utility easements;
- (8) Railroad rights-of-way;
- (9) All subdivisions and their names;
- (10) Corporate limits;
- (11) Other major facilities or features to include but not necessarily limited to:
 - (a) Major park and recreation areas and facilities;
 - (b) Water Treatment plants;
 - (c) Sewage Treatment plants;
 - (d) Extraterritorial jurisdiction line, as appropriate; and
 - (e) Other significant features.

2. FINANCIAL ANALYSIS

Contractor shall make a financial analysis of the locality to the extent possible to determine its approximate ability to finance present and future capital improvements. The study should include, but not be limited to the following:

- (1) Past, present, and anticipated sources and amounts of income;
- (2) Annual budgets;
- (3) Operating costs;
- (4) Direct and overlapping public debt;
- (5) Outstanding municipal bonds and their schedule of retirement;
- (6) Public improvements financing practices; and
- (7) Recommended standards concerning debt limitations.

3. HOUSING INVENTORY, ANALYSIS AND PLAN

a. Contractor shall prepare a housing conditions inventory, analysis and plan which shall, to the fullest extent possible, be based on the participation of a diverse and representative group of housing interests. (A “diverse and representative group of housing interests” includes owners and renters, realtors, developers, builders, single persons, families, minorities, disabled persons, etc. Generally, all persons must be encouraged to participate in plan preparation, particularly those considered within the protected classes of the Fair Housing Act. No person shall be excluded or denied program benefits on the basis race, color, religion, sex, handicap (disability), national origin, and familial status).

b. Contractor shall develop criteria to be used in the classification of building conditions and formulate definitions for each classification. As a minimum, the three following classifications shall be utilized within the study: 1) Standard, 2) Deteriorating, and 3) Dilapidated.

c. Contractor shall perform an assessment of the exterior of all residential buildings within the city to determine the physical condition of each building or structure. Contractor shall record vacant and abandoned residential units as the assessment is being made.

d. To the extent possible, Contractor shall determine whether housing is owner or renter occupied.

e. Contractor shall use the base map at its contracted scale to create a Housing Conditions Map depicting all housing conditions as inventoried and showing all housing and its classification as defined by the developed criteria.

(1) Included on the map shall be the delineation of low and moderate income areas, as can be determined from the most recent available Census and/or TxCDBG demographic survey, with a brief narrative for the basis of their delineation.

(2) Included on the map shall be clearly marked units and/or areas of affordable housing that are properly represented on the map legend.

(3) Included on the map shall be census geographic boundary delineations as available from the most recent Census. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community.

f. Contractor shall conduct an analysis of housing data to determine problems and housing needs of the current and prospective population and identifiable segments of the population, including the need for fair housing.

g. Contractor shall identify previous implementation actions, both public and private, taken during the past two years to implement or improve housing programs, including fair housing.

h. Contractor shall determine what local administrative and legal capacity is available or in effect to overcome housing-related problems which could be utilized more fully, (such as, the use of non-profit organizations), to improve housing, provide remedies to housing needs, including the need for fair housing.

i. Contractor shall prepare a goal(s) statement and annual housing related objectives. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

j. Contractor shall identify future implementation actions and probable costs, both public and private, to be taken annually over the next three to five years. These activities shall result in the preparation of an overall program design for housing related activities, including fair housing and improved housing stock resiliency during and after disaster situations.

4. POPULATION

a. Contractor shall compare census data of the locality from 1990 to present. Contractor must provide total number of project beneficiaries. From the total project beneficiaries, Contractor must provide number of persons in each of the sex, race and Hispanic origin categories; and by number of persons benefiting from activity by income status.

Total Project: Male: Female:
Beneficiaries _____

Please divide beneficiaries according to the following race categories breaking out those who are also Hispanic. Columns should total and grand total should equal total beneficiaries.

Race	Non-Hispanic	Hispanic also	Ethnicity	Total
White				
Black/African American				
Asian				
American Indian/Alaskan Native				
Native Hawaiian/Other Pacific Islander				
American Indian/Alaskan Native & White				
Asian & White				
Black/African American & White				
American Indian/Alaskan Native & Black/African American				
Other Multi-Racial				
			Grand Total	

Example: Total beneficiaries equals eleven persons. For each of your beneficiaries you should determine both their race and whether or not they would also be included in the Hispanic ethnicity. In this example, nine persons are considered White by the census bureau and four of those nine are Hispanic in ethnicity. Therefore, on the form those four would be marked in the row for White and the column for Hispanic. The remaining five White non-Hispanic staff would be listed on the row for White and the column for non-Hispanic. The total for the White Non-Hispanic and White Hispanic should equal the total for White beneficiaries. The remaining two persons are Black/African American and of those two, one is also Hispanic in ethnicity. So... one will be listed on the Black/African American row and the column listed as Hispanic ethnicity while the other will be listed on the Black/African American row but under the Non-Hispanic column. The total for all Black/African Americans will be two and the grand total for all beneficiaries should equal the total number of beneficiaries, in this case eleven.

Income Level	No. of Persons
Very Low (at or below 30% of the AMFI)	
Low (31-50% of the AMFI)	
Moderate (51-80% of the AMFI)	
Non-Low/Moderate (above 80% of AMFI)	
Total	
Subtotal – All Low/Mod	
Percent Low/Mod	

b. Contractor shall determine existing population estimates of the locality by occupied dwelling units. A realistic assessment of the locality's existing population shall be made by reliable methods.

c. Contractor shall:

- (1) Estimate the locality's future population by five-year increments for the next fifteen to twenty years based on existing trends.
- (2) Analyze the distribution of classes protected by federal fair housing laws on the basis of race, color, religion, sex, handicap (disability), national origin, and familial status within the community, where such information is available from the most recent Census or other official publications at the block or block group level.
- (3) Use the base map at its contracted scale for illustrative purposes and create a Population Distribution Map showing the existing and projected population distribution for the planning period. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. Included on the map shall be census geographic boundary delineations as available from the most recent Census.

5. LAND USE INVENTORY, ANALYSIS AND PLAN

a. Contractor shall assess and inspect each plot, tract and parcel of land within the project area to determine its use. The project area should include the city's extraterritorial jurisdiction (ETJ), if significant development has occurred there.

b. Categories in classifying land uses shall include, as a minimum, the following:

- (1) Vacant (vacant developed or vacant undeveloped);
- (2) Agriculture (cultivated and range land - five or more acres);
- (3) Residential (single family, two family, multi-family, manufactured and mobile homes);
- (4) Commercial; (retail and services);
- (5) Industrial; (light and heavy);
- (6) Public and Semi-Public (schools, parks and public buildings); and
- (7) Other such additional or subcategories as may be deemed necessary to accurately reflect the existing pattern of land areas.

c. Contractor shall prepare a color-coded Existing Land Use Map of the corporate area using the base map at its contracted scale. Contractor shall prepare a color-coded map of existing land uses within the planning area at appropriate scale, if the development within the ETJ or portion of the ETJ was determined to be significant in its potential impact on the city. Colors should conform to standard code.

d. Contractor shall make a tabulation of the existing land uses to show:

- (1) Total acreage by use;
- (2) Percentage of acreage in each land use;
- (3) Acres per 100 persons, or other standard for comparison purposes; and
- (4) Developed and undeveloped land as a percent of the total land.

e. Contractor should make an analysis of the community regarding past and potential developments and should report on factors affecting the development of land, such as those below:

- (1) Occupied dwelling units;
- (2) Existing land use;
- (3) Thoroughfares
- (4) Existing and anticipated population;
- (5) Soil characteristics as related to developments;
- (6) Adequacy of public utilities;
- (7) Adequacy of public facilities;
- (8) Storm drainage problem areas;
- (9) Natural and man-made constraints.

f. Contractor shall prepare a goal(s) statement and annual land use related objectives and, using the base map at its contracted scale, Contractor shall prepare a color-coded Future Land Use Map to illustrate the future physical development of the locality during the planning period.

B. CENTRAL BUSINESS DISTRICT

1. COMMERCIAL AREA INVENTORY

a. Contractor shall make an assessment of the Central Business District (CBD) that should include its area of immediately adjacent influence to include but not necessarily limited to the following:

- (1) The existing land use of the Central Business District;
- (2) Street rights-of-way and pavement widths, where applicable;
- (3) Locations and condition of sidewalks, curbs and gutters;
- (4) On and off-street parking;
- (5) Condition of buildings;
- (6) Location of traffic controls by types; and
- (7) Traffic volumes and turning movements for major streets, where available;
- (8) Physical geographic features of the community that could have a positive or negative effect on the integrity of the CBD.

b. Contractor shall show the above inventory on a symbol-coded map at a 1" = 200' scale.

c. Contractor should prepare a sketch drawing to show the relationship of the CBD to other supportive and competitive development within the community.

2. ANALYSIS

Contractor shall analyze the findings above and should determine:

- a. The Central Business District and its relationship to community development to determine if improvements or rearrangement of commercial facilities are needed;
- b. A ratio of existing and projected commercial acreage;
- c. A ratio of used and vacant commercial floor area in the central business district; and
- d. Other significant details and their impact on the vitality of the central business district as they become evident during the course of the study.

3. CENTRAL BUSINESS DISTRICT PLAN

a. Contractor shall prepare a goal(s) statement and annual Central Business District related objectives. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement.

b. In relation to recognized problems, goals and objectives, Contractor shall prepare recommendations that could

improve the aesthetic values and physical integrity of the Central Business District considering possible:

- (1) Improvement to facades and alleyways;
- (2) Pedestrian walkways;
- (3) Landscape treatment of street medians, pedestrian ways and rest areas; and/or
- (4) Removal of obsolete buildings and overhead utility lines.

c. Contractor shall prepare a Central Business District Plan at a scale of 1" = 200' to graphically illustrate the redevelopment of the area in relation to the formulated goals and objectives. The Central Business District Plan map(s) shall, as a minimum include but not necessarily be limited to:

- (1) Any necessary rearrangement of land uses to improve compatibility;
- (2) Any necessary building relocation or reorientation in order to improve their usefulness; and
- (3) On and off-street parking areas.

d. Contractor shall present phased improvements, estimated costs and sources of funding.

C. STREET SYSTEM

1. STREET STUDY

a. Contractor shall determine if any prior studies have been made of part or all of the street system. Studies prepared on the system should be listed with the name of the firm that prepared the study, the date of the study, and brief description of relevant information.

b. Contractor shall make an inventory of the physical characteristics of the street system to record, but not necessarily be limited to the following:

- (1) Rights-of-way widths, as available;
- (2) Paving widths, types and condition of pavement;
- (3) Curb and gutter and/or borrow (roadside) ditches;
- (4) Other information concerning configuration, traffic flow, and street conditions, including possible impediments to traffic flow, particularly in an emergency situation, as appropriate and/or available.

c. Data and information from the Texas Department of Transportation shall be used to the maximum extent feasible.

d. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Street Conditions Map showing the existing street system inventory.

2. STREET SYSTEM ANALYSIS

a. Contractor shall make an analysis of the street system and list and rank problems and should present possible alternative actions and costs in providing solutions.

b. Contractor shall determine the adequacy of the system to meet existing and forecasted needs, including during emergency situations, and make recommendations for any needed improvements concerning configuration, traffic flow, and street conditions. Recommendation should prepare for contingencies, including planning evacuation routes. (See the "thoroughfares" component of this performance statement, if applicable.)

3. STREET PLAN

a. Contractor shall prepare a goal(s) statement and street-related objectives for the planning period and should include construction-related and policy-related recommendations regarding streets' improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements to meet standards and disaster resiliency needs for at least the first five to ten years shall be stated and

include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.

b. Using the base map at its contracted scale, Contractor shall prepare a Future Street Conditions Map. The plan shall provide for the elimination of deficiencies and recommended improvements to meet forecasted needs. Improvements shall be in accordance with accepted municipal standards and shall be shown by phases.

D. THOROUGHFARE SYSTEM

1. INVENTORY OF MAJOR AND COLLECTOR STREETS

a. Contractor shall prepare standards or criteria to determine the definition for major and collector streets and shall include the information in the narrative section of the study.

b. Contractor shall conduct a study of major and collector streets to determine the present condition of these streets within the planning area. The study should include but not necessarily be limited to:

- (1) Peak hour and average daily traffic counts, where available;
- (2) Right-of-way widths;
- (3) Paving widths, types and condition of pavement;
- (4) Traffic control data;
- (5) Parking restrictions;
- (6) Curb and gutter;
- (7) Origin and destination information, where available;
- (8) Land use and traffic generator information;
- (9) Truck routes; and,
- (10) Emergency routes.

c. Information from prior studies, the county, Texas Department of Transportation and other available sources shall be used to the maximum extent feasible.

d. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Thoroughfare Conditions Map to show b. (1) through (9), above, as applicable.

2. THOROUGHFARE ANALYSIS

a. Contractor shall list and rank problems related to the thoroughfares system.

b. To determine the size and quality of streets needed in the project area, an analysis shall be made for all major and collector streets, their locations, adequacy or inadequacy for existing and forecasted population, land uses, etc. As a minimum, the following should be considered, where appropriate:

- (1) Texas Department of Transportation traffic counts, local traffic habits, and other factors;
- (2) Circulation studies prepared previously; and
- (3) Street standards approved by the locality and State.

3. THOROUGHFARE PLAN

a. Contractor shall prepare a goal(s) statement and thoroughfare system-related objectives for the planning period and should include construction-related and policy-related recommendations regarding thoroughfare system improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements to meet standards and disaster resiliency needs for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.

b. In relation to the analysis of existing and anticipated land use, school and park locations, travel habits, employment centers, traffic generators, traffic volumes; and in coordination with plans of the Texas Department of Transportation, and other available studies, Contractor shall prepare a plan for a system of thoroughfares, major and collector streets to

meet the future circulation needs of the planning area. Using the base map at its contracted scale for illustrative purposes, Contractor shall show phased improvements on a Future Improved Thoroughfares Map.

c. Contractor should prepare sketch plans for improved channeling of traffic at intersections where problems exist or are anticipated during the planning period.

E. WATER SYSTEM

1. WATER SYSTEM INVENTORY

a. Contractor shall make a review of all prior studies and other available data on the existing water system. Previous engineering and planning studies prepared on the system should be listed with the date and name of the firm that prepared the study.

b. Contractor shall make an inventory of the physical characteristics of the system to include, but not necessarily be limited to the following:

- (1) Location of lines, valves, fire hydrants, and line sizes;
- (2) Location and capacity of ground and elevated storage facilities;
- (3) Location and capacity of wells and pumps;
- (4) Location and capacity of water treatment facilities, as appropriate;
- (5) Location and capacity of generators;
- (6) Condition of system elements and other system data, as available.

c. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Water System Map showing existing facilities as specified in the inventory required above. Mapping shall show all facilities and illustrate the entire area that the facilities serve.

d. Contractor shall report appropriate standards and criteria used to determine the water system needs and include them in the narrative section of the report, including the name of publications where standards can be found. Reference shall be made to the existing and required Drought Contingency and Water Conservation Plan.

2. WATER SYSTEM ANALYSIS

a. Contractor shall make an analysis of the water system and list and rank problems and should present possible alternative actions and costs in providing solutions, while particularly considering the water system's ability to provide reliable service, including fire protection within state standards during drought conditions. As a minimum, the following should be considered in determining problems connected with the water system:

- | | |
|----------------------------|---|
| (1) Water quality; | (6) Water costs to city; |
| (2) Storage facilities; | (7) Water cost to customers and review of current and future needs; |
| (3) Availability of water; | (8) Operation procedures. |
| (4) Water pressure; | (9) Ability to function under disaster situations, such as, flood, fire, tornado, power outages, etc. |
| (5) Distribution lines; | |

b. Contractor shall determine the adequacy of the system to meet existing and forecasted needs.

c. Contractor shall evaluate the local system's capability to provide water under drought and other disaster-related conditions and in regard to its drought contingency and water conservation plan and accepted conservation practices.

d. Contractor shall evaluate the local system's capability to provide water, including during drought and other disaster-related conditions, and coordinate with the Regional Water Plan and the State Water Plan, where applicable.

3. WATER SYSTEM PLAN

- a. Contractor shall prepare a goal(s) statement and water system-related objectives for the planning period and should include construction-related and policy-related recommendations regarding water system improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements to meet standards and disaster resiliency needs for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.
- b. The studies and plans developed shall be in strict accord with criteria established by the Texas Commission on Environmental Quality (TCEQ), Texas Water Development Board (TWDB), and the Texas Department of Insurance.
- c. As much as is applicable, appropriate and possible during the contract period and in coordination with TCEQ, which requires drought management plans, Contractor shall include drought and conservation plans in its overall water system plan. The plans should also include consideration of water provision during other disaster situations, such as flood, fire, tornado, power outages, etc.
- d. Using the base map at its contracted scale for illustrative purposes, Contractor shall illustrate the existing and proposed water system and findings on a Future Water System Map. Recommended improvements shall be shown by phases.

F. WASTEWATER SYSTEM

1. WASTEWATER SYSTEM INVENTORY

- a. Contractor shall make a review of all information regarding the existing wastewater system. Engineering and planning studies prepared previously should be listed with the date and name of the firm that prepared the study.
- b. Contractor shall make an inventory of the physical characteristics of the system to include, but not necessarily limited to the following:
 - (1) Location, condition, and size of lines as available;
 - (2) Location of manholes and cleanouts;
 - (3) Location and capacities of lift stations;
 - (4) Location and capacity of generators;
 - (5) Treatment facility and operation arrangement.
- c. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Wastewater System Map showing the existing facilities in relation to topographic features.
- d. Contractor shall report standards or criteria used to determine wastewater system needs and include the criteria in the narrative section of the report with the name of the publication(s) where standards can be found.

2. WASTEWATER SYSTEM ANALYSIS

Contractor shall list and rank problems related to the wastewater system and should present possible alternative actions and costs in providing solutions. As a minimum, the following should be considered in determining problems of the wastewater system:

- (1) Infiltration;
- (2) Industrial waste and special treatment facilities;
- (3) Operational procedures;
- (4) Unserved areas;
- (5) Characteristics of the soil and terrain affecting collection treatment;
- (6) Ability to function under disaster situations, (flood, fire, tornado, power outages, etc.).

3. WASTEWATER SYSTEM PLAN

- a. Contractor shall prepare a goal(s) statement and wastewater system-related objectives for the planning period and should include construction-related and policy-related recommendations regarding wastewater system improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements to meet standards and disaster resiliency needs for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.
- b. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Future Wastewater System Map illustrating phased improvements to the wastewater system in relation to the existing system and topographic features.
- c. Such prepared plan shall be done in accordance with criteria and standards established by the Texas Commission on Environmental Quality (TCEQ).

G. STORM DRAINAGE SYSTEM

1. STORM DRAINAGE INVENTORY

- a. Contractor shall make a review of all available information on storm drainage within the city. If any engineering and planning studies have been prepared on drainage, they should be listed with the firm name and date.
- b. Contractor shall conduct an assessment of the project area for any existing storm drainage facilities and all natural drainage courses to include as a minimum:
 - (1) Location and condition of drainage ways;
 - (2) Location and condition of curb and gutter, borrow (roadside) ditches, culverts, and storm sewers;
 - (3) Location of 100 years flood hazard areas; and
 - (4) Identification of areas within the community where local flooding has occurred.
- c. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Storm Drainage Map showing the existing facilities in relation to topographic features.

2. STORM DRAINAGE ANALYSIS

- a. Contractor shall list and rank problems related to storm drainage and should present possible alternative actions and costs in providing solutions.
- b. Contractor shall prepare an analysis of the existing drainage system for both natural and man-made facilities. Major and minor drainage areas and areas that have experienced flooding shall be delineated. Drainage characteristics of the areas shall be briefly described and analysis shall be made to determine methods of eliminating local flooding and eroding of local streets. Data, as available through the National Flood Insurance Program of the Federal Emergency Management Agency, shall be utilized to the fullest extent possible.

3. STORM DRAINAGE PLAN

- a. Contractor shall prepare a goal(s) statement and storm drainage-related objectives for the planning period and should include construction-related and policy-related recommendations regarding storm drainage improvements. To the extent possible, objectives shall be stated in quantifiable terms and target dates set for their achievement. General improvements to meet standards and disaster resiliency needs for at least the first five to ten years shall be stated and include: (1) priorities; (2) estimated costs; and (3) sources of possible funding.
- b. Using the base map at its contracted scale for illustrative purposes, Contractor shall prepare a Future Storm Drainage Map illustrating phased improvements related to storm drainage in relation to the existing conditions and topographic features.

H. CAPITAL IMPROVEMENTS PROGRAM

1. FINANCIAL ANALYSIS

Contractor shall consider the financial analysis accomplished as part of **A. BASIC PLANNING ACTIVITIES** to determine the its approximate ability to finance present and future capital improvements.

2. CAPITAL NEEDS LIST

a. Based on the previous studies, and all capital needs, Contractor shall prepare a capital needs list of projects by category with general priorities for improvements to be accomplished during the planning period through workshop meetings with local officials. Contractor shall classify the type of capital improvements according to guidelines, such as:

- (1) Mandatory: Those which protect life or health.
- (2) Necessary: Those which are important public services.
- (3) Desirable: Those which replace obsolete facilities.
- (4) Acceptable: Those which reduce operating costs.

b. Contractor shall report possible effects of each identified capital improvement need and/or recommended capital improvements on members of classes protected under federal Fair Housing law(s), taking into consideration geographic concentration and other-analysis required in Section A.3.c. of this Performance Statement. Contractor shall analyze and report the effects each improvement may have on the following:

- (1) Affordable housing opportunities outside of areas of geographic concentration of protected classes;
- (2) Residents of areas with concentrations of protected classes whether the proposed project provides city-wide or target area benefit;
- (3) Equal treatment and access for disabled persons to public facilities throughout the community;
- (4) Other Fair Housing goal(s), as appropriate.

3. CAPITAL IMPROVEMENTS PROGRAM

a. In consonance with the capital needs list and in coordination with the city's budget, Contractor shall prepare a schedule of projects recommended for the municipality for the first five (5) to six (6) years of the planning period. The schedule shall list projects by category together with estimated cost, sources of funds and year of construction.

b. A map shall be prepared to show the projects by type and year of construction. The map shall show any identified areas that contain a concentration of aforementioned protected classes within the community. (See Basic Planning Activities component of this Exhibit A, Performance Statement). Included on the map shall be census geographic boundary delineations as available from the most recent Census.

I. SUBDIVISION ORDINANCE

1. ORDINANCE DEVELOPMENT

a. Contractor shall prepare technical material necessary for the drafting and/or updating of a subdivision ordinance that will best be adapted to direct the platting of land consistent with proposals of the previously prepared Land Use Plan.

b. The technical material prepared shall be based on sound platting and planning principles and not be inconsistent with all applicable laws.

2. ORDINANCE REVIEW

a. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice

from the city's attorney regarding the legal aspects and implications of subdivision controls.

b. Contractor shall prepare the technical material for the subdivision ordinance in a form suitable for its adoption and submit it in report form to the Department as provided herein.

J. ZONING

1. ORDINANCE DEVELOPMENT

a. Contractor shall prepare technical material necessary for the drafting of zoning ordinance that will best be adapted to direct the use of land consistent with proposals of the city's previously prepared Land Use Plan. Technical material on zoning shall be based on sound zoning principles and not be inconsistent with all applicable laws, including affirmatively furthering fair housing and reducing or eliminating disparate treatment of classes protected under federal Fair Housing law(s),

b. Based on the Land Use Plan and other plans related to physical development of the municipality, Contractor shall have prepared a Zoning District Map using the base map at its contracted scale.

2. ORDINANCE REVIEW

a. Following development of the technical material and prior to adoption, Contractor shall seek counsel and advice from the city's attorney regarding the legal aspects and implications of zoning, particularly that it has positive influence in the effort to promote fair and affordable housing.

b. The technical material on zoning and the recommended zoning district map shall be prepared in report form suitable for adoption and be submitted to the Department as provided herein.

K. CERTIFICATIONS, PRESENTATIONS, REPORTS AND PUBLICATIONS

1. In addition to other requirements placed on Contractor regarding its certifications of contract compliance, Contractor shall ensure passage of a local resolution after a final summary is presented to the executive government that is prerequisite to final reimbursement under this contract. The local resolution shall indicate and state:

a. Local officials' participation in preparing and reviewing planning documents for local needs, contract compliance, and the final presentation of the plan at the final hearing and/or meeting met or exceeded a one (1) hour minimum requirement set forth by this contract;

b. Goals and objectives developed for each contracted planning element were presented, discussed, reviewed and established by local officials;

c. Inventory, analyses, plans and maps associated with them required under contract were presented, discussed and reviewed by local officials;

d. Capital needs listed and ranked within the reports were presented, discussed, and reviewed by local officials;

e. Opportunities were provided for citizen participation in the planning process;

f. Local review established that the planning documents are suitable as policy guides for the locality;

g. Local efforts in plan(s) preparation were intended to eliminate impediments to fair housing and support equitable distribution of the plans' benefits;

h. Contracted planning documents are accepted by the city as substantiation for payment requisition to the Department, and for Contractor's payment to its consultant(s); and

i. Statement of how the contractor intends to use its planning documents prepared under the contract.

2. One paper hard copy of each study produced under this contract shall be submitted to the Department for review and comment. All work, including mapping that is folded and not rolled, shall be published in an 8 1/2" by 11" report. A letter from Contractor shall accompany the report and include an attached itemization and/or a description where each requirement of this performance statement can be found within each report to include chapter, page and paragraph.

3. **ONLY ONE (1) TYPE OF MAPPING SOFTWARE SHOULD BE USED FOR ALL MAPS REQUIRED UNDER THIS CONTRACT.** Contractor shall maintain source map data (original vector data) and the graphic data in data files on

machine readable media which are compatible with computer systems owned or readily available to the local government. In addition, complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the maps shall be maintained in written form. Contractor shall provide the Department a letter signed by the authorized signatory attesting to the receipt of such data.

4. Contractor shall provide the Department a compact disk (CD) media, written in Adobe Acrobat portable document format (*.pdf), that contains the narrative and mapping prepared under this contract. The CD shall also contain source map data (original vector data).

Contractor shall ensure that the CD contents and label are properly identified. Specifically, the CD contents and label shall show the locality name, contract number, planning period covered by the report, topics included within the CD report (on the CD), and preparer's name and date of preparation. Complete documentation as to the content and layout of the data files and the name of the software package(s) used to generate the texts and maps shall be provided to the Department in the locality's closeout letter from Contractor and be shown on the compact disk label.

5. Each element requiring mapping shall have separate inventory and plan maps, as stated within each element's performance requirements. All requested maps required herein, with the exception of aerial maps, may be reduced in size if legible and included in appropriate reports. Two (2) 8" x 10" prints with accompanying electronic data may be submitted to the Department in lieu of full-scale aerial maps.

6. All reports, maps, CD labels, and other products completed as a part of this contract, other than documents prepared exclusively for internal use by the Department, shall carry the following notation on the front cover, CD label, or a title page and on the face of maps:

FINANCED THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE. The preparation of this document was financed through provisions of a Texas Community Development Block Grant with funds allocated by the U.S. Department of Housing and Urban Development.

7. Any article or other work submitted by Contractor for publication must include a disclaimer as stated in the Special Conditions:

The Texas Department of Agriculture in conjunction with the United States Department of Housing and Urban Development furnished financial support to the activity described in this publication which does not necessarily indicate the agreement of the Texas Department of Agriculture or of the United States Department of Housing and Urban Development with the statements or conclusions contained in this publication.

8. When advertising the final public hearing, Contractor shall ensure that the newspaper notice indicates that the planning documents prepared under this contract are available for review at least twelve (12) days prior to the final hearing to evaluate Contractor's performance under the contract.