

# 2021

## **NORTH DAKOTA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM DISTRIBUTION STATEMENT**

Revised 09/2021

Prepared By

Division of Community Services  
1600 East Century Avenue, Suite 2  
PO Box 2057  
Bismarck, ND 58502-2057  
Phone: (701) 328-5300  
Fax: (701) 328-5320

ND Relay Voice: 800-366-6889  
ND Relay Spanish: 800-435-8590



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

# TABLE OF CONTENTS

Section I – Introduction .....	2
Section II – Eligible & Ineligible Activities .....	9
Section III – General Information of Applicants .....	15
Section IV – Allocation of Funds .....	18
Section V – CDBG & CDLF General Policies and Procedures, Statement of Assurances .....	24
Section VI – Final Grant Application Submission Requirements .....	39
Section VII – Program Design-Economic Development .....	41
Section VIII – Program Design-Public Facilities .....	51
Section IX – Program Design-Housing .....	53
Section X – Program Design-Governor’s Fund for Community Development .....	56
Region I.....	58
Region II .....	75
Region III.....	81
Region IV.....	93
Region V.....	108
Region VI.....	135
Region VIII.....	149
Region VIII.....	165

This Program Distribution Statement contains information about the State's Community Development Block Grant (CDBG) Program. CDBG funds must be used to achieve one of the following national objectives:

1. Activities benefiting low (L) and moderate (M) income (I) persons.
2. Activities which aid in the prevention or elimination of slums or blight.
3. Activities designed to meet community development needs having a particular urgency.

To better address local community development needs, the Governor has directed that the State's allocation be divided among each of the eight Regional Planning Councils that have established procedures to review and rank applications submitted within their respective regions.

The following priorities and objectives have been established for the distribution of Community Development Block Grant funds in North Dakota:

1. Objectives for economic development will focus on:
  - a. Creation of permanent jobs for low and moderate income persons;
  - b. Economic diversification;
  - c. Leveraging of private and local investment; and
  - d. Benefit to the state's economy.
2. Funding for Public Facilities activities will primarily focus on:
  - a. Water and sewer activities which currently present a threat to health and safety;
  - b. Removal of architectural barriers which will permit access for the handicapped;
  - c. Direct benefit to a locality's low and moderate income persons; and
  - d. Leveraging local and other available financial resources to finance the cost of the activity.
3. Funding for Housing Activities will primarily focus on:
  - a. Meeting the health and safety needs of very low income persons by bringing the rehabilitated housing up to a minimum of the Section 8 Housing Quality Standards; and
  - b. Making more affordable housing available for low income persons. Emphasis will be given to encouraging applicants to use other public and private funds to complement Community Development Block Grant funds.

## SECTION I

### Introduction

#### A. Purpose of Program Distribution Statement

The purpose of the Community Development Block Grant (CDBG) and Community Development Loan Fund (CDLF) Program Distribution Statement is to describe how the state of North Dakota intends to distribute its CDBG Public Facilities, Housing, and Economic Development funds. Specifically, the Statement describes the three National Objectives of the CDBG program, eligible applicants, eligible activities, special eligibility requirements, distribution of funds, policies and procedures, and the grant submission and selection process.

For fiscal year 2020 the North Dakota CDLF program for Economic Development is designed to more effectively meet the goals set by the Governor. The program is targeted to business proposals which will operate within the primary sector of the North Dakota economy and also used for retail sector projects. CDLF assistance is intended to be used in situations where a funding gap exists and alternative sources and/or terms and conditions of public and private financing are not adequate. CDLF funding can also be used for community's slum and blighted areas, including downtown façade and streetscape improvements, and limited interior improvements. To access the CDLF program, applicants should contact the respective regional council in their region.

#### B. Purpose of the Community Development Block Grant Program

The Community Development Block Grant was established by Congress in the Housing and Community Development Acts of 1974. In 1981, Congress amended the act to authorize state governments to administer the State Community Development Block Grant Program.

Nationally, the CDBG Program is divided into two categories:

1. The Department of Housing and Urban Development (HUD) continues to administer the "entitlement" program which is for cities over 50,000 and counties over 200,000 population. These entities receive CDBG Program funds on an annual formula basis directly from the Department of HUD. In North Dakota, the entitlement cities are Fargo, Bismarck, and Grand Forks.
2. The State administers the "nonentitlement" CDBG Program for cities under 50,000 and counties under 200,000 population. Allocation for the nonentitlement program is based on a formula and each state must submit a "Notice of Election" each year to administer the program. In North Dakota, there are approximately 449 eligible cities and counties capable of competing for state CDBG funds. No State CDBG funds will be spent in entitlement jurisdictions.

#### C. National Objectives

The primary purpose of the CDBG Program, as declared by Congress in Title I of the Housing and Community Development Act of 1974, as amended (HCD ACT), is "the development of viable communities, by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."

Therefore, in providing assistance, the fundability of any eligible community activity is dependent upon its meeting at least one of the following national objectives as established by Congress:

1. Activities benefiting low and moderate income persons:

An activity will be considered to address the objective of benefiting low and moderate income persons if it meets one of the criteria in this paragraph, unless there is substantial evidence to the contrary. In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. The activities, when taken as a whole, must not benefit moderate income persons to the exclusion of low income persons:

A. Area Benefit Activities:

- 1) An activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion. The local share for this type of activity cannot be special assessed.
- 2) An activity, where the assistance is to a public improvement that provides benefits to all the residents of an area, that is limited to paying special assessments levied against residential properties owned and occupied by persons of low and moderate income. Special assessments may be imposed as follows:
  - a) Special assessments to recover the CDBG funds may be made only against properties owned and occupied by persons not of low and moderate income. These assessments constitute program income.
    - (i) Special assessments to recover the non-CDBG portion may be made, provided that CDBG funds are used to pay the special assessment on behalf of all properties owned and occupied by low and moderate income persons; except that CDBG funds need not be used to pay the special assessments on behalf of properties owned and occupied by moderate income persons if, when permitted by the state, the unit of general local government certifies that it does not have sufficient CDBG funds to pay the assessments on behalf of all of the low and moderate income owner-occupant persons. Funds collected through such special assessments are not program income.
  - b) CDBG funds may be used to pay special assessments levied against property when this form of assessment is used to recover the capital cost of eligible public improvements initially financed solely from sources other than CDBG funds. The payment of special assessments with CDBG funds constitutes CDBG assistance to the public improvement. Therefore, CDBG funds may be used to pay special assessments, provided that:

- (i) The installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under this subpart, including labor, environmental and citizen participation requirements;
  - (ii) The installation of the public improvement meets a criterion for national objectives.
  - (iii) The requirements of § 570.482(a)(ii) are met.
- 3) An activity to develop, establish and operate (not to exceed two years after establishment), a uniform emergency telephone number system serving an area having less than 51 percent of low and moderate income residents, when the system has not been made operational before the receipt of CDBG funds, provided a prior written determination is obtained from HUD. HUD's determination will be based upon several certifications by the State [(See 24 CFR 570.483(b)(iii)].

b. Limited Clientele Activities:

- 1) An activity which benefits a limited clientele, at least 51 percent of whom are low and moderate income persons. (The following kinds of activities may not qualify under this paragraph: activities, the benefits of which are available to all the residents of an area; activities involving the acquisition, construction or rehabilitation of property for housing; or activities where the benefit to low and moderate income persons to be considered is the creation or retention of jobs.) To qualify under this paragraph, the activity must meet one of the following tests:
- a) It must benefit a clientele who are generally presumed to be principally low and moderate income persons. The following groups are presumed by HUD to meet this criterion: abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate persons, persons with AIDS, and migrant farm workers; or
  - b) It must require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit (i.e., water meters); or
  - c) It must have income eligibility requirements which limit the activity exclusively to low and moderate income persons (i.e., water meters); or
  - d) It must be of such a nature, and be in such a location, that it may be concluded that the activity's clientele will primarily be low and moderate income persons.
- 2) A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or disabled persons to publicly owned and privately owned non-residential buildings, facilities and improvements, and the common areas of residential structures containing more than one dwelling unit.

c. Housing Activities:

An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low and moderate income households. This would include, but not necessarily be limited to, the acquisition or rehabilitation of property, conversion of non-residential structures, and new housing construction as described in Section IX. If the structure contains two dwelling units, at least one must be so occupied, and if the structure contains more than two dwelling units, at least 51 percent of the units must be so occupied. Where two or more rental buildings being assisted are or will be located on the same or contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The unit of general local government shall adopt and make public its standards for determining "affordable rents" for this purpose. The following shall also qualify under this criterion:

- 1) When less than 51 percent of the units in a structure will be occupied by low and moderate income households, CDBG assistance may be provided in the following limited circumstances:
  - a) The assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project; and
  - b) Not less than 20 percent of the units will be occupied by low and moderate income households at affordable rents; and
  - c) The proportion of the total cost of developing the project to be borne by CDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households.
- 2) Where CDBG funds are used to assist rehabilitation delivery services or in direct support of the unit of general local government's Rental Rehabilitation Program authorized under 24 CFR part 511, the funds shall be considered to benefit low and moderate income persons were not less than 51 percent of the units assisted, or to be assisted, by the Rental Rehabilitation Program overall are for low and moderate income persons.

d. Job Creation or Retention Activities:

- 1) An activity designed to create permanent jobs where at least 51 percent of the jobs, computed on a full time equivalent basis, involved the employment of low and moderate income persons. For an activity that creates jobs, the unit of general local government must document that at least 51 percent of the jobs will be held by, or will be made available to low and moderate income persons.
- 2) For an activity that retains jobs, the unit of general local government must make public and document that the jobs would actually be lost without the CDBG assistance and that either or both of the following conditions apply with respect to at least 51 percent of the jobs at the time the CDBG assistance is provided: The

job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two years and that it will be filled by, or that steps will be taken to ensure that it is made available to, a low or moderate income person upon turnover.

- 3) Jobs will be considered to be available to low and moderate income persons for these purposes only if:
  - a) Special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and
  - b) The unit of general local government and the assisted business take actions to ensure that low and moderate income persons receive first consideration for filling such jobs.
- 4) As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except:
  - a) In certain cases, such as where CDBG funds are used to acquire, develop or improve a real property (e.g. a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided the businesses are not otherwise assisted by CDBG funds.
  - b) Where CDBG funds are used to pay for the staff and overhead costs of a sub-recipient specified in section 105(a)(15) of the Housing and Community Development Act of 1974 making loans to businesses from non-CDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any one-year period.
  - c) In any case where CDBG funds are used for public improvements (e.g., water, sewer and road) and the national objective is to be met by job creation or retention as a result of the public improvement, the requirement shall be met as follows:
    - (i) The assistance must be reasonable in relation to the number of jobs expected to be created or retained by the affected business(es) within three years from the completion of the public improvement. Before CDBG assistance is provided for such an activity, the unit of general local government shall develop an assessment which identifies the businesses located or expected to locate in the area to be served by the public improvement. The assessment shall include for each identified business a projection of the number of jobs to be created or retained as a result of the public improvement; and
    - (ii) The jobs to be considered for purposes of meeting the requirement shall be all jobs created or retained as a result of the public improvement by the business(es) identified in the assessment as well as any other business that locates in the area within a period of three years following the completion of the activity; except that, in any case where the amount of CDBG



assistance provided for the public improvement in relation to the number of jobs projected to be created or retained by the business(es) identified in the assessment is such that the amount per job does not exceed \$10,000, jobs created by businesses not identified in the assessment need not be considered. (See Section VII for Economic Development Infrastructure Guidelines)

e. Planning Only Activities:

An activity involving planning (when such activity is the only activity for which the grant to the unit of general local government is given, or if the planning activity is unrelated to any other activity assisted by the grant) if it can be documented that at least 51 percent of the persons who would benefit from implementation of the plan are low and moderate income persons. Any such planning activity for an area or a community composed of persons of whom at least 51 percent are low and moderate income shall be considered to meet this national objective.

2. Activities which aid in the prevention or elimination of slums or blight.

A slum and blight area is defined as having a significant amount of structures that demonstrate major deterioration. The boundary is exhibited by a survey of the area.

- a. "**Slum area**" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals, or welfare. (N.D.C.C. 40-58-01.1(23))
- b. "**Blighted area**" means an area other than a slum area which by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of these factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use. "Blighted area" does not include any land that has been assessed as agricultural property within the last ten years unless it was located within the interior boundaries of a city for at least ten years The applicant must provide architectural renderings of the proposed design. Renovations to a historic property must maintain its historic character and must also conform to guidelines established in the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings". (N.D.C.C. 40-58-01.1(2))

3. Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to aid in the prevention or elimination of slums or blight:
  - a. Activities to address slums or blight on an area basis. An activity will be considered to address prevention or elimination of slums or blight in an area if the state can determine that:
    - (1) The area, delineated by the unit of general local government, meets a definition of a slum, blighted, deteriorated or deteriorating area under state or local law;
    - (2) Throughout the area there is a substantial number of deteriorated or deteriorating buildings or the public improvements are in a general state of deterioration;
    - (3) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area.

Rehabilitation of residential buildings carried out in an area meeting the above requirements will be considered to address the area's deterioration only where each such building rehabilitated is considered substandard before rehabilitation, and all deficiencies making a building substandard have been eliminated if less critical work on the building is also undertaken. The State shall ensure that the unit of general local government has developed minimum standards for building quality which may take into account local conditions.

- (4) The state keeps records sufficient to document its findings that a project meets the national objective of prevention or elimination of slums and blight.
  - b. Activities to address slums or blight on a spot basis. Acquisition, clearance, relocation, historic preservation and building rehabilitation activities which eliminate specific conditions of blight or physical decay on a spot basis not located in a slum or blighted area will meet this objective. Under this criterion, rehabilitation is limited to the extent necessary to eliminate specific conditions detrimental to public health and safety.
  - c. Planning Only Activities. An activity involving planning (when the activity is the only activity for which the grant to the unit of general local government is given, or the planning activity is unrelated to any other activity assisted by the grant) if the plans are for a slum or blighted area, or if all elements of the planning are necessary for and related to an activity which, if funded, would meet one of the other criteria of elimination of slums or blight.

3. Activities designed to meet community development needs having a particular urgency.

In the absence of substantial evidence to the contrary, an activity will be considered to address this objective if the unit of general local government certifies, and the state determines, that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community which are of recent origin or which recently became urgent, that the unit of general local government is unable to finance the activity on its own, and that other sources of funding are not available. A condition will generally be considered to be of recent origin if it developed or became urgent within 18 months preceding the certification by the unit of general local government.

## SECTION II

### Eligible & Ineligible Activities

#### ELIGIBLE ACTIVITIES

Eligible activities must address at least one National Objective in order to be considered for funding. In addition, some activities have qualifying requirements (i.e. economic development activities) which are specified in Section 105 and in the Entitlement Regulations. If assistance is needed for interpretation, please contact the DCS for guidance.

#### A. Title I Eligible Activities

Section 105(a) Activities assisted under this title may include only:

1. The acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;
2. The acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except buildings for the general conduct of government), and site or other improvements (due to a recent interpretation water meter replacement projects are direct benefit activities, the national objective is LMI);
3. Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public or private improvements or services to be provided, may be expected to arrest the decline of the area;
4. Clearance, demolition, removal, reconstruction, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and reconstruction or rehabilitation, of privately owned properties and including the renovation or reconstruction of closed school buildings);
5. Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;
6. Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

7. Disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;
8. Provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) during any part of the twelve-month period immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 percent of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government (or in the case of nonentitled communities not more than 15 percent statewide) under this title including program income may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1982 or fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;
9. Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under this title;
10. Payment of the cost of completing a project funded under Title I of the Housing Act of 1949;
11. Relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;
12. Activities necessary (a) to develop a comprehensive community development plan, and (b) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;
13. Payment of reasonable administrative costs related to establishing and administering federally approved enterprise zones and of reasonable administrative costs and carrying charges related to:
  - a. administering the HOME program under Title II of the Cranston-Gonzalez National Affordable Housing Act, and
  - b. the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to

the planning and execution of such activities, and including the carrying out of activities as described in Section 461 of Title 40 on August 12, 1981;

14. Provision of assistance including loan (both interim and long term) and grants for activities which are carried out by public or private nonprofit entities, including (a) acquisition of real property; (b) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (c) planning;
15. Assistance to neighborhood-based nonprofit organizations, local development corporations, nonprofit organizations serving the development needs of communities of nonentitlement areas, or entities organized under section 681(d) of Title 15 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 5301(c) of this title, and assistance to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development; the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 1437a(b)(3) of this title) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;
16. Activities necessary to the development of energy use strategies related to recipient's development goals, to assure that those goals are achieved with maximum energy efficiency, including items such as:
  - a. An analysis of the manner in, and the extent to which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, waste management, district heating and cooling, land use planning and zoning, and traffic control, parking, and public transportation functions;
  - b. A statement of the actions the recipient will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low and moderate income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;
17. Provision of assistance to private, for-profit entities, when the assistance is appropriate to carry out an economic development project (that shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods) that:
  - a. Creates or retains jobs for low and moderate income persons;
  - b. Prevents or eliminates slums and blight;
  - c. Meets urgent needs;
  - d. Creates or retains businesses owned by community residents;

- e. Assists businesses that provide goods or services needed by, and affordable to, low and moderate income residents; or
  - f. Provides technical assistance to promote any of the activities under subparagraphs a. through e.
18. The rehabilitation or development of housing assisted under Section 1437 of this title;
  19. Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities, which assistance shall not be considered a planning cost as defined in paragraph (12) or administrative cost as defined in paragraph (13);
  20. Housing services, such as housing counseling in connection with tenant-based rental assistance and affordable housing projects assisted under Title II of Cranston-Gonzalez National Affordable Housing Act, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in housing activities assisted under Title II of the Cranston-Gonzales National Affordable Housing Act;
  21. Provision of assistance by recipients under this title to institutions of higher education having a demonstrated capacity to carry out eligible activities under this subsection for carrying out such activities;
  22. Provision of assistance to public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by:
    - a. Providing credit (including providing direct loans and loan guarantees, establishing revolving loan funds, and facilitating peer lending programs) for the establishment, stabilization, and expansion of microenterprises;
    - b. Providing technical assistance, advice, and business support services (including assistance, advice, and support relating to developing business plans, securing funding, conducting marketing, and otherwise engaging in microenterprise activities) to owners of microenterprises and persons developing microenterprises; and
    - c. Providing general support (such as peer support programs and counseling) to owners of microenterprises and persons developing microenterprises;
  23. Activities necessary to make essential repairs and to pay operating expenses necessary to maintain the habitability of housing units acquired through tax foreclosure proceedings in order to prevent abandonment and deterioration of such housing in primarily low and moderate income neighborhoods; and
  24. Provision of direct assistance to facilitate and expand homeownership among persons of low and moderate income (except that such assistance shall not be considered a public service of purposes of paragraph (8) by using such assistance to:

- a. Subsidize interest rates and mortgage principal amounts for low and moderate income homebuyers;
  - b. Finance the acquisition by low and moderate income homebuyers of housing that is occupied by the homebuyers;
  - c. Acquire guarantees for mortgage financing obtained by low and moderate income homebuyers from private lenders (except that amounts received under this title may not be used under this subparagraph to directly guarantee such mortgage financing and grantees under this title may not directly provide such guarantees);
  - d. Provide up to 50 percent of any down payment required from low or moderate income homebuyer; or
  - e. Pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low or moderate income homebuyer.
25. Lead-based paint hazard evaluation and reduction, as defined in Section 4851b of this title.

## **B. Ineligible Activities**

The activities listed below are ineligible for CDBG and CDLF assistance.

1. Public Works, Facilities, and Site or Other Improvements (this list is not inclusive) (Except for removal of architectural barriers for handicapped accessibility) for buildings and facilities for the general conduct of government, and/or which are predominantly used for municipal purposes.
  - City/Town Halls
  - Courthouses
  - Other headquarters of government where the governing body meets regularly
2. Purchase of Equipment  
 The purchase of furnishings and personal property, except when necessary for use by a recipient or its subgrantees in the administration of its community development program, is generally ineligible (except for certain economic development projects).  
 Examples are:
  - The purchase of office equipment and fixtures
  - Motor vehicles
  - Furnishings
  - Personal property not an integral structural fixture
3. Operating and Maintenance Expenses

The general rule is that any expense associated with operating, maintaining, or repairing Public Facilities and works, or any expense associated with providing public services

not assisted with block grant funds is ineligible for assistance. However, operating and maintenance expenses associated with providing public services or interim assistance otherwise eligible for assistance under this part may be assisted. Examples of activities which are not eligible for block grant assistance are:

- a. Routine maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for the handicapped, parking and similar Public Facilities, filling of holes in streets, repairing of cracks in side-walks, mowing of recreational areas, and replacement of expended street light bulbs.
- b. Regular payments of salaries for staff, utility costs, and similar expenses necessary for the operation of public works and facilities.

4. General Government Expenses

Except for where specifically authorized in this subpart or under state law, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

5. Political Activities

No expenditure may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidate meetings, engaging in voter registration activity or voter transportation, or other partisan political activities.

6. Religious Purposes

Renovation, rehabilitation or conversion of buildings owned by primarily religious organizations or entities are generally ineligible activities. (Contact the DCS for guidance pertaining to eligible uses of CDBG and CDLF funds involving primarily religious organizations or entities.)

7. Nursing Homes

Except for removal of architectural barriers for handicapped accessibility CDBG funds will not be utilized in nursing homes for expansion, renovation or general operation.



## SECTION III

### General Information for Applicants

#### A. Eligible Applicants

Eligible applicants under the North Dakota Community Development Loan Fund and Community Development Block Grant Program are limited to counties and incorporated cities:

1. A city is the eligible applicant for activities designed to take place within city limits. A city may apply for a project which would include an activity to be located outside city limits if the proposed activity will principally benefit residents within the city's jurisdiction, such as a solid waste disposal site, a water or sewage treatment facility, an economic development project or if the activity involves property/facilities over which the city has direct control as the owner/operator, and for which a county could not apply.
2. A county is the eligible applicant for activities designed to take place outside the limits of an incorporated city and in unincorporated areas. A county, however, may apply for an activity within an incorporated city that involves property/facilities over which the county has direct control as the owner/operator, and for which a city could not apply, such as a county courthouse. A county will not be limited to the number of unincorporated areas for which it may submit an application.
3. A city or county may also submit an "on-behalf of" (multi-jurisdictional) application for an incorporated city which has determined that it lacks the administrative capacity to apply for and administer a grant. If an incorporated city permits a county or another city to submit an "on-behalf of" application, it may not submit an application on its own for any emphasis area. An "on-behalf of" application may consist of more than one city, but the activity must be the same in each city. In addition, each city must be discussed separately, each must include a written agreement with the on behalf of applicant, each must do a needs assessment and undertake actions to affirmatively further fair housing, each must sign the anti-displacement policy and all program assurances, and each must fulfill all citizen participation requirements. Such an arrangement must be identified in advance of an application in order to permit the Secretary of HUD to grant recognition to the combination of governments as a unit of local government.
4. Where two or more eligible local governments (cities or counties) face a common community development problem, a joint application may be submitted with one local government designated as the lead applicant. To submit this type of application, the following conditions must be met:
  - a. The problem to be addressed involves joint ownership and lies in an area of contiguous or overlapping jurisdiction;
  - b. The solution to the common problem clearly requires cooperative action and is the most efficient strategy;

- c. The local governments involved must submit a signed cooperative agreement which defines who will be responsible for the administration and implementation of the grant if awarded.
5. When submitting an application for a fire department/fire district, the following guidance for determining the eligible, or lead applicant is applicable:
  - a. If a fire department/fire district primarily serves an eligible community, that community is the eligible applicant.
  - b. If a fire department/fire district serves an eligible community, as well as the immediate surrounding area, then the community is the eligible applicant.
  - c. If a fire department/fire district serves an area consisting of two or more counties, then the parent county (that county in which a majority of the area of the fire district is located) is the eligible applicant.
  - d. A county is the eligible applicant for rural fire departments/districts not primarily serving an incorporated area.

## **B. Eligible Applicants for Multi-Jurisdictional Housing**

1. County wide Projects
  - a. A county may submit a multi-jurisdictional application to address housing needs throughout its jurisdiction to include incorporated cities within the county.
  - b. The county must have a written multi-jurisdictional/joint agreement with all incorporated cities within the county. The application must contain a written statement from each city that chooses not to participate in the activity.
  - c. The county must complete a county wide needs assessment and undertake actions to affirmatively further fair housing.
  - d. To fulfill the citizen participation requirements, the County must hold one public hearing no earlier than 180 days prior to submitting the grant application and one public hearing prior to grant closeout. The County will be required to publish the notice of public hearing in the county's official newspaper and in all official newspapers of each participating jurisdiction.
2. Multi-County Projects
  - a. A county may submit a multi-county application to address housing needs to include incorporated cities within those counties.
  - b. The multi-county application will include a multi-jurisdictional/joint agreement executed by all participating jurisdictions to include all incorporated cities and participating counties and must include a designation of the lead county. The application must contain a written statement from each jurisdiction that chooses not

to participate in the activity.

- c. Each participating county must complete a county wide needs assessment and undertake actions to affirmatively further fair housing.
- d. To fulfill the citizen participation requirements, each County must hold one public hearing no earlier than 180 days prior to submitting the grant application and one public hearing prior to grant closeout. Each County will be required to publish the notice of public hearing in the county's official newspaper and in all official newspapers of each participating jurisdiction. (i.e., if three counties are included in the multi-county project, three public hearings will be held).

### **C. Types of Grants Available**

Applicants may only apply for a single activity per application.

**SECTION IV**  
**Allocation of Funds**

This section of the Program Distribution Statement describes the estimated allocation of funds the state will receive in FY2021.

**A. Funds Available**

**2021 Estimated CDBG Funds Available**

FY2021 Allocation	\$3,965,349
Less State Administration	118,163
Less Regional Council Contracts	61,144
Less 1% Technical Assistance	39,653
Total Allocation Available for Projects	<u>3,746,389</u>
Less Governor's Set Aside for Community Development*	<u>1,665,447</u>
Total Allocation Available for Regional Distribution	2,080,942
Plus Projected Program Income**	<u>1,000,000</u>
Funds Available for Distribution	\$3,080,942

\*Any loans made with the Governor's Fund will revolve back into the Governor's Loan fund.

\*\* All CDLF projects will be funded with CDLF Program income prior to CDBG allocation funds.

Prior to actual funding decisions and from time to time as necessary, the Estimated Funds Available for Distribution will be adjusted to reflect any unobligated and returned funds that may be available.

Program income generated by previously funded projects (from allocation funds or revolving loan funds) will be returned to the State and allocated to the region in which the project originated. The State will collect the program income and distribute it to individual regions, who will recommend funding for eligible economic development projects. For grants awarded prior to fiscal year 2000, local jurisdictions with CDLF projects are allowed to retain 25 percent of the loan interest, once the funded project has been administratively closed out. If the local jurisdiction restructures a loan that is in default, 50 percent of the loan interest may be retained from the date of restructure, if the project has been administratively closed out. For grants awarded in fiscal year 2000 and after, local jurisdictions with CDLF projects are allowed to retain 50 percent of the loan interest, once the funded project has been administratively closed out.

Should the state receive recaptured funds from the Department of Housing and Urban Development, those funds will be available for distribution during the year in which those funds are received. (Recaptured funds are funds that the Department of HUD deobligates from other States for infractions such as not meeting timely distribution of funds, disallowed cost, etc.).

Program income received and retained by a unit of general local government exceeding \$34,999 in a calendar year after grant closeout must meet a national objective and continue the activity from which such income was derived. The eligible activity is defined as any economic development project which creates or retains VL & LI jobs. Therefore, all program income above \$34,999 must be returned to the State.

**B. Regional Allocations**

Each region will receive a preset amount of funds. The dollar amount is derived by taking 50 percent of the total funds available for regional distribution and equally distributing that to all eight planning regions. The remaining 50 percent is divided among the regions using the latest percentage of very low and low income persons per region in comparison to the total VL & LI persons in the State of North Dakota (All Entitlement and Air Force Base LMI statistics are not included).

<b>2021 CDBG Allocation American Community Survey 5-Year 2011-2015 Low and Moderate Income Summary Data</b>					
Region	Total VL & LI Persons	Percent VL & LI Persons	VL & LI Persons Allocation	50% Base Allocation	Total Allocation
1	13,577	8%	82,238	130,059	213,297
2	35,191	19%	197,689	130,059	327,748
3	22,959	13%	135,261	130,059	265,320
4	13,276	7%	72,833	130,059	202,892
5	27,286	15%	156,071	130,059	286,130
6	23,558	13%	135,261	130,059	265,320
7	31,644	17%	176,880	130,059	306,939
8	15,390	8%	83,238	130,059	213,297
Total	182,881	100.00%	1,040,471	1,040,471	2,080,942
<p>*The percentage for LMI persons were rounded to the nearest whole number.  ** Program income funds are not reflected in this total.</p>					

**C. Estimate of Funds to Benefit Low and Moderate Income Persons**

Title I of the Housing and Community Development Act of 1974, as amended (HCD ACT), requires that the State must estimate the amount of funds to be used to benefit low and moderate income persons. Since the State must assure that for the three-year period 2019, 2020, and 2021, its funds benefit low and moderate income persons, the following depicts the minimum amount that must directly benefit such persons:

2021 Total Funds Available for Distribution				\$4,965,3496
Less Local Administration				<u>496,535</u>
		Subtotal		\$4,468,814
Minimum Amount Estimated to Benefit	.70 x	\$4,468,814 =		<u>\$3,128,170</u>
2020 Total Funds Available for Distribution				\$4,991,758
Less Local Administration				<u>499,176</u>
		Subtotal		4,492,582
Minimum Amount Estimated to Benefit	.70 x	\$4,492,582 =		<u>\$3,144,807</u>
2019 Total Funds Available for Distribution				\$4,955,356
Less Local Administration				<u>495,536</u>
		Subtotal		4,459,820
Minimum Amount Estimated to Benefit	.70 x	\$4,459,820 =		<u>\$3,121,874</u>

North Dakota will assure that 70 percent of the funds spent during the three-year period beginning with the 2019 program year, will be spent on projects benefiting low and moderate income persons. This will be achieved through the State's funding distribution system. Each Regional Council is required to individually meet this goal and will adjust their project review/priority ranking system and funding allocations so that each spends 70 percent of their yearly allocation on projects which meet the national objective of benefiting low and moderate income persons.

**D. Grant Minimum and Maximum**

Waivers may be requested for situations where one applicant is being offered the remaining funds in the allocation or the funds will be used to meet an emergency need threatening the health and welfare of a community. Minimum and maximum grant levels (excluding administration) are as follows:

<u>Public Facilities &amp; Public Services</u>	
Minimum Amount	\$75,000.00
Maximum Amount	300,000.00
<u>Housing - Single Family</u>	
Minimum Amount	\$200,000.00
Maximum Amount	500,000.00
<u>Housing - Multi- Family</u>	
Minimum Amount	\$100,000.00
Maximum Amount	500,000.00
<u>Economic Development</u>	
Retail Sector & Tourism	

Minimum Amount	\$50,000.00
Maximum Amount	300,000.00
Primary Sector	
Minimum Amount	\$100,000.00
Maximum Amount	500,000.00
<u>Governor's Fund for Community Development</u>	
Minimum Amount	\$100,000.00
Maximum Amount	1,500,000.00

**E. Limitation of Award of Funds for Economic Development Projects**

Applicants who have previously received the maximum award for economic development and need additional funds for expansion, may apply for additional funds if:

1. The existing CDLF is current;
2. All other requirements of the program are met; and
3. The total outstanding at any time is not more than \$500,000.
4. On a case-by-case basis, a request for a waiver must be made to the Director of DCS to allow CDLF to be used above the maximum, with conditions being taken into consideration such as significant size of the project, and its public benefit as well as the appropriateness for the type of assistance provided.

These applications will be considered using the same criteria used for all other economic development applications.

No individual, corporation, or organization with an existing program loan or has defaulted on a loan that is not in good standing at the local and/or state levels may receive additional or new financing from the program.

**F. Amendments to Program Statement Affecting the Action Plan of the Consolidated Plan as stated in the Citizen Participation Plan for the North Dakota Consolidated Plan and Annual Performance Report.**

The following information must be submitted to DCS when amending Regional Program Statements:

1. The Regional Council Board or its designated committee must approve amendments to the Regional Program Statement prior to notifying cities, counties and other interested parties.
2. All cities, counties and other interested parties in the region must be notified in writing of the intended change and allow 30 days for comment. The written notice should be sent in letter or memo form.
3. A copy of the notification must be submitted to the DCS **within 10 working days of the**

**date of the notification**, along with a copy of the board approval and the minutes approving the amendment. **The 15-day comment period must be completed by the application/amendment deadline of June 1, 2022.**

4. Upon receipt of the intended change, DCS will forward a copy of all changes to HUD.
5. Changes to the Regional Program Statement cannot be implemented prior to the 30 day process.

What constitutes an amendment to the Action Plan? (the following are examples, but the list is not inclusive)

1. Changes to initially established grant selection criteria.
2. Funding of activities not initially identified in the Annual Action Plan.
3. Funding of an activity not identified in the Plan as a high or medium priority.

**G. Amendments to Regional Program Statement for the CDBG Program as stated in the Citizen Participation Plan for the North Dakota Consolidated Plan and Annual Performance Report.**

The following information must be submitted to the DCS when amending Regional Program Statements:

1. The Regional Council Board or its designated committee must approve amendments to the Regional Program Statement prior to notifying cities, counties and other interested parties.
2. All cities, counties and other interested parties in the region must be notified in writing of the changes to be made and given 15 days to respond. The written notice should be sent in letter or memo form. **The 15-day comment period must be completed by the application/amendment deadline of June 15, 2022.**
3. Changes to the Regional Program Statement cannot be implemented prior to notifying cities, counties and other interested parties.
4. A copy of the notification must be submitted to the DCS **within 10 working days after the end of the 15-day comment period**, along with a copy of the board approval and the minutes approving the amendment. **If the notification is not submitted within the required time frame, the amendment will not be valid.**

What constitutes an amendment to the CDBG Program? (the following are examples, but the list is not inclusive)

1. Transferring money from one emphasis area to another.
2. Modifications to deadline dates.



## EXCEPTION:

### Transfers without Notice

1. After scoring and ranking has occurred, transfers between funding categories that are \$20,000 and less can be made without public notice.
2. If a balance remains in a funding category, and not all applications received for that category were funded, an explanation must be provided why the applicant(s) were not offered the balance of the funds remaining.
3. Transfers without notice will be limited to two transfers per year.
4. The DCS must be notified of all transfers in writing within 10 days of the Board decision, along with a copy of the board approval and the minutes approving the transfer.

NOTE: This policy applies to allocation funds only. Revolving Loan funds can only be used for Economic Development projects.

## H. Timely Distribution of Funds

One hundred percent (100%) of FY2021 CDBG funds must be obligated and announced to units of general local governments within 15 months of the State signing its grant agreement with HUD.

At the Governor's direction, any unobligated and deobligated regional allocation funds as of July 31, 2022, will be recaptured and placed in the Governor's Fund for Community Development.

**Applications that are recommended for funding by the Regional Council during their initial Scoring and Ranking committee meeting must be submitted to the DCS within six months. Should a Regional Council have subsequent application rounds, these applications will be due by June 15, 2022 for the 2021 program year. Waivers to the initial six-month deadline policy may be granted on a case by case basis. The request needs to clearly state why the application(s) cannot be submitted within the six-month timeframe.**

**All CDBG applications and amendments must contain original signatures and be received in the DCS office by June 15, 2022 for the 2021 program year.**

## I. Monitoring Findings

Findings that are identified during annual systems and compliance reviews of each Regional Planning Council must be cleared within six months of the date of the monitoring visit. If the findings are not cleared, the Regional Allocation of Funds will be forfeited to the Governor's Fund for community development projects.

## SECTION V

### Community Development Block Grant and Community Development Loan Fund General Policies and Procedures and Statement of Assurances

This section identifies general policies and procedures that are applicable to all applicants and activities.

#### A. General CDBG and CDLF Policies and Procedures

1. A grant recipient must sign and return its Financial Award within 60 days of the effective date of the award, or the award may be terminated.
2. **Federal funds may not be obligated prior to a Financial Award and the completion of the environmental requirements.** Once a financial award has been issued but prior to completion of the environmental review requirements and receipt of a Notice of Release of Funds from the DCS, the grantee may only incur eligible administrative, engineering, and architectural costs. For Economic Development projects requiring match, match dollars that would not incur any Title I dollars can be expended up to six months prior to the date of the DCS financial award. To ensure compliance with the federal environmental regulations, consultation with the DCS should commence prior to any commitment of funds.
3. A grantee may not change the activities of an approved project without first obtaining written approval from the DCS. An amendment form must be completed for this approval.
4. If a grantee has not incurred eligible project costs for other than administrative activities within **twelve** months of the effective date of the Financial Award, the award can be terminated at the option of the DCS. If project dollars are deobligated, administrative funds will be deobligated proportionately. Administrative dollars will be allowed on projects that do not come to fruition. Based on documented expenses, up to 10 percent of CDBG administrative funds budgeted will be allowed.
5. The State of North Dakota is required to use the U.S. Department of Housing and Urban Development's (HUD) Integrated Disbursement and Information System (IDIS) for drawing funds and reporting accomplishments. As a result of an Inspector General's audit, HUD has enhanced IDIS to improve oversight of CDBG activities. The enhanced system requires justification along with field office approval for the following conditions:
  - Activities that have had no draws two years from the initial funding date;
  - Activities that have had no draws for a year, subsequent to the first draw for an activity;
  - Activities that have not reported accomplishments for three years;

- Activities that have 80 percent of their funded amount disbursed and no accomplishments reported;
- Activities that are cancelled after funds have been drawn; and
- Draws revised from one activity to another.

This change requires CDBG sub-recipients to proceed with projects in a timely manner.

6. **Affirmatively Furthering Fair Housing:** Each applicant must develop a positive program to affirmatively further fair housing. The application contains a section to be completed indicating what action(s) will be undertaken by the applicant if funded. The requirement to affirmatively further fair housing is a Congressional mandate which pertains to any use of CDBG/CDLF funds.
7. Reasonable fees may be charged for the use of facilities assisted with CDBG/CDLF funds, but charges such as membership fees which will have the effect of precluding lower income persons from using the facilities are not permitted.
8. If the final activity costs are less than originally funded, the amount of CDBG funds awarded and local funds will be adjusted proportionately.
9. In-kind contributions will not be considered as eligible match dollars except for land purchased within a twelve-month period prior to a grant application in association with a proposed Public Facilities activity. In-kind contributions are those that represent the value of noncash contributions provided by or to the grantee, regardless of the source.
10. The legislature adopted a moratorium on the expansion of basic care and nursing home beds and to be consistent with legislative intent ([NDCC 23-09.3-01.1](#)). CDBG funds will not be used in this area. Definitions regarding these facilities are as follows:

### **Long Term Residential Facilities**

The cost associated with operating, maintaining or providing services through long term care (more than one year) residential facilities are not eligible.

### Assisted Living

- A building or structure containing a series of at least five living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage, or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate an individual's needs and abilities to maintain as much independence as possible. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16 or section 50-11-01.4.

### Basic Care

- A facility licensed by the department under North Dakota Century Code chapter 23-09.3 whose focus is to provide room and board and health, social, and personal care to assist the residents to attain or maintain their highest level of functioning, consistent with the resident assessment and care plan, to five or more residents not related by blood or marriage to the owner or manager. These services shall be provided on a twenty-four-hour basis within the facility, either directly or through contract, and shall include assistance with activities of daily living and instrumental activities of daily living; provision of leisure, recreational, and therapeutic activities; and supervision of nutritional needs and medication administration.

### Nursing Facility

- An institution or a distinct part of an institution established to provide health care under the supervision of a licensed health care practitioner and continuous nursing care for twenty-four or more consecutive hours to two or more residents who are not related to the licensee by marriage, blood, or adoption; and who do not require care in a hospital setting.

10. Administrative funds may be requested at the following levels:

- Housing Rehabilitation and Conversion - 15 percent of CDBG project funds requested, up to a maximum of \$15,000
- Public Facilities Construction, Public Facilities in support of new Housing, Economic Development Purchase of Inventory, Economic Development Purchase of Equipment, Economic Development Acquisition of Buildings and Economic Development Purchase of Preferred Stock ¥ 10 percent of CDBG project funds requested, up to a maximum of \$10,000 and a minimum of \$1,000.
- Public Facilities Special Assessment ¥ 15 percent of CDBG project funds requested, up to a maximum of \$15,000
- Public Facilities Non-Construction - 5 percent of CDBG project funds requested, up to a maximum of \$5,000 and a minimum of \$1,000
- Economic Development Construction - 15 percent of CDBG project funds requested, up to a maximum of \$15,000 and a minimum of \$1,000.

DCS will evaluate each project individually and determine whether an adjustment in administration dollars is required.

Administrative dollars will be paid to the Recipient on a reimbursement basis on actual expenses. Supporting documentation for administrative expenses must be available in the Recipient file and may be a required submission with the Recipient's administrative Request for Funds (SFN 4630). Should the Recipient have more than one source of administrative funds, CDBG funds will reimburse the Recipient proportionally to the other funding.

The DCS will hold ten (10) percent of the authorized administrative funds until the project final report has been received and approved.

Administration dollars will be allowed on projects that do not come to fruition, based on documented expenses. The amount allowed will be determined on a case-by-case basis.

11. Income verification must be completed on 100 percent of the households receiving direct benefit from CDBG activities. Acceptable verification consists of: income tax forms for the last 12-month period or income tax forms closest to verification date; SSA 1099 forms; and State of North Dakota Department of Human Services/Social Service Income Statement. Other sources of documentation must be first approved by the DCS.

## **B. Statement of Assurances**

The applicant hereby assures and certifies that:

1. Resolution of Authority

Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the submission of the application, including all understandings and assurances contained herein, and directing and authorizing the signatory to additional information as may be required.

2. Access to Records

It will give the State of North Dakota, DCS, State Auditor's Office, and the Comptroller General of the United States, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.

3. Legal Authority

It possesses legal authority to apply for the grant and to execute the proposed project under North Dakota law and, if selected to receive a CDBG, will make all efforts necessary to assure timely and effective implementation of the project activities described in the attached application.

4. Financial Management

It will comply with the applicable requirements of Office of Management and Budget (OMB) 2 CFR Part 200 Uniform Guidance or any equivalent procedures and requirements that the DCS may prescribe. The circular is the basis for a number of specific requirements on the financial management cost principles and recordkeeping of CDBG funds. The directive applies to cash depositories, bonding insurance, recordkeeping, program income, property management, procurement, allowability of costs closeout, audit, and other requirements.

5. HUD Disclosure

It will comply with HUD Disclosure Requirements (Subpart C of 24 CFR Part 12) prior to receiving a financial award from the Division of Community Services.

6. Assessments for Public Improvements

It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

- a. CDBG funds are used to pay the portion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than CDBG funds; or
- b. For purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the applicant certifies that it lacks sufficient CDBG funds to comply with the requirements of clause (a), above.

7. Citizen Participation

The applicant will:

- a. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG/CDLF funds are proposed to be used;
- b. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG/CDLF funds;
- c. Furnish citizens information, including but not limited to:
  - (1) The amount of CDBG/CDLF funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
  - (2) The range of activities that may be undertaken with the CDBG funds;
  - (3) The estimated amount of the CDBG/CDLF funds proposed to be used for activities that will meet the national objective of benefit to LMI persons; and
  - (4) The proposed CDBG/CDLF activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under § 570.488.
- d. Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
- e. Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and

questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The first public hearing is to cover community development and housing needs and must be held **no earlier than 180 days** prior to submitting an application to the state. The second public hearing is to cover a review of program performance. There must be reasonable notice of hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate. The Citizen Participation Plan and Public Notice and Notice of Public Hearing format found in the CDBG Supplement to the Action Plan is required to be adopted by each city and county;

- f. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state; and
- g. Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

#### 8. Building Standards

The grantee must assure that activities involving new building construction, alterations, or rehabilitation comply with the State Building Code (NDCC Chapter 54-21.3). Uniform Building Code and Uniform Mechanical Code and Section 54-21.3-04.1 requires compliance with the Americans with Disabilities Act Guidelines (ADAAG). For new construction of multi-family dwellings containing four or more units, the grantee must assure compliance with the Fair Housing Accessibility Guidelines for implementation of the accessibility requirements of the Fair Housing Act.

#### 9. Conflict of Interest

- a. Conflicts prohibited. Except for eligible administrative or personnel costs, the general rule is that no persons described in paragraph (b) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this subpart or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure and for one year thereafter.
- b. Persons covered. The conflict of interest provisions for paragraph (a) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving CDBG funds.

- c. Exceptions: Thresholds requirements. Upon written request by the State, an exception to the provisions of paragraph (a) of this section involving an employee, agent, consultant, officer, or elected official or appointed official of the state may be granted by HUD on a case-by-case basis. In all other cases, the state may grant such an exception upon written request of the unit of general local government provided the state shall fully document its determination in compliance with all requirements of this paragraph including the state's position with respect to each factor to be considered for exceptions and such documentation shall be available for review by the public and by HUD. An exception may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the state or unit of general local government as appropriate. An exception may be considered only after the unit of general local government has provided the following and the state has considered all factors for the exception found in 570.489 (h)(5):
- (1) 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; and
  - (2) An opinion of the attorney for the state or the unit of general local government, as appropriate, that the interest for which the exception is sought would not violate state or local law.
- d. Factors to be considered for exceptions. In determining whether to grant a requested exception after the requirements of paragraph (c) of this section have been satisfactorily met, the cumulative effect of the following factors, where applicable, shall be considered:
- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
  - (2) Whether an opportunity was provided for open competitive bidding or negotiation;
  - (3) 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;
  - (4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;
  - (5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;
  - (6) Whether undue hardship will result either to the State or the unit of general local government or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
  - (7) Any other relevant considerations.



## 10. Anti-Displacement

In the event an applicant is awarded CDBG funds by the State, it will:

a. Follow a residential anti-displacement and relocation assistance plan which shall:

(1) In the event of such displacement, provide that:

(a) Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to a use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under section 8 of the United States Housing Act of 1937;

(b) Such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;

(c) Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and, in the case of displaced persons of low and moderate income, provide either:

(i) Compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or

(ii) If elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under subclause (i) to permit the household to secure participation in a housing cooperative or mutual housing association.

(d) Persons displaced shall be relocated into comparable replacement housing that is:

(i) Decent, safe, and sanitary;

(ii) Adequate in size to accommodate the occupants;

(iii) Functionally equivalent; and

(iv) In an area not subject to unreasonably adverse environmental conditions.

(2) Persons displaced shall have the right to elect, as an alternative to the benefits under this subsection to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and

- (3) Where a claim for assistance under subparagraph (1)(d) is denied by grantee, the claimant may appeal to the State, and that the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.

#### 11. Displacement and Relocation

It will minimize displacement as a result of activities assisted with CDBG funds.

It will comply with:

- a. All sections of URA (Uniform Relocation Assistance) 49 CFR Part 24.
- b. URA (Uniform Relocation Assistance) 49 CFR Part 24 Subpart B.
- c. Will comply with section 104(d) of the Housing and Community Development Act of 1974, as amended, which requires the replacement of low and moderate income housing units that are demolished or converted to another use in connection with an assisted activity and the provision of specified relocation assistance to certain low and moderate income persons.
- d. Refer to the URA Policy Manual for further guidance.

#### 12. Civil Rights

It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d et seq.), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied in the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.

#### 13. Excessive Force Policy

The grantee adopts and will enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil right demonstrations and the grantee will 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.

#### 14. Equal Opportunity

It will comply with:

- a. Section 109 of the Housing and Community Development Act of 1974 (ACT), as amended, and the regulations issued pursuant thereto (24 CFR 570.601), which

provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under the act;

- b. The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.) The act provides that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance;
- c. Section 504 of the Rehabilitation Act of 1973, amended (29 U.S. C. 794). The act provides that no otherwise qualified individual shall, solely, by reason of his or her handicap be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funding assistance.

The grant recipient must complete or update a Self-Evaluation, in accordance with 24 CFR Part B of the Federal Register. An example of a Self-Evaluation guidebook will be provided upon request;

- e. Section 3 of the Housing and Community Development Act of 1968 (12 U.S.C. 170/u) (24 CFR Part 135). Section 3 of the Housing and Urban Development Act of 1968 requires, in connection with the planning and carrying out of any project assisted under the Act, to the greatest extent feasible, that opportunities for training and employment be given to lower-income persons residing within the unit of local government or the non-metropolitan county in which the project is located, and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing in the project area. The grantee must assure good faith efforts toward compliance with the statutory directive of Section 3; and
- f. Executive Order 11246, as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60) prohibit a CDBG recipient and subcontractors, if any, from discriminating against any employee or applicant for employment because of race, color, religion, sex or national origin. The grantee and subcontractors, if any, must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action must include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The grantee and subcontractors must post in conspicuous places, available to employees and applicants for employment, notices to be provided setting for the provisions of this nondiscrimination clause. For contracts over \$10,000, the grantee or subcontractors will send to each applicable labor union a notice of the above requirements, the grantee and subcontractors will comply with relevant rules, regulations and orders of the U.S. Secretary of Labor. The grantee or subcontractors must make their books and records available to State and federal officials for purposes of investigation to ascertain compliance.
- g. Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally

assisted and federally conducted programs and activities.

#### 15. Fair Housing

It will affirmatively further fair housing and will comply with:

- a. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended. The law states that it is the policy of the United States to provide for fair housing throughout the United States and prohibits any person from discriminating in the sale or rental of housing, the financing of housing or the provision of brokerage services, including in any way making unavailable or denying a dwelling to any person, because of race, color, religion, sex, national origin, familial status or disability. CDBG grantees must also administer programs and activities relating to housing and community development in a manner that affirmatively promotes fair housing and furthers the purposes of Title VIII; and
- b. Executive Order 11063, as amended by Executive Order 12259, requires CDBG recipients to take all actions necessary and appropriate to prevent discrimination because of race, color, religion, creed, sex or national origin; in the sale, leasing, rental and other disposition of residential property and related facilities (including land to be developed for residential use); or in the use of occupancy thereof if such property and related facilities are, among other things, provided in whole or in part with the aid of loans, advances, grants or contributions from the federal government.

#### 16. Labor Standards

It will comply with:

- a. Section 110 of the Housing and Community Development Act of 1975, as amended, 24 CFR 570.605, and State regulations regarding the administration and enforcement of labor standards. Section 110 requires that all laborers and mechanics employed by contractors or subcontractors on construction work assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276-a-276a-5). By reason of the foregoing requirement the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) also applies. However, these requirements apply to rehabilitation of residential property only if such property is designed for residential use for eight or more families;
- b. Davis-Bacon Act, as amended (40 U.S.C. a- et seq.), Section 2; June 13, 1934, as amended (48 Stat. 948.40 U.S.C. 276(C), popularly known as The Copeland Anti-Kickback Act. The Act mandates that all laborers and mechanics be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except "permissible" salary deductions, the full amounts due at the time of payments, computed at wage rates not less than those contained in the wage determination issued by the U.S. Department of Labor. Weekly compliance statements and payrolls are required to be submitted to the federally-funded recipient by the contractor;
- c. Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) According to the Act, no contract work may involve or require laborers or mechanics to work in excess of eight hours in a calendar day, or in excess of 40 hours in a work week, unless compensation of not less than one and one-half times the basic rate is paid for

the overtime hours. If this Act is violated, the contract or subcontractor is liable to any affected employee for unpaid damages as well as to the United State for liquidated damages; and

- d. Federal Fair Labor Standards Act, (29 U.S.C.S. 201 et seq.). The act requires that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week.

17. EPA Listing of Violating Facilities

It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the program are not listed on the U.S. Environmental Protection Agency's (EPA) List of Violating Facilities and that it will notify the Department of Commerce of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by EPA.

18. Environmental Impact

It will comply with:

- a. Section 104(f) of the Housing and Community Development Act of 1974, as amended through 1981. This section expresses the intent that "the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act be most effectively implemented in connection with the expenditure of funds under" the Act. Such other provisions of law which further the purpose of the National Environmental Policy Act of 1969 are specified in regulations issued pursuant to Section 104(f) of the Act and contained in 24 CFR Part 58; and
- b. The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et seq. and 24 CFR Part 58). The purpose of this Act is to attain the widest use of the environment without degradation, risk to health or safety or other undesirable and unintended consequences. Environmental review procedures are a necessary part of this process. The grantee must certify that the proposed project will not significantly impact the environment and that the grantee has complied with environmental regulations and fulfilled its obligations to give public notice of the funding request, environmental findings and compliance performance.

Its chief executive officer or other officer of applicant approved by the State:

- (1) Consents to assume the status of responsible federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of federal law, as specified in 24 CFR Part 58, which further the purposes of NEPA, insofar as the provisions of such federal law apply to the North Dakota Community Development Block Grant Program; and
- (2) Is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

19. Floodplain Management and Wetlands Protection

It will comply with:

- a. The Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of HUD as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance;
- b. Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et seq.) The intent of this Executive Order is to (1) avoid, to the extent possible, adverse impacts associated with the occupancy and modification of floodplains and (2) avoid direct or indirect support of floodplain development wherever there is a practical alternative. If the grantee proposes to conduct, support or allow an action to be located in the floodplain, the grantee must consider alternatives to avoid adverse effects and incompatible involvement in the floodplains. If siting in a floodplain is the only practical alternative, the grantee must, prior to taking an action: (1) design or modify its actions in order to minimize a potential harm to the floodplain; and (2) prepare and circulate a notice containing an explanation of why the action is proposed to be located in a floodplain; and
- b. Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et seq.). The intent of this Executive Order is to avoid adverse impacts associated with the destruction or modification of wetlands and direct or indirect support of new construction in wetlands, wherever there is a practical alternative. The grantee must avoid undertaking or providing assistance for new construction located in wetlands unless there is no practical alternative to such construction and the proposed action includes all practical measures to minimize harm to wetlands which may result from such use.

20. Historic Preservation

It will comply with:

- a. Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, as amended) through completion of the procedures outlined in 36 CFR 800 and 36 CFR 63. Compliance with these procedures should include:
  - (1) Consulting with the State Historic Preservation Office (SHPO) to identify properties listed in or eligible for inclusion in the National Register of Historic Places that exist with a proposed CDBG project's area of potential environmental impact; and
  - (2) Consulting, as needed with the SHPO, Keeper of the National Register of Historic Places, and the Advisory Council on Historic Preservation to evaluate the significance of historic or prehistoric properties which could be affected by CDBG work and to determine how to avoid or mitigate adverse effects to

significant properties from project work.

21. Farmlands Protection

It will comply with the Farmland Protection Policy Act (1981) (PL 97-98, Dec. 22, 1981) (Subtitle I Sec. 1539-1554) which requires recipients of federal assistance to minimize the extent to which their projects contribute to the unnecessary and irreversible commitment of farmland to nonagricultural uses.

22. Lead-Based Paint

It will comply with Sections 1012 and 1013 of Title X of the Housing and Community Development Act of 1992. The new regulation appears within Title 24 of the Code of Federal Regulations as part 35. (24 CFR 35). The purpose of this regulation is to protect young children from lead-based paint hazards in housing that is financially assisted by the Federal government or sold by the government. This regulation applies only to structures built prior to 1978.

23. Solid Waste

It will comply with the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.). The purpose of this Act is to promote the protection of health and the environment and to conserve valuable material and energy resources.

24. Air Quality

It will comply with the Clean Air Act (42 U.S.C. 7401, et seq.) which prohibits engaging in, supporting in any way or providing financial assistance for licensing or permitting, or approving any activity which does not conform to the North Dakota Air Pollution Control Rules (NDCC Article 33-15), which includes standards for asbestos and other hazardous air pollutants, and the State implementation plan for the control of air pollution.

25. Water Quality

It will comply with:

- a. The Safe Drinking Water Act of 1974 (42 U.S.C. Section 201, 300(f) et seq. and U.S.C. Section 349), as amended, particularly Section 1424(e)(42 U.S.C. Section 300H-303(e)) which is intended to protect underground sources of water. No commitment for federal financial assistance can be entered into for any project which the U.S. Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal draining water source for an area; and
- b. The Federal Water Pollution Control Act of 1972, as amended, including The Clear Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et seq.) which provides for the restoration and maintenance of the chemical, physical and biological integrity of the nation's water.

26. Noise, Facility Siting

It will comply with HUD Environmental Standards (24 CFR, Part 51, Environmental

Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979) which prohibit HUD support for most new construction of noise-sensitive uses on sites having unacceptable noise exposure. HUD assistance for the construction of new noise-sensitive uses is prohibited in general for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure. Additionally, projects may not be located near facilities handling materials of an explosive or hazardous nature, or in airport clear zones.

27. Wildlife

It will comply with:

- a. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The intent of this Act is to ensure that all federally assisted projects seek to preserve endangered or threatened species. Federally authorized and funded projects must not jeopardize the continued existence of endangered and threatened species or result in the destruction of or modification of habitat of such species which is determined by the U.S. Department of the Interior, after consultation with the state, to be critical; and
- b. The Fish and Wildlife Coordination Act of 1958, as amended, (U.S.C. 661 et seq.) which requires that wildlife conservation receives equal consideration and is coordinated with other features of water resource development programs.



## SECTION VI

### Final Grant Application Submission Requirements

#### A. Application Requirements

This section describes the application submission requirements applicable to all Public Facilities, Housing and Economic Development projects. Each region will have additional application requirements.

Each region utilizing score sheets in their review of any project will be required to submit individual review committee member's score sheets for each project recommended for funding. The score sheet must identify the board person scoring the application. The scores must be summarized and totaled, and that sheet must also be submitted to our office. A copy of the board minutes approving the project must be submitted to the DCS before the DCS will give final approval and prepare a Financial Award.

Each applicant must:

1. Provide a map which delineates the boundaries of the entire jurisdiction and identifies the location of the proposed activity. In most cases a map is not included in the business plan for economic development projects.
2. Conduct a local Community Needs Assessment in accordance with the requirements described in the application package.
3. Provide evidence that a minimum of one public hearing was conducted no earlier than 180 days prior to submitting the application to the state. A second public hearing will be required prior to grant closeout. The format is on the DCS website <https://www.communityservices.nd.gov/uploads/17/SFN52663PublicNoticeandNoticeofPublicHearing.pdf> and required to be adopted by each city and county. The evidence of public hearing must include an affidavit of publication, a list of the persons attending and minutes of the public hearing.
4. Complete the Resolution of Sponsorship.
5. Acknowledge by signature the Applicant Assurance Certifications.
6. Indicate the activity(s) it will undertake to "affirmatively further fair housing" in accordance with Title VIII of the Civil Rights Act of 1968, as amended. This activity will be made a part of the Financial Award.
7. Justify which national objective is to be achieved for each proposed activity in accordance with the definitions in Section I. Income surveys will be accepted only if they meet the following criteria:

Surveys must be completed prior to the submission of pre-applications and must be completed according to the guidelines included on the DCS website, <https://www.communityservices.nd.gov/communitydevelopment/> under additional

resources. This guidance contains complete guidelines to be used in completing income surveys.

8. Complete the requirements of Subpart C of 24 CFR Part 12 "Accountability in the Provisions of HUD Assistance." ( HUD Disclosure Report on the DCS website at <https://www.communityservices.nd.gov/uploads/17/SFN52659FinalApplication.pdf>)
9. All final applications must be submitted by the deadline date identified in Section IV H. with the original signatures to the DCS.
10. A Housing Rehabilitation Program Application or a form containing equivalent information for each potential household must be submitted with the application. A Housing Rehabilitation Program Application Summary Sheet must also be submitted.
11. All multi-family housing rehabilitation applicants that participate in Project Based Assistance Programs must complete a release of information form and include it in their application.
12. Each application must contain documentation of who prepared the application, who reviewed the application with their score and who will administer the application, if already chosen. This includes Economic Development if applicable.
13. Each applicant, requesting the Removal of Architectural Barrier(s), that has not completed a Section 504 Self Evaluation/Transition Plan will be required to submit a completed plan prior to the DCS issuing a financial award. This requirement may be waived on a case-by-case basis for emergency projects. However, the community will not be allowed to draw more than 50% of the grant funds until the plan has been submitted.
14. Each applicant for removal of architectural barriers will be required to update their Transition Plan if the project applied for is not reflected in their Section 504 Self Evaluation/Transition Plan on file with the DCS.
15. For area benefit activities (i.e., Lift Station, Water Tower Repair) a copy of the United States Census Bureau (<https://www.census.gov/>) results that contain the information required to complete the Direct/Indirect Benefit Activities form must be submitted with the application.

## SECTION VII

### Program Design - Economic Development

The North Dakota CDLF program for Economic Development has been designed to more effectively meet the goals set by the Governor. The program is targeted to both Primary and Retail Sector business proposals which will operate within North Dakota. CDLF assistance is intended to be used in situations where a funding gap exists and alternative sources of public and private financing are not adequate.

CDLF funding can also be used for community's slum and blighted areas, including downtown façade and streetscape improvements, and limited interior improvements. The program helps communities aid in the prevention or elimination of slums or blight in a designated area.

On a case-by-case basis, a request to waive any of the policy and procedures must be approved and granted by the Division of Community Services. The Division of Community Services will have the authority to deny any economic development project that is not well conceived and fully developed. All CDLF projects will be funded with Revolving Loan funds prior to CDBG allocation of funds.

### Economic Development

#### A. General Economic Development Policies & Procedures

1. Section 104 (j) of Title I of the Housing and Community Development Act of 1974, as amended, permits any unit of local government to retain any program income that is realized from a CDBG award. Section 104 (j) also permits a state to require as a condition that a unit of general local government shall pay to the state any program income generated, except that the state shall waive this condition to the extent that program income is applied to continue the activity from which such income was derived.

Since the North Dakota CDLF program requires that the use of funds be proposed as a loan to a business, program income will be generated in the form of loan repayments. The state requires that program income be repaid to the State. The state will permit applicants to request a waiver of this repayment requirement in order to retain program income at the local level under the following conditions:

- a. Community Development Loan Funds are being used as a match for another federal program which requires the establishment of a loan fund to which all funds must be repaid; or
- b. The Applicant desires to use program income to make loans to continue the same activity at a later date. Activity is defined as an economic development project that meets the national objective of creating jobs for low and moderate income persons. In order for a locality to request to retain program income, all of the following must occur:
  - (1) The business generating the program income must have met all special conditions of the financial award, to include the business generating the program income and the grantee must satisfy all conditions of the financial award, to

include job creation;

(2) A final report and audit must be completed and accepted by the DCS; and

(3) A notice of grant closeout must be issued.

Once these steps have been completed, the locality may submit a request to retain program income for future economic development projects. The locality must submit with its request a full economic development plan in accordance with the requirements of the CDLF program. The DCS will review the economic development plan for eligibility, only. The Director of the DCS will be responsible for approving and disapproving a waiver request. The DCS reserves the right to request additional documentation if needed.

2. Once the program income is returned it will be redistributed to the region in which the funds originated or to the Governor's Revolving Loan Fund. The program income funds will be used for economic development activities in the respective regions.
3. The city/county may retain 50 percent of the interest on the loan repayment after all jobs have been created and an Administrative or Final Closeout has been issued by the DCS. Until this occurs 100 percent of the interest must be returned to the State.
4. For a direct loan, the grantee must make provisions in the loan agreement and promissory note for the repayment of the loan by the business to the unit of general local government on a monthly basis. Exceptions to this policy will be granted by the DCS on a case-by-case basis.
5. A bank must be involved in financing of a CDLF project unless in a disaster situation.
6. Applicants may apply for loans (both interim and long term) and grants for activities which are carried out by public or private nonprofit entities, including (a) acquisition of real property; (b) acquisition, construction, reconstruction, rehabilitation, or installation of 1) public facilities (except for building for the general conduct of government), site improvements (water, sewer, roads, railroad spurs), and utilities; 2) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and 3) planning.
7. In the event that CDLF are used to provide for the purchase of common or preferred stock, the grantee must make provisions for the redemption of the stock and repayment to the CDLF. The terms of the preferred stock arrangement must clearly indicate the par value of the stock and the dividend to be achieved before redeeming the stock.
8. CDLF dollars may be used to finance general operating costs. General operating costs of a business will be eligible with the exception of travel, entertainment, research and development, donations and pre-startup costs (i.e., legal fees for incorporation, consulting for business plan development). The terms of the loan will be 5 years or less (including any deferment period). The interest rate will be fixed for the term of the loan. Interest will begin accruing at the time principal payments begin. Principal and interest payments will begin 30 days after the funds are fully advanced or 24 months from the financial award date, whichever comes first.

CDLF funds will provide no more than 50% of the financing of the total operating costs up to \$500,000 for primary sector business and up to \$300,000 for retail/service/tourism businesses. All loans must be secured with assets, personal guarantees or any other reasonable source of available collateral.

Funds will be released as follows: The initial Request for Funds will be based on the projected financial needs of the business (not to exceed 2 months). Advances will be contingent upon the company meeting their projections. To receive funds, an inter-creditor agreement must be completed stipulating the criteria to be met for the advances. Any changes to the inter-creditor agreement must be done in writing and signed by all parties. Monthly financial statements will also be required and must be in accordance with GAAP. The grant administrator will be required to submit the financial statements and an analysis for funding with each Request for Funds.

9. The North Dakota CDLF Program will not assist projects that facilitate the relocation of industrial or commercial facilities within the state, unless the region finds such relocation does not adversely affect the level of unemployment, available jobs or the economic base of the area from which the industrial or commercial plant or facility is to be re-located. In order to satisfy this requirement, the grant applicant must submit sufficient evidence that:
  - a. The relocation will not have a significant economic effect on the community of original site location, and/or
  - b. The city/county of original site location cannot provide similar facilities and/or conditions as offered by the city/county where the business is proposing to relocate.
10. The cost per job for CDLF should be at or below \$35,000. Please consult with DCS.
11. Only those jobs proposed to be created within the first two years will receive consideration during the review process. The two-year period begins with the date of the financial award.
12. At least 51 percent of the jobs to be created or retained must be held or made available to low and moderate income persons or the employee resides in a census tract where no less than 70 percent of the residents are low and moderate income persons. LMI status is based on family gross income at the time of hiring. It is not based on the salary to be paid.

Each applicant is required to provide evidence that the business has contacted Job Service of North Dakota if 51% of the jobs created are not filled by low and moderate income individuals.

Where the public facility or improvement is undertaken principally for the benefit of one or more particular businesses, but where other businesses might also benefit from the assisted activity, the requirement may be met by aggregating only the jobs created or retained by those businesses for which the facility/improvement is principally undertaken, provided that the cost (in CDLF funds) for the facility/improvement is less than

\$10,000 per permanent full-time equivalent job to be created or retained by those businesses.

In any case where the cost per job to be created or retained is \$10,000 or more, the requirement must be met by aggregating the jobs created or retained as a result of the public facility or improvement by all businesses in the service area of the facility/improvement. This aggregation must include businesses which, as a result of the public facility/improvement, locate or expand in the service area of the facility/improvement between the date the recipient identifies the activity in its final statement and the date one year after the physical completion of the facility/improvement.

13. Only permanent jobs may be considered in determining proposed jobs to be created or retained. All jobs must be on a "full time equivalent (FTE)" basis. Full time is based on 32 hours per week. In converting part time jobs to full time, the applicant must indicate the hours of employment for each part time position. **Jobs created prior to a Financial Award will not be counted as new jobs.**

Seasonal jobs may be considered only if the business can demonstrate that the duration of the season will be long enough for the job to be considered as a person's principal occupation. Jobs taken by students who are legal dependents or by persons such as farmers and school teachers employed during their off season, cannot be considered as a principal occupation. The applicant must also demonstrate that the job itself is a permanent position. Eligible seasonal jobs must also be converted to full time equivalents. FTE must be based on hours worked and length of the season. For instance, four persons working full time for three months would equal one FTE.

14. For an activity that retains jobs, the unit of general local government must document that the jobs would actually be lost without the CDLF assistance and that either or both of the following conditions apply with respect to at least 51 percent of the jobs at the time the CDLF assistance is provided: The job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two years and that it will be filled by or that steps will be taken to ensure that it is made available to a low or moderate income person upon turnover.

Applicants proposing job retention must undertake a survey of those retained individuals to determine their household income and status as a full or part time employee. A copy of each survey must be submitted with the original application. A sample survey form is included on the DCS website.

15. An applicant may apply for economic development funds for a project that proposes to provide area benefit. This is an activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries, but must be the entire area served by the activity. Units of general local government may, at the discretion of the state, use either HUD provided data comparing census data with appropriate low and moderate income levels or survey data that is methodologically sound. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion.

The project must provide goods or services to residents of an area, such that the number of low and moderate income person residing in the areas served by the assisted businesses amounts to at least one low and moderate income person per \$350 of CDLF funds used.

Where CDLF assistance for an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area resident's standard, but not both.

16. Refinancing of existing debt and interest buydown will not be accepted.
17. Each applicant must identify the sources and uses of matching funds. Matching funds may come from a variety of sources, such as new investments by a firm to be assisted, bank loans, loans to be repaid to a state or federal loan program, or grants. Applicants must include documentation committing matching dollars that at least indicates funds are available contingent upon the receipt of CDLF. Applicants must meet a minimum leverage requirement of 1:1. Match dollars that would not incur any Title I dollars can be expended up to six months prior to the date of the DCS financial award. To ensure compliance with the federal environmental regulations, consultation with the DCS should commence prior to any commitment of funds. For economic development infrastructure projects, a waiver of the 1:1 match will be considered on a case-by-case basis and must receive DCS approval.

The following will not be considered as match:

- a. In-kind services;
  - b. Refinancing of existing debt; and
  - c. An operating line of credit - unless it can be proved that it will be spent within the budget period.
18. All loans must be secured with fixed assets (i.e. land, buildings, and equipment), personal guarantees, or any other reasonable source of available collateral.

Applicants must include documentation for the value of the collateral offered and a description of all security positions held by lenders and any liens which may apply to the collateral.

19. An equity investment which equals a minimum of 10 percent of the total project cost must be made by the principal(s). Unless in the case of nonprofit corporations where equity requirements may be less, however, they will be determined on their own merits. This equity requirement may be met through a direct cash injection or through tangible balance sheet equity, as defined by generally acceptable accounting principles. The equity must be available upon receipt of the full application.

Equity is defined as capital that has no guaranteed or mandatory repayment or has no definite timetable for repayment of the capital investment, and cannot be withdrawn at the contributor's option without the permission of the superior debt holders. In the event a source of grant funds is proposed as equity, the funds must be firmly committed.

20. In the process of reviewing an application and developing a funding recommendation, the applicant may be required to secure a first, shared first, or second security position on the assets, or other forms of collateral for the project. A third position may be considered, on a case-by-case basis. Approval must be requested from DCS for this to occur.
21. Each applicant must provide a signed letter of commitment from the business that upon award of CDLF to the applicant, it will locate or expand its business in the applicant's jurisdiction.
22. Applicants may request consideration of an interest free period or deferment of payments of principal and/or interest.
23. Community Development Loan Fund Terms:
  - a. Fixed Assets ¥ Up to 25 years. (Will be on a case-by-case basis)
  - b. Equipment ¥ equipment will not exceed 10 years. Under no circumstances will terms be extended longer than 15 years. The actual terms, to include any deferment of interest and/or principal, will be based on the recommendation of the staff review committee.
  - c. Inventory ¥ The loan may carry a maximum term of five (5) years, to include the deferment period.
  - d. Operating Cost Financing – The loan will be for a period of no more than 5 years to include the deferment period. Maximum participation will be \$500,000 for primary sector and \$300,000 for retail/service/tourism businesses.
  - e. Infrastructure Projects ¥ Up to 15 years. (Will be determined on a case-by-case basis)

## **B. Economic Development Funding Set-Asides**

**Primary Sector:** “Primary sector business” means an individual, corporation, limited liability company, partnership, or association certified by the ND Department of Commerce Division of Economic Development and Finance, which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth.

“Primary sector business” includes tourism but does not include production agriculture.

“Production agriculture” means the production of crops and livestock on or near a farm as part of the regular farm enterprise directed by a farm operator and the farm operator’s partners. The term does not include an investor-owned livestock feeding or milking operation located apart from a farm headquarters which is managed by employees.

**Retail Sector:** Those businesses involved in the direct sale of goods, commodities, activities, or services to the consumer. Retail also includes tourism related activities.



## 1. Funding Cycle

Primary and Retail - Funding cycles will remain open year-round and in accordance with timely distribution of funds listed in Section IV.

2. Infrastructure Projects - All public improvement projects funded under the CDBG Economic Development category shall procure plans, drawings and specifications for the work from a licensed architect or registered professional engineer with an estimated project cost of \$200,000 or more.

A copy of the State Health Department's letter of design approval must be submitted for all water and sewer projects prior to the first draw down of project funds.

## C. Business Plan

**NOTE:** All business plan information and financial exhibits will be considered confidential, for evaluation purposes only, and will not, except as required by law, be provided to any third person, firm, corporation or public entity without the express written consent of the business.

Each applicant must submit a business plan for each business or entity to receive direct assistance, whether for-profit or nonprofit. Each business plan must contain sufficient information in order to obtain an adequate understanding of the business to be assisted, including the products or services offered, estimated market potential, management experience of principals, current financial posture, and details of the proposed venture. The business plan components contained in this section are required for CDLF economic development applications involving loans, grants, or public improvements directly assisting for-profit or nonprofit entities.

Applications involving more than one business will require a longer review period. Each business included in an application will be evaluated separately.

The business plan must include the following elements and must provide sufficient detail for adequate analysis:

### 1. Sample Business Plan Format

A well thought out business plan is important when requesting financial assistance from the North Dakota Development Fund. This outline represents a general approach: business plans should be tailored to the specific business project.

Executive Summary – should concisely describe the key elements of the business plan.

- Business location and plan description.
- Discussion of the product, market and competition.
- Expertise of the management team (attach resumes).
- Summary of historical and financial projections.
- Amount of financial assistance requested.
- Form of and purpose for the financial assistance.
- Complete uses and sources of funds.
- Business goals and objectives.

## 2. The Company

A general description of the business, including the product or service.

- Tax identification number.
- Historic development of the business, including such items as:
  - Name, date and place (state) of formation, and legal structure (e.g., proprietorship, partnership, corporation).
  - Significant changes (include dates) in ownership, structure, new products or lines, acquisitions.
  - Subsidiaries and percentage of ownership, including minority interests.
  - Principals and the roles they played in the formation of the company.

## 3. The Product/Service/Jobs-describe the present product or service lines, including:

- Relative impact of each product or service to the sales projections.
- Product evaluation (use, quality, performance).
- Compare to competitors' product lines, and competitive advantages over other producers.
- Demand for the product(s).
- General description of the project, the purpose for which it is undertaken, projected job creation, and salary/wage rates for all employees.

## 4. Management

- Organizational chart.
  - Key individuals (include supervisory personnel having special value to the organization – Responsibilities).
- Personnel resumes (describing skills and experience as they relate to activities of the business).
- Present salaries (include other compensation such as stock options and bonuses).
- Other employees:
  - Number of employees at year end, total payroll expenses for each of previous three years (breakdown by wages, benefits).
  - Method of compensation
  - Departmental/divisional breakdown of work force.
  - Planned staff additions.

## 5. Ownership

- Names, addresses and business affiliations of principal holders of subject's common stock and other types of equity securities (include details on holdings).
- Degree to which principal holders are involved in management.
- Principal non-management holders.
- Names of board directors, areas of expertise, and the role of the board when business is operational.
- Amount of stock currently authorized and issued.

## 6. Marketing Plan

- Describe the industry and the industry outlook. Identify the principal markets (commercial/industrial, consumer, government, international). Include the current industry size as well as its anticipated size in the next two years. Explain the sources of the projections.
- Describe major characteristics of the industry.

- Describe the effects of major social, economic, technological or regulatory trends on the industry.
- Describe major customers, including: names, products or services sold to each; percentage of annual sales volume for each customer over previous three years; duration and condition of contracts in place.
- Describe the market and its major segments. Describe principal market participants and their performance. Identify the firm's target market. For each customer, include the requirements of each and the current ways of filling these requirements. Also include information on the buying habits of the customers and the impact on the customer using the product or service.
- Describe the companies with which the business competes and how the business compares with these competitive companies. This is a more detailed narrative than that contained in the description of the product or service, above.
- Describe prospective customers and their reaction to the firm and any of the firm's products or services they have seen or tested.
- Marketing strategies. Describe the firm's marketing strategy, including overall strategy; pricing policy; method of selling, distributing and servicing the product; geographic penetration; field/product support; advertising; public relations and promotion and prioritization.
- Selling activities. Describe how the firm will identify prospective customers and how and in what order the firm will contact the relevant decision-makers. Also describe the sales effort the firm will have (e.g., sales channels and terms, number of salespersons, number of sales contacts, anticipated time, initial order size) and estimated sales and market share.

#### 7. Technology

- Describe the technical status of the product (idea stage, development stage, prototype stage) and the relevant activities, milestones, and other steps necessary to bring the product into production.
- Describe the present patent or copyright position. Include how much is patented and how much can be patented (e.g., how comprehensive and effective the patents or copyrights will be). Include a list of patents, copyrights, licenses or statements of proprietary interest in the product or product line.
- Describe new technologies that may become practical in the next two years which may affect the product.
- Describe new products (derived from first generation products) the firm plans to develop to meet changing market needs.
- Describe regulatory or approval requirements and status, and discuss any other technical and legal considerations that may be relevant to the technological development of the product.
- Describe current and future plans for research and development efforts.

#### 8. Production/Operating Plan

Explain how the firm will perform production or delivery of service. Describe capacity and status in terms of:

- Physical facilities. Owned or leased, size and location, existing facilities (sales volume and unit capacity), expansion capabilities and capital equipment (types and quantities). Include a facilities plan and description of planned capital improvements and a timetable for those improvements.

- Suppliers. Name/location of principal suppliers, length of lead time required, usual terms of purchase, contracts (amounts, duration and conditions) and subcontractors.
- Labor supply (current and planned). Number of employees, unionization, stability (seasonal or cyclical), and fringe benefits (insurance, profit sharing, pension).
- Key patents (provide profile).
- Technologies/skills required to develop and manufacture the products (provide listing/description).
- Cost breakdown for material, labor and manufacturing overhead for each product, plus cost versus volume curves for each product.
- Manufacturing processes – block and work flow diagram, if helpful.
- Describe production or operating advantages. Discuss whether they are expected to continue.
- Specify standard product costs at different volume levels.
- Present a schedule of work for the next one to two years.

#### 9. Financial

- Accountant – name, address
- Legal counsel – name, address
- Banker – name, location, telephone number, and contact officer.
- A funding request detailing the desired financing, including uses and sources of funds. If phased financing, describe phases, projected timing and detailed uses and sources of funds.
- Amount to be raised from debt and amount from equity.
- Plans to “go public”. (Relate this to future value and liquidity of investments.)
- Company historical financial statements and tax returns for the previous three years.
- Three years projected financial statements (years one and two should be monthly; year three quarterly). Projections should include profit and loss, balance sheet and cashflow statements. Include key assumptions made in the proformas and how these assumptions reflect industry performance. Three years projected capital expenditures including leases and acquisitions.
- An aging of accounts receivable and an aging of accounts payable.
- Personal financial statements and three years of tax returns of principal(s).

## SECTION VIII

### Program Design - Public Facilities

The Division of Community Services will have the authority to deny any public facility project that is not well conceived and fully developed.

#### A. Public Facilities Special Requirements

1. Requirement for Public Improvements

All public improvement projects funded under the CDBG Public Facilities category shall procure plans, drawings and specifications for the work from a licensed architect or registered professional engineer with an estimated project cost of \$200,000 or more.

A copy of the State Health Department's letter of design approval must be submitted for all water and sewer projects prior to the first draw down of project funds.

2. Requirement for Infrastructure

All infrastructure projects will require a preliminary engineering/architectural report. This requirement may be waived on a case-by-case basis.

3. Requirement for projects purchasing equipment

No engineering/architectural report is required; however cost estimates are required.

4. Contents of a preliminary engineering/architectural report are as follows:

- (a) Name, address, telephone of the person who prepared the report.
- (b) Date the report was prepared.
- (c) Age of the existing facility (if a replacement project).
- (d) Description of the problem.
- (e) Detailed discussion of alternatives and the scope of work for the proposed activity.
- (f) Detailed cost estimate (by line item) for the proposed project. (If scope of work includes more activities than proposed for the CDBG part of the project, please separate these activities and costs.)
- (g) Discuss the long-term operation and maintenance plan for the proposed facility. Include in the discussion future operation and maintenance costs. The discussion must provide a description of the plan to technically and financially maintain the proposed public facility project, or the total system of which the project is a component, for the long term after construction.

It is highly recommended that each applicant proposing significant water, sewer or solid waste disposal activities discuss the proposed project with the State Health Department prior to submitting the preliminary engineering report in order to prevent any disagreements in the design of the solution.

## **B. Special Assessments for Public Improvements**

1. Public improvements initially assisted with CDBG funds. Where CDBG funds are used to pay all or part of the cost of a public improvement, special assessments may be imposed as follows:
  - a. Special assessments to recover the CDBG funds may be made only against properties owned and occupied by persons not of low and moderate income. These assessments constitute program income.
    - (1) Special assessments to recover the non-CDBG portion may be made, provided that CDBG funds are used to pay the special assessment on behalf of all properties owned and occupied by low and moderate income persons; except that CDBG funds need not be used to pay the special assessments on behalf of properties owned and occupied by moderate income persons if, when permitted by the state, the unit of general local government certifies that it does not have sufficient CDBG funds to pay the assessments on behalf of all of the low and moderate income owner-occupant persons. Funds collected through such special assessments are not program income.
  - b. Public improvements not initially assisted with CDBG funds. CDBG funds may be used to pay special assessments levied against property when this form of assessment is used to recover the capital cost of eligible public improvements initially financed solely from sources other than CDBG funds. The payment of special assessments with CDBG funds constitutes CDBG assistance to the public improvement. Therefore, CDBG funds may be used to pay special assessments, provided that:
    - (1) The installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under this subpart, including labor, environmental and citizen participation requirements;
    - (2) The installation of the public improvement meets a criterion for national objectives.
    - (3) The requirements of § 570.482(a)(ii) are met.

## SECTION IX

### Program Design - Housing

This section describes specific requirements applicable to basic Rehabilitation and New Construction Housing activities. The Division of Community Services will have the authority to deny any housing project that is not well conceived and fully developed.

#### A. Housing Policy and Procedures

1. Applicants are encouraged to determine the eligibility of potential household recipients by considering total net worth in addition to gross income.
2. Applicants must include in their application evidence of the following:
  - a. All residents of the city/county were notified of the availability of CDBG funds.
  - b. All eligible residents were given the opportunity to apply for program assistance.
  - c. The applicant review process was conducted in a manner which eliminates conflict of interest. This is accomplished by removing from the decision-making process anyone who is a direct applicant, or related to an applicant.
3. The Section 8 Housing Quality Standards (HQS) Checklist must be used to identify housing rehabilitation needs. All inspectors must be Section 8 HQS Certified or be an individual who has demonstrated knowledge of the State Building Code. If the inspector is not HQS certified, the application must include the inspector's qualifications demonstrating knowledge of the State Building Code. The State requires that all rehabilitation work must meet Section 8 Housing Quality Standards or the State Building Code, whichever is more restrictive. DCS may grant a waiver of the required use of the Section 8 HQS Checklist on a case-by-case basis for emergency housing repairs. This request must be submitted to the DCS along with justification.
4. For the rehabilitation of manufactured homes, the units must conform to the following requirements in order to be eligible for rehabilitation with CDBG funds:
  - a. The unit and the land it rests on are in common ownerships;
  - b. Upon completion of rehabilitation activities, the unit will be attached to a foundation which cannot reasonably be relocated, and must be placed on the site in a stable manner and be free from hazards such as sliding or wind damage.  
DCS may waive these requirements when it finds, based on information provided by the grantee, that no alternative affordable housing is available for residents of such units in the community.
5. North Dakota CDBG Affordable Rent Policy for Multi-Dwelling Units
  - a. Rental units rehabilitated totally or in part with CDBG funds must be occupied by low and moderate income persons at affordable rents. Affordable rent is defined as

30 percent of the gross household income as determined by Section 8 of Title I of the Housing and Community Development Act of 1974.

- b. A "majority" of the units in a building after rehabilitation must be occupied by low and moderate income persons at affordable rents.
6. In the event that financial assistance is provided to a non-low and moderate income property owner for the benefit of a low and moderate income renter, the grantee must secure a written agreement from the owner to:
    - a. Limit rent increases for five years to the rate of inflation; and
    - b. Continue to rent to low and moderate income persons for a period of five years.
  7. In the event a city or county chooses to provide a loan for housing activities, any repayments will be retained by the State to be used to continue the same activity.

#### **B. Creation of New Housing Units**

1. CDBG funds cannot generally be used for the construction of new permanent residential structures or for any program to finance new construction, except for:
  - a. Last resort housing provisions in relocation;
  - b. Provision of assistance through Community Based Development Organization (CBDO); or
  - c. Activities which facilitate the development of housing, including clearance, site and public improvements, and property acquisition.

For further guidance refer to CPD Notice 07-08 dated November 21, 2007.

2. Detailed information must be provided concerning financial feasibility, management, tenant occupancy, start-up costs, preliminary architectural plans, cost estimates, and ownership or nonprofit data.
3. Any activity carried out with CDBG funds that involves the acquisition or rehabilitation of property to provide housing is considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons at affordable rents. In addition, a "majority" of the units in a multi-dwelling building must be occupied by low and moderate income persons at affordable rents.

#### **C. Relocation (temporary or permanent):**

Contact the DCS for the North Dakota CDBG Displacement Policy and for information on the Uniform Relocation Act.



#### **D. Housing Revolving Loan Fund**

1. CDBG funds may be used for Housing projects that will generate program income.  
**Single family housing rehabilitation activities will be on a grant basis only.**
2. All projects being considered as a revolving loan fund project must be presented to the DCS for approval prior to the Regional Council scoring and ranking the project.
3. One hundred percent (100%) of the program income generated through loan repayments will be repaid to the State.
4. Once program income is returned, it will be redistributed for Housing activities to the region in which the funds originated.

## SECTION X

### Program Design - Governor's Fund for Community Development

The Governor's Fund for Community Development will be approximately \$1,659,447.

The following policies/procedures have been established to access the dollars:

1. Request for the Governor's Fund are accepted anytime throughout the year. All requests must go through their respective Regional Council. The Application/Business Plan must be reviewed and approved by the Regional Review Committee.
2. Regional Councils will submit all requests to the Division of Community Services. The proposed activity must be CDBG eligible and meet a national objective. The Program Design for Economic Development (Section VII of the CDBG PDS) must be followed.
3. The focus of the fund will be to fund primary sector projects. "Primary sector business" means an individual, corporation, limited liability company, partnership, or association certified by the ND Department of Commerce Division of Economic Development and Finance, which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth. Primary sector does not include "production agriculture."
4. The fund will also focus on retail sector projects. The definition of retail sector is: those businesses involved in the direct sale of goods, commodities, activities, or services to the consumer. Retail also includes tourism related activities.
5. The decision to fund Economic Development related project(s) will be based on the significant impact to the state's economy and must meet one of the following criteria: (1) does the project create jobs; (2) is the business viable; (3) will the project have a positive impact on the community and state; and (4) will the business create new wealth in the community and state.
6. The funds may be used to fund emergency projects and special needs housing for the homeless. The decision to fund emergency project(s) will also be based on the projects ability to alleviate an immediate health or safety concern within the community. Construction contracts cannot be executed nor can work begin on emergency projects prior to receiving the Financial Award and Environmental Release of Funds from the State

All requests to the Governor's fund for emergency projects will include the Unit of General Local Government's (UGLG) financial statements, documentation that the UGLG has contacted other appropriate funding agencies, such as, ND Health Department's Drinking Water SRF and/or Clean Water SRF, USDA Rural Development, FEMA, etc. A preliminary engineer's report including an opinion of costs also needs to accompany the request.

7. The funds may also be used for permanent supportive housing (PSH) to address long term homelessness. The decision to fund a PSH project will be based on the project's 1) proposed impact on long term homelessness; 2) the supportive services coupled with the

housing units and; 3) demonstrated local support for the project via cash match or other forms of financial support.

8. The decision to fund existing multi-family housing project(s) will be based on a community needs assessment and/or market analysis to maintain existing stock and continue to provide decent affordable housing for low to moderate income people.
9. SFN 53734 “Governor’s Fund” needs to be completed and submitted with each request for funding from the Governor’s Set- Aside for Community Development.
11. Administrative funds will be awarded from the Governor’s Fund based on the same formula as other CDBG projects. If funding for a project is shared by the Governor’s Fund and Regional Funds, administrative funds will be pro-rated. These formulas can be found on Section V of this document.
12. The Regional Councils are not required to use their CDLF funds before the Governor’s Fund is accessed. However, an analysis of the Regional Council balances will occur at the time of each request to determine the possible partnering/participation of CDLF funds with the Governor’s Fund.
13. The Program Income generated from loans made through the Governor’s Fund will be returned to the Governor’s Revolving Loan Fund.

**2021**

**REGION I**

**TRI-COUNTY REGIONAL  
DEVELOPMENT  
COUNCIL**

**PO Box 697  
113 4<sup>th</sup> Street East  
Williston, ND 58802-0697  
Phone: 701-577-1358  
Fax: 701-577-1363  
TTY: 800-366-6888  
ND Relay Voice: 800-366-6889  
ND Relay Spanish: 800-435-8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

## EXECUTIVE SUMMARY

This "Regional Attachment" to the North Dakota Program Distribution Statement for the Community Development Block Grant program and the Community Development Loan Fund reflects the needs of North Dakota Planning Region I and addresses the needs of the low and Low/Moderate income residents, slum and blight removal, or the urgent needs of those counties and their resident communities.

**Total FY 2021 Amount Available for Distribution: \$213,297**

*Allocations by emphasis area:*

Public Facility	\$0
Housing Rehabilitation, Housing Opportunity, & Multi-Jurisdictional Program	\$213,297
Economic Development	\$0
Other Eligible Activities	<u>\$0</u>
<b>Total FY 2021 Funds Available for Distribution</b>	<b>\$213,297</b>

Initial new project applications will be limited to \$100,000 of CDBG project funds (excluding eligible administration). If any funds remain in the Public Facility or Housing allocations after the Scoring and Ranking, the Review Committee will consider amendment requests for the remaining balance after **July 1<sup>st</sup>, 2021**. All active public facilities and active housing projects will be eligible for review. Additional dollars, if available, will be allocated to projects based on demonstrated need and on a "first-come first-serve" basis. The Review Committee may review Emergency and Other Eligible Activities Supporting Economic Development proposals throughout the year at regularly scheduled bi-monthly Board Meetings.

Economic development proposals, if any, can be accepted at any time during the year and may be funded through the state revolving loan fund programs.

### APPLICATION DEADLINES

#### Public Facility

May 14, 2021	Pre-applications due at Tri-County Regional Development Office
May 27, 2021	Presentations to Tri-County Review Committee and pre-application scoring by Tri-County Review Committee
Nov 27, 2021	Final applications submitted to DCS

#### Housing Rehabilitation

May 14, 2021	Pre-applications due at Tri-County Regional Development Office
May 27, 2021	Presentations to Tri-County Review Committee and pre-application scoring by Tri-County Review Committee
Nov 27, 2021	Final applications submitted to DCS

## **Emergency Activities**

Applications are accepted at any time. Public Facility local match requirements may be waived at the discretion of the Review Committee.

## **Economic Development**

Economic development projects, in addition to the regional funds available, may also be funded from those funds revolved from previous projects, or returned funds from other projects. Applications are accepted at any time.

## **Other Eligible Activities**

Applications will be accepted throughout the year. Proposals will be reviewed and evaluated for potential grant or loan funding at regularly held board meetings. Recommendations for funding, if any, are subject to board approval and availability of funding.

## **APPLICATION SUBMITTAL**

Applications for eligible activities will be accepted from eligible applicants (City or County units of government). Application forms are available at the Tri-County Regional Development Council office. Technical Assistance is available from Tri-County staff.

## **Conflict of Interest**

In order to avoid a real or perceived conflict of interest, Review Committee members will abstain from voting on projects where the committee member represents the applicant.

## **Review Process**

- A. Public Facility, Housing Rehabilitation, Slum and Blight, Emergency and Other (CDBG)
  - 1. A Review Committee made up of the Board of Directors of the Tri-County Regional Development Council will be empowered to evaluate and rank all pre-applications generated from North Dakota Planning Region I.
  - 2. Following a review by Council staff, the Council's Review Committee will meet to review proposals, interview applicants, score/rank all eligible pre-applications, and invite full applications from successful entities.
  - 3. Full applications, recommended for funding, will be sent to the ND Division of Community Services for HUD compliance review and development of the Financial Award.
  
- B. Economic Development Applicants (CDLF)
  - 1. An economic development "Request for Application" from eligible entities for eligible activities may be generated internally by the local government, private entrepreneur, local development corporation and/or with technical assistance from the regional council staff.

2. The Tri-County Regional Development Council Review Committee will be empowered to rank and evaluate all "Requests for Application" and "Full Applications" generated from North Dakota Planning Region I.
3. Applicants will be required to first submit a "Request for Application" for initial review by the Review Committee and only those applicants who are invited to submit "Full Applications" may be considered for funding.
4. The Review Committee will meet bi-monthly, or as needed, to consider eligible "Requests for Application" and to make recommendations on "Full Applications".
5. After reviewing "Full Applications", interviewing the applicant/entrepreneur, and hearing testimony from interested parties, the Review Committee will make its recommendation.
6. "Full Applications" recommended for funding will be sent to the ND Division of Community Services for HUD compliance review and development of contract agreements.

### **GENERAL GUIDELINES**

It is the intent of the Tri-County Regional Development Council Review Committee to utilize unobligated allocation funds, if any, for the purpose of funding projects that are in any other allocation category, and are in need of additional funding; or if the funding allocation within that category has been depleted. Transfers of unobligated funds from one allocation category to another may be made in accordance with the State Program Distribution Statement.

Although, it is anticipated that funds unobligated within any of the allocation categories will not be available; it is the intent of the Tri-County Regional Development Council to allow for other contingencies. These funds, if any, would be made available for projects based on the following definitions:

- A. Emergencies are activities needed to alleviate an immediate and urgent condition which possess a serious health, welfare or safety threat which did not become apparent or known until after the application deadline, or in the case of a funded project, where unforeseen and unexpected circumstances require additional CDBG funds which, if not available, would hinder the completion of the project. Construction contracts cannot be executed nor can work begin on Emergency Projects prior to receiving the Financial Award and Environmental Release of Funds from the State.
- B. Applications for emergencies can be submitted throughout the 2021 grant year at any time. The Review Committee will review applications.
- C. Other is for other activities which do not fit into any other category but which are eligible for CDBG assistance. Any proposal within this category must meet one of the national objectives of the program.

#### **Application Submission Requirements**

Emergency and Other Applications: The application submission requirements will be based on the type of application; if the applicant has previously applied for CDBG funds in this calendar year only limited additional information may be required.

## **Review and Selection Process**

Emergency and Other Applications: The review and selection process will be based on the type of application; if the applicant has previously applied for CDBG funds in this calendar year only limited additional information may be required.

## **Scoring Criteria**

Emergency and Other Applications: No point system; decisions will be subjective based on the availability of funds, need, commitment, appropriateness and benefit to low/Low/Moderate income.

## **Conflict of Interest**

In order to avoid a real or perceived conflict of interest, Review Committee members will abstain from voting on projects where the committee member represents the applicant.

## **IMPLEMENTATION SCHEDULE**

### **Public Facility**

- |              |   |
|--------------|---|
| May 14, 2021 | Pre-applications due at Tri-County Regional Development Council office                                  |
| May 27, 2021 | Presentations to Tri-County Review Committee and pre-application scoring by Tri-County Review Committee |
| Nov 27, 2021 | Final applications submitted to DCS.  |

### **Housing Rehabilitation**

- |              |   |
|--------------|---|
| May 14, 2021 | Pre-applications due at Tri-County Regional Development Council office                                  |
| May 27, 2021 | Presentations to Tri-County Review Committee and pre-application scoring by Tri-County Review Committee |
| Nov 27, 2021 | Final applications submitted to DCS.  |

### **Emergency Activities**

Applications are accepted at any time. Emergency applications (original and one copy required) will be accepted anytime based on the availability of unobligated funds, if any.

### **Economic Development**

"Request for Applications" and "Full Applications" for economic development proposals will be accepted at any time, although applicants should be aware that the Council staff will attempt to adhere to a deadline of at least 15 days prior to the bi-monthly Review Committee meeting. Applicants will be notified in advance if meeting dates and times change. Review Committee meetings are tentatively scheduled for the last Friday of every other month. This schedule is subject to change. Applicants may contact the Tri-County staff for more information.



## **PUBLIC FACILITY GUIDELINES**

### **Application Submission Requirements**

A two-step process will be utilized to determine the highest priority public facility projects in North Dakota Planning Region I. Pre-applications for public facility monies must be completed and received by the regional council by the deadline date. To apply for funding consideration, eligible applicants must complete the pre-application forms and required attachments that include:

- Application Cover Page
- Project Narrative
- Project Area Map
- Preliminary Engineer's or Architect's Report<sup>1</sup>
- Resolution of Sponsorship
- Low/Low/Moderate Income Benefit Documentation

<sup>1</sup>Please consult Tri-County staff for the required format.

Pre-applications for eligible activities will be accepted from eligible applicants (City or County units of government). Application forms are available at the Tri-County Regional Development Council office. Technical Assistance is available from Tri-County staff. The minimum amount an applicant may apply for is \$75,000.00.

Any public facility project which has been estimated to cost at least \$200,000 or more is required to have a set of plans, drawings, and/or specifications prepared by a licensed architect or registered engineer.

If after the completion of the pre-application review process a project is invited to submit a final application, the additional items needed to complete a final application include:

- Applicant Assurance Certification
- Fair Housing Certification
- Community Development Needs Assessment
- Firm Commitment of Other/Matching Funds
- HUD Disclosure Report
- Resolution of Excessive Force<sup>2</sup>
- Citizen Participation Plan<sup>2</sup>
- Code of Conduct
- Front Cover Sheet
- Resolution of Sponsorship
- Assistance Plan (if applicable)
- Release of Information (if applicable)
- Recommendation for Funding
- Evidence of One Public Hearing must include signed meeting minutes and Affidavit of Publication that includes the newspaper clipping
- The applicant must also have a DUNS #

<sup>1</sup>Please consult Tri-County staff for the required format.

<sup>2</sup>The Displacement Plan, Resolution of Excessive Force, and Citizen Participation Plan are only required if the applicant has not previously submitted these documents to the ND Division of Community Services or if it has amended the plans since the original submission.

All applications recommended for funding and which meet the above requirements will be delivered to the ND Division of Community Services for a HUD and State compliance review and for final grant award agreements.

All successful applicants are required to complete a Section 504 Self Evaluation/Transition Plan prior to project closeout.

Asbestos testing is a requirement for all construction projects. It is recommended that this be done by the applicant prior to submitting an application as this can significantly change the cost of the project. Asbestos testing prior to the application is not a covered cost of CDBG.

### **Review and Selection Process**

- A. A Review Committee made up of the Board of Directors of the Tri-County Regional Development Council will be empowered to evaluate and rank all pre-applications generated from North Dakota Planning Region I.
- B. Only proposals which meet the full requirements of the application (including minimum matching funds), and determined to be submitted by an eligible applicant for an eligible activity will be considered.
- C. Council staff will tally all "objective" scoring criteria for the pre-applications prior to being reviewed by the Review Committee.
- D. The Review Committee will hold a CDBG Review meeting at which time all proposals will be presented. Representative(s) of the applicants may be present for the Review Committee to interview and present their proposals.
- E. After all proposals have been reviewed by the committee, committee members will score all "subjective" scoring criteria for each public facility proposal. Those scores will then be totaled and averaged to determine ranking.
- F. After rankings have been determined, the committee will consider a recommended amount to award to each project according to ranking starting from highest to lowest. The committee reserves the right to adjust the amount of each award from the amount requested, and to determine the amount awarded, if any, to public facility projects as it deems appropriate.
- G. The committee will establish funding levels for each project in order of ranking, but if not enough funds are available to fund an application, the committee may:
  1. Offer to the applicant the funds remaining in the allocation, and if it is not accepted, offer the funds to the next eligible applicant in order of ranking until the funds are expended; or,
  2. The Review Committee may transfer unobligated funds to another allocation for immediate or later distribution within the guidelines of the State Program Distribution Statement; or

3. Any combination of the above.

**Scoring Criteria - Public Facilities**

Scoring criteria will be divided into two categories; scores that are "objective" in nature and require no personal judgment and scores that are "subjective" in nature and will require personal judgment by an individual.

**A. Objective Scoring (650 points Maximum)**

1. Project Type: **(maximum 150 points)**

Installation of water and/or sewer facilities	150 Points
Rehabilitation of slum or blighted buildings	125 Points
Fire protection facilities/equipment	115 Points
Install flood & drainage facilities	95 Points
Street construction/reconstruction	80 Points
Community Center	75 Points
Construction/repair of Senior Citizen Centers	70 Points
Removal of architectural barriers	60 Points
All other eligible CDBG projects	50 Points

2. Score 2 points for each Low to Moderate percentage point above 50%. A project will be awarded two additional points for every percentage point above 50%. **(maximum of 100 points)**
3. Percentage of minorities living in project area – taken from most current U.S. Census Date: **(maximum of 100 points)**

Communities with above 76% minority population	100 points
Communities with 51% to 75% minority population	75 points
Communities with 26% to 50% minority population	50 points
Communities with below 26% minority population	25 points

4. Score 2 points for each percentage point of total project costs paid out of Local Funds or other funds. Do not include CDBG or administration funds requested. **(100 points maximum)**
5. CDBG cost per Low/Moderate/Low income person to benefit: **(maximum 50 points)**

\$250 or below	50 Points
\$251 - \$500	40 Points
\$501 - \$1,000	30 Points
\$1,001 - \$1,500	20 Points
\$1,501- \$2,000	10 Points
\$2,001 & above	0 Points

6. Public Facilities funding received from CDBG in prior years:  
(maximum of 50 points)

No Prior Funding	50 Points
5 Years Prior	40 Points
4 Years Prior	30 Points
3 Years Prior	20 Points
2 Years Prior	10 Points
1 Year Prior	0 Points

7. Project Readiness: (maximum of 100 points)

Complete plans and proof of other funding committed	100 points
Complete plans and other funds located – not committed	50 points
Complete plans and other funding not located	20 points
Other	0 points

**B. Subjective Scoring (400 points Maximum)**

The following criteria are guidelines for the review committee to utilize when making subjective scoring determinations with regard to public facility pre-applications. These criteria will be utilized by each of the committee members to arrive at a subjective score within the range of a maximum score of 400 points and a minimum score of 1 point.

- The degree to which the problem presents a direct threat to the public's health and safety.
- The immediacy of the problem in terms of solving it.
- Efforts of the community to alleviate the problem.
- Efforts of the community toward economic development.
- Does the community have sufficient infrastructure to support its economic development efforts.
- Does the proposed activity appear to be the most effective long-term solution to the problem.
- Is the project effective/appropriate when compared with similar projects in the region.
- Whether the proposed project is necessary to comply with court orders or State or Federal requirements.
- The need for outside financial assistance to complete the project.

**Matching Funds Requirements**

Due to limited funds available and to attempt to address as many of the priority projects as possible and to demonstrate a commitment by each applicant in alleviating their own problems; the Tri-County Regional Development Council will require a minimum local funding match. The match

must be committed by the applicant or the entity for which the applicant is submitting an application for and it must be in writing.

The minimum local match percentage is **25%** of the total project. The applicant will be required to pay the project administration costs from their local match accordingly:

- a) 15% of approved CDBG project funds, with a minimum of \$ 5,000 per project. Project administration fees may be adjusted according to the scope of work of the project and financial condition of the applicant.

Although specific match amounts are recommended only, the local match is required to cover any applicable engineering/architectural fees and project administration costs. The engineering and/or architectural fees needs to be documented in the application for budgeting purposes.

Emergency Public Facility match requirements may be waived at the discretion of the Review Committee. Local match requirements on non-emergency project applications or amendments may be waived based on demonstrated financial hardship and at the discretion of the Review Committee. Applicants that may not have the means to meet the match recommendation for CDBG funds must provide documentation in writing demonstrating the lack of available funds.

## **HOUSING**

### **HOUSING REHABILITATION**

#### **Application Submission Requirements**

A two-step process will be utilized to determine the highest priority housing projects in North Dakota Planning Region I. Pre-applications for housing monies must be completed and received by the regional council by the deadline date. To apply for funding consideration, eligible applicants must complete the pre-application forms and required attachments which include:

- Application Cover Page
- Project Narrative and Objective Scoring Worksheet
- Individual Housing Applications & Summary Sheet
- For Rehabilitation Activities: *(See Rehabilitation Notes Below)\**
- Section 8 HQS Inspection
- Lead-Based Paint Risk Assessment
- Project Area Map
- Resolution of Sponsorship

Pre-applications for eligible activities will be accepted from eligible applicants (City or County units of government). Application forms are available at the Tri-County Regional Development Council office. Technical Assistance is available from Tri-County staff. The minimum and maximum amounts an applicant may apply for under Single Family or Multi Family projects is as follows:

Single Family Project	
Minimum	\$200,000
Maximum	\$500,000

Multi-Family Project	
Minimum	\$100,000
Maximum	\$500,000

A city or county applying for financial assistance on a multi-family housing unit must include with the pre-application documentation which discloses any/all amounts held in reserve by the applicant. The amount held in reserve may determine the amount of grant the applicant can be eligible for. The Tri-County Regional Development Council may not accept and review any pre-applications for housing assistance that does not include documentation of the reserve account.

If the applicant has funds in the reserve account that are pledged for another project or activity, the applicant must provide documentation (board minutes) that discloses the planned activity and the amount obligated for the activity.

If it has been determined the applicant has funds in the reserve account to pay for some of the proposed project activities, the Board of Directors, at its discretion, may require the applicant to apply the reserve funds against the cost of the proposed project.

If after the completion of the pre-application review process a project is invited to submit a final application, the additional items needed to complete a final application include:

- Applicant Assurance Certification
- Fair Housing Certification
- Community Development Needs Assessment
- Firm Commitment of Other/Matching Funds
- HUD Disclosure Report
- Resolution of Excessive Force<sup>2</sup>
- Citizen Participation Plan<sup>2</sup>
- Code of Conduct
- Front Cover Sheet
- Resolution of Sponsorship
- Assistance Plan (if applicable)
- Release of Information (if applicable)
- Recommendation for Funding
- Evidence of One Public Hearing must include signed meeting minutes and Affidavit of Publication that includes the newspaper clipping
- The applicant must also have a DUNS #

<sup>1</sup>Please consult Tri-County staff for the required format

<sup>2</sup>The Displacement Plan, Resolution of Excessive Force, and Citizen Participation Plan are only required if the applicant has not previously submitted these documents to the ND Division of Community Services or if it has amended the plans since the original submission.

All applications recommended for funding and which meet the above requirements will be delivered to the ND Division of Community Services for a HUD and State compliance review and for final grant award agreements.

All housing applicants are required to complete a Section 504 Self Evaluation/Transition Plan prior to project closeout.

**\*Rehabilitation Notes:** Housing rehabilitation applicants are advised of The Lead Safe Housing Regulation issued by the Department of HUD requiring a lead-based paint risk assessment and subsequent notification, evaluation and reduction of lead-based paint hazards in federally subsidized residential housing built prior to 1978. Applicants are advised that the Regulation will substantially increase the costs of rehabilitation activities and should conduct HQS inspections and Lead-based paint risk assessments prior to pre-application submission and/or be prepared to commit additional funding to the proposed project. Certified/licensed lead-based paint contractors are required to accomplish the work and must be identified.

Asbestos testing is now a requirement for all housing rehabilitation projects of five (5) units or more. It is recommended that this be done by the applicant prior to submitting an application as this can significantly change the cost of the project. Asbestos testing prior to the application is not a covered cost of CDBG.

### **Review and Selection Process**

- A. A Review Committee made up of the Board of Directors of the Tri-County Regional Development Council will be empowered to evaluate and rank all pre-applications generated from North Dakota Planning Region I.
- B. Only proposals which meet the full requirements of the application process and determined to be submitted by an eligible applicant for an eligible activity will be considered.
- C. Council staff will tally all "objective" scoring criteria for the applications prior to being reviewed by the Review Committee.
- D. The Review Committee will hold a CDBG Review meeting at which time all proposals will be presented. Representative(s) of the applicants may be present for the Council to interview and present their proposals.
- E. After all proposals have been reviewed by the committee; committee members will score all "subjective" scoring criteria for each housing proposal. Those scores will then be totaled and averaged to determine ranking.
- F. After rankings have been determined, the committee will consider a recommended amount to award to each project according to ranking starting from highest to lowest. The committee reserves the right to adjust the amount of each award from the amount requested, and to determine the amount awarded, if any, to public facility and housing projects as it deems appropriate.
- G. The committee will establish funding levels for each project in order of ranking, but if not enough funds are available to fund an application, the committee may:
  1. Offer to the applicant the funds remaining in the allocation, and if it is not accepted, offer the funds to the next eligible applicant in order of ranking until the funds are expended; or,
  2. The Review Committee may transfer unobligated funds to another allocation for immediate or later distribution within the guidelines of the State Program Distribution Statement; or
  3. Any combination of the above.

## Scoring Criteria - Housing

### A. Objective Scores (Maximum 450 points)

1. Percent of elderly, handicapped, female headed, children under 18, or minority households residing in substandard housing in the entire project area:

More than 80%	100 Points
60.1% - 80%	75 Points
40.1% - 60%	50 Points
20.1% - 40%	25 Points
1% - 20%	0 Points

2. Percent of Low/Moderate income households to benefit:

100%	100 Points
90% - 99%	75 Points
70% - 89%	50 Points
30% - 69%	25 Points
1% - 29%	0 Points

3. Other funding sources:

Over 40% of total project cost	100 Points
30% - 39%	75 Points
20% - 29%	50 Points
Less than 20%	0 Points

4. Housing funding received from CDBG in prior years:

No Prior Funding	50 Points
5 Years Prior	40 Points
4 Years Prior	30 Points
3 Years Prior	20 Points
2 Years Prior	10 Points
1 Year Prior	0 Points

5. Project Readiness:

Complete plans/specs and proof of other funding committed	100 points
Complete plans/specs and other funds located – not committed	50 points
Complete plans/specs and other funding not located	20 points
Other	0 points

### B. Subjective Score (maximum 300 points)

The following criteria are guidelines for the review committee to utilize when making subjective scoring determinations with regard to housing pre-applications. These criteria will be utilized by each of the committee members to arrive at a subjective score within the range of a maximum score of 300 points and a minimum score of 1 point.



The degree to which the housing conditions present a direct threat to health and safety of the occupants and the public.

- Efforts of the community to alleviate the problem.
- Efforts of the community toward economic development.
- Does the community have sufficient infrastructure to support its economic development efforts.
- Is the project effective/appropriate when compared with similar projects in the region.
- The need for outside financial assistance to complete the project.

### **C. Bonus Subjective Scoring (25 points)**

The following questions reflect areas that have been targeted as priorities by TCRDC. Project applications addressing the described priorities may be awarded up to 25 bonus points.

Does the project assist with home ownership activities?

Does the project assist in writing down land acquisition and/or preparation costs for the construction of affordable rental housing projects and planned unit developments for low/moderate income households?

Does the project emphasize:

- Making single family homes and apartments handicap accessible where needed,
- Modernize single family homes owned by the elderly, or
- Rehabilitate rural single and multi-family housing?
- Is the project designed to comply with the State Building Code and State Energy Code if the use of funds is for new construction?

### **Matching Funds Requirements**

Due to limited funds available and to attempt to address as many of the priority projects as possible and to demonstrate a commitment by each applicant in alleviating their own problems; the Tri-County Regional Development Council will recommend a local funding match.

The local match may be required to fully cover any/all engineering/architectural costs and project administration costs of the project.

The applicant will be required to pay the project administration costs accordingly:

- a) 15% of approved CDBG project funds, with a minimum of \$ 5,000 per project. Project administration fees may be adjusted according to the scope of the project and financial condition of the applicant.

## **ECONOMIC DEVELOPMENT GUIDELINES**

### **Application Submission Requirements**

Applications for Community Development Loan Funds (CDLF) will be accepted anytime during 2021. A two-step process will be utilized to determine the best primary and/or retail sector projects in North Dakota Planning Region I. A "Request for Application" for economic development monies must be completed by an eligible applicant for a loan directly to the government entity, local development corporation or private developer. A bank must be involved in all CDLF projects. To apply for funding consideration, eligible applicants must complete the "Request for Application" forms and required attachments which include:

- Application Cover Page
- Preliminary Staffing Plan
- Source and Use of Funds Statement
- Proposed Security Position
- Principal's Proposed Equity Investment

### **Application Submittal**

Applications for eligible activities will be accepted from eligible applicants (City or County units of government). Application forms are available at the Tri-County Regional Development Council office. Technical Assistance is available from Tri-County Staff.

If after the completion of the "Request for Application" review process a project is invited to submit a "Full Application", the additional items needed to complete that application include:

- Full Business/Marketing Plan
- Personal Financial Statement
- Commitment to Locate in Planning Region I
- Firm Commitment of Other/Matching Funds
- Resolution of Sponsorship
- Evidence of One Public Hearing
- Fair Housing Certification
- Applicant Assurance Certification
- Community Development Needs Assessment
- HUD Disclosure Report
- Proposed Grant Administrator and Qualifications
- Citizen Participation Plan<sup>1</sup>
- Resolution of Excessive Force Plan<sup>1</sup>

All full applications recommended for funding and which meet the above requirements will be delivered to the ND Division of Community Services for a HUD and State compliance review and for final loan agreements.

## **Review and Selection Process**

- A. The Tri-County Regional Development Council Review Committee will be empowered to rank and evaluate all "Requests for Application" and "Full Applications" generated from North Dakota Planning Region I.
- B. Applicants will be required to first submit a "Request for Application" for initial review by the Review Committee.
- C. Only proposals which meet the minimum State and/or HUD requirements in the "Request for Application" and are determined to be submitted by an eligible applicant for an eligible activity and are concluded to be a viable economic venture will be invited to submit a "Full Application". A Bank must be involved in the CDLF project.
- D. The Review Committee will meet to consider eligible "Requests for Application" and to make recommendations on "Full Applications".
- E. After reviewing "Full Applications", interviewing the applicant/entrepreneur and hearing testimony from interested parties the Review Committee will make its recommendation.

<sup>1</sup>The Displacement Plan, Resolution of Excessive Force, and Citizen Participation Plan are only required if the applicant has not previously submitted these documents to the ND Division of Community Services or if it has amended the plans since the original submission.

- F. After discussing the proposal with representative(s) of the applicant, as well as, consideration of subjective scoring criteria the Review Committee may:
  - 1. Approve the project as proposed;
  - 2. Approve with modifications or conditions;
  - 3. Withhold a decision until a later date;
  - 4. Request additional information;
  - 5. Deny the request; or
  - 6. Any combination of the above.

## **Evaluation Criteria - Economic Development**

The Review Committee will use no structured scoring system; decisions will be subjective and will be based on the following criteria:

- Financial Strength of the Proposal
- Probability of Monetary Success
- Likelihood of Loan Repayment
- Need and Appropriateness for Funds
- Strength of Management Person/Team
- Potential Success in Marketing
- Past Expertise and Experience
- Benefit for Job Creation
- Degree of benefit to the local economy
- Benefit to low/moderate income persons

## ALLOCATION OF FUNDS

Allocation amounts for each planning region in North Dakota are estimates and subject to change, and amounts may be transferred to other emphasis areas as the regional council and/or Governor determines to be proper. The level of funds awarded and terms and conditions from what is requested by individual applicants are subject to change by the Review Committee of the Tri-County Regional Development Council.

Initial funding targets for the North Dakota Planning Region I are as follows:

<b>Total FY 2021 Amount Available for Distribution:</b>	<b>\$213,297</b>
<i>Allocations by emphasis area:</i>	
Public Facility	\$0
Housing Rehabilitation, Housing Opportunity, & Multi-Jurisdictional Program	\$213,297
Economic Development	\$0
Other Eligible Activities	<u>\$0</u>
 <b>Total FY 2021 Funds Available for Distribution</b>	 <b>\$213,297</b>

Funds may be designated, but not beyond the requirements of the Governor, within the allocation limits for the following activities:

- A. Public Facilities, Housing, and Other - Eligibility, activities and projects as described in the State Action Plan.
- B. Economic Development - Eligibility, activities and projects as described in the State Action Plan.
- C. Unobligated - Unobligated funds within all allocation categories, if any, may at the option of the Tri-County Regional Development Council Board and in accordance with the State Program Distribution Statement be used for housing, public facilities, economic development, emergency projects, and other activities that are eligible for CDBG assistance.

If you require special arrangements under the Americans with Disabilities Act, contact either the Tri-County Regional Development Council at (701) 577-1358; the State Relay Service at 1-800-366-6888 or 711 (TTY); the State Relay Service at 1-800-366-6889 or 711 (Voice); or the State Relay Service at 1-800-435-8590 or 711 (Spanish).

**2021**

**REGION II**

**SOURIS BASIN  
PLANNING COUNCIL**

**PO Box 2024  
18 2nd St NE  
Minot, ND 58702  
Phone: 701.255.1982  
info@sourisbasin.org  
Website: sourisbasin.org  
TTY: 800.366.6888  
ND Relay Voice: 800.366.6889  
Spanish: 800.435.8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

**If you have an emergency or urgent project, please call SBPC right away to discuss options and eligibility.**

## ALLOCATION ESTIMATES

**Public Facilities** **327,748**

Allocations to one or more categories may be adjusted by \$20,000 without notice and at the sole discretion of the SBPC Board of Directors, in compliance with the ND CDBG Program Distribution Statement, Section IV.

### SCHEDULE

Applications for emergency/urgent and general Economic Development projects will be accepted any time. Please contact SBPC for application requirements. All other applications must abide by the following schedule:

<b>February 25, 2021</b>	Public Hearing	9:30 am   Virtual
<b>March 31, 2021</b>	CDBG Workshop	Available online
<b>April 14, 2021</b>	CDBG Q&A Session 1	9:00 am   Virtual
<b>April 29, 2021</b>	CDBG Q&A Session 2	9:00 am   Virtual
<b>June 23, 2021</b>	Pre-applications due *	3:00 pm   SBPC office
<b>August 11, 2021</b>	Presentations & scoring	3:00 pm   SBPC office
<b>August 13, 2021</b>	Invites for full applications	
<b>November 19, 2021</b>	Full applications due *	3:00 pm   SBPC office
<b>February 11, 2022</b>	Applications will be submitted to the State no later than this date	

*\*Time extensions may be requested in writing to SBPC. Requests must state unusual or unavoidable circumstances for consideration.*

It is anticipated that awarded projects may begin in early 2022. **No project work or construction contracts shall be executed or begin without a Financial Award and a Release of Funds.**

SBPC will implement the following schedule if a second application round is necessary: Pre-applications due 3/11/2022 at 12:00 pm CST; Presentations & scoring 4/13/2022; Invitation to complete full application 4/15/2022; and full applications due 5/20/2022.

### KEY CONTACT INFORMATION

Public Facilities, Housing, Urgent Need, and general program questions	Emily	<a href="mailto:emily@sourisbasin.org">emily@sourisbasin.org</a>
Economic Development projects	Briselda	<a href="mailto:briselda@sourisbasin.org">briselda@sourisbasin.org</a>

## **CONFLICT OF INTEREST**

All officers, directors, delegates, council members, committee members and employees of SBPC and its committees shall avoid conflict, whether real or perceived, between individual, professional, or business interests and the decision-making capacity of SBPC.

In the event that any officer, director, delegate, council member, committee member or employee has any direct or indirect interest or relationship with any individual or organization proposing to enter into transaction with SBPC or its committees, such person shall give notice and shall thereafter refrain from voting on the transaction in which he or she has an interest and from otherwise exerting influence in any way on SBPC to affect a decision to participate or not participate in such a transaction.

## **ELIGIBILITY & REQUIREMENTS**

Eligible applicants include incorporated cities and counties located in North Dakota Planning Region 2. Cities and counties may serve as project sponsor to a non-eligible entity.

Pre-applications are available at [www.sourisbasin.org/cdbg](http://www.sourisbasin.org/cdbg). Technical assistance is available from SBPC staff. Only those applications that are complete, meet the full requirements, and are determined to be eligible for funding will be presented for review.

The SBPC Executive Board of Directors will evaluate and score all applications, unless otherwise noted, and at its discretion, may offer applicants less than the requested funds.

### **Project Requirements**

1. Each project must meet a national object and propose an eligible activity to be eligible.
2. At least one representative (elected official or key employee) of an applying entity must complete the CDBG Workshop webinar and questionnaire as a part of the application process. \*\*
3. Projects must be completed in full and will not receive funding for partial completion of a project.
4. Upon submission of a full application, the project must be ready to begin in 4 months or less.
5. Administrative funds are 15 percent of CDBG funds granted and must be paid for with non-CDBG funds. (See exception for Economic Development – Local Foods Projects)
6. Each project must include a budget for Environmental Reviews by a subject-matter expert and must be paid for with non-CDBG funds. An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must comply with the National Environmental Policy Act (NEPA), HUD Environmental Review Procedures 58.5 and 58.6, and other related Federal and state environmental laws.
7. Housing and Public Facilities projects must have plans, drawings and specifications by a licensed architect or engineer and shall be paid for with non-CDBG funds.\*\*\*

## 8. Economic Development Projects

- a. A bank must be involved in the financing of a project unless in a disaster situation.
- b. Loans must be secured with fixed assets, personal guarantees, or any other reasonable source of available collateral.
- c. The cost per job shall not exceed \$35,000.
- d. Must create and/or save permanent jobs.
- e. 51 percent of jobs created or saved must be held by or made available to low- and moderate-income persons.
- f. 1:1 leverage match.
- g. 10 percent equity investment.

*\*\*Emergency and urgent need projects are excused from this requirement.*

*\*\*\*Applicants may request a waiver to use CDBG funds. These requests must be sent in writing with the pre-application and show significant financial hardship to be considered. Additional documents that may be required for consideration include financial reports, bank statements, etc.*

Final applications will be reviewed by SBPC employees for accuracy and submitted to the North Dakota Division of Community Services (DCS) for compliance review and development of grant agreements. Final applications must not deviate from the pre-application in scope, matching funds, or implementation schedule.

### **Project Activities, Guidelines and Examples**

1. Emergency or urgent need projects include activities alleviating an immediate and urgent condition that poses a serious health, welfare, or safety threat, resulting in the inability of a community to provide essential and basic services. At a minimum, the threat cannot have occurred or become apparent more than 18 months prior to submission of an application.

No point system will be used for emergency or urgent applications. Funding will be requested from the Governor's Fund. DCS will determine eligibility and appropriateness based on availability of funds and need. Funding will be at the discretion of the Governor's office and DCS. Applicants must provide evidence that it is unable to finance the activity on its own and other sources of funding are not available. Construction contracts cannot be executed nor can work begin on emergency projects prior to receiving the Financial Award and Environmental Release of Funds from the State

2. Public Facilities are eligible activities, as described in the State PDS, to include:
  - a. city or county infrastructure installation or rehab (e.g. water towers, lagoons, lift stations, trunk infrastructure, streets, etc.) CDBG is not eligible for city or county government use facilities unless it is a removal of architectural barrier.
  - b. public safety (e.g., fire halls, trucks, ambulances, and related equipment)
  - c. removal of architectural barriers (see further description below)
3. Housing eligible activities, as described in the State PDS, to include:
  - a. Single-family housing rehabilitation
  - b. Projects addressing multi-family housing, including rehabilitation or repair; or eligible costs for new construction to provide affordable housing.



4. Removal of architectural barriers are special projects conducted in publicly and privately owned, non-residential buildings and facilities to improve the mobility and accessibility of elderly persons and/or persons with disabilities.

Each applicant for removal of architectural barriers will be required to update their Transition Plan if the project applied for is not reflected in their existing Section 504 Self Evaluation/Transition Plan on file.

5. Economic Development projects are funded through the Community Development Loan Fund (CDLF) program and will be treated as an interest-bearing loan.

Applicants shall submit a loan application and SBPC employees will review applications for accuracy. Only those that meet the full requirements and are determined eligible will be presented to the Souris Basin Loan Review Committee (SBLRC).

The SBLRC reviews and evaluates all loan applications and makes recommendations to the SBPC Executive Board of Directors. Upon review and recommendation of funding for an application, applicants will be invited to submit a full CDBG application.

Decisions of the SBLRC will be subjective based upon expertise, employee input, application content, review of the credit memo and risk rating, and DCS guidance.

#### Local Foods Projects

SBPC has identified projects improving and maintaining access to fresh and healthy foods a priority of economic significance for rural communities for this funding cycle. Economic development projects improving or maintaining access to fresh and healthy foods may be submitted at any time and may be eligible for grant funding up to \$50,000. Determination will be made on a case-by-case basis. These projects shall apply using the CDBG Pre-application and will be reviewed by the Board of Directors. An administrative fee of 10 percent of the total project costs will be charged, not to exceed \$10,000. The administrative fee may be paid through CDBG funds.

6. Other activities which do not fit into any other category, but which are eligible for CDBG assistance.

### **Project Scoring**

LMI projects must benefit at least 51 percent low- and moderate-income persons to be eligible. To determine if your project meets this national objective, please contact SBPC.

<b>Objective Scoring Criteria for LMI projects</b>	<b>Maximum Points</b>
Percentage of LMI benefit: 1 point for every percentage of LMI benefit ***	100
Total population to benefit (based upon most recent census or income survey)	
25 individuals or less	10
26-100 individuals	30
101-500 individuals	50
501+ individuals	70

Matching funds: 1 point for each percentage of non-CDBG funds	50
Public Facilities project	50
Housing project	30
Other eligible CDBG activity	10

*\*\*\*Projects exclusively benefiting low- and moderate-income persons, senior citizens, persons with disabilities or removal of architectural barriers will receive 100% LMI benefit. All housing projects will receive points based upon a targeted benefit.*

<b>Subjective Scoring Criteria for all projects</b>	<b>Maximum Points</b>
Project appropriateness; effective, long-term solution	30
Past performance, communication and/or responsiveness	10
Commitment to project (matching funds, likeliness of completion, etc.)	20
Readiness, community and regional benefit, public health and safety benefit	40

### **ALLOCATIONS, ADJUSTMENTS AND TRANSFERS**

After project scoring is complete, the SBPC Executive Board of Directors will consider the amount of the recommended award for each project according to ranking. The SBPC Executive Board of Directors reserves the right to adjust the amount of each award from the amount requested as it determines appropriate, and to apply conditions to the award. Lower-ranked projects requesting more funding than what is available are not entitled to grant awards even if funds remain in the category. The SBPC Executive Board of Directors may retain or transfer the balance of allocated funds to any category for current or future applicants, including emergency and economic development projects.

If, after making its award recommendations, funds remain in one or more categories, the SBPC Executive Board of Directors may, in no particular order:

1. Offer all or part of the remaining allocation to applicants in order of ranking until all or part of the allocation is obligated,
2. Transfer all or part of the unobligated balance of the allocation to another category,
3. Retain the unobligated balance for future awards in the same category or transfer to another category,
4. Award all or part of the remaining allocation to an open project, or
5. Any combination of the above.

**2021**

**REGION III**

**NORTH CENTRAL  
PLANNING COUNCIL**

**PO Box 651  
Devils Lake, ND 58301  
Phone: 701-662-8131  
Fax: 701-662-8132  
sandyncpc@gondtc.com  
www.northcentralplanningcouncil.com  
TTY: 800-366-6888  
ND Relay Voice: 800-366-6889  
Spanish: 800-435-8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

## ALLOCATION OF FUNDS

The following are based on the actual amount of funds available from the North Dakota Division of Community Services (DCS).

<u>2021 Regional Funds Available</u>	<u>\$269,321</u>
Allocated as follows:	
Housing	\$ 0
Public Facilities	\$269,321
Main Street Slum & Blight	\$ 0

Other Funds Available – Economic Development CDLF projects, based on Region III fund balance.

Eligible projects and activities include those described in the 2021 State Program Distribution Statement.

### Application Information

Any county or city having questions on the eligibility of a project may contact North Central Planning Council staff.

Pre-application and final application forms may be obtained from:

North Central Planning Council  
417 5<sup>th</sup> St NE  
PO Box 651  
Devils Lake, ND 58301  
Telephone - 662-8131

Or from the NCPC website at: <http://www.northcentralplanningcouncil.com/cdbg-forms.html>

## IMPLEMENTATION SCHEDULE

### Public Facilities and Housing

April 1, 2021	Pre-Applications available (online and by request).
June 18, 2021	Submission deadline for pre-applications (original and one copy must be postmarked on or before deadline date).
August 19, 2021	Pre-applications will be reviewed, scored, and recommended funding amounts determined.
August 27, 2021	Applicants notified of results.
February 19, 2022	Final applications due to ND Department of Commerce Division of Community Services.

## Emergency Projects

Open Applications for Emergency will be accepted any time.

## Economic Development

Open Applications for Economic Development will be accepted at any time. Economic Development Projects, when approved, are funded through the Community Development Loan Fund (CDLF).

## **GOALS AND REQUIREMENTS**

North Central Planning Council has established goals and requirements for each emphasis area. To be eligible to receive funding, pre-applications and notices of intent must address at least one of the program goals, be an eligible activity and meet a national objective.

### **HOUSING**

- Goals**
1. Site preparation for new low-income units.
  2. Acquisition and site preparation for multi-family units.
  3. Activities that support construction of new single family LMI housing (site work, utility hook ups etc.)
  4. Rehabilitation of single family and multi-family units.
- Requirements**
1. \$100,000 minimum for City/County Multi-family projects.
  2. \$200,000 minimum for City/County Single Family projects.
  3. 100% benefit to LMI for single family housing rehab. All others must be at least 51% LMI.
  4. No local match required.
  5. Engineering/Architectural costs, when present, and CDBG administration are to be paid by grant recipient. Administrative costs will be 15% of total project costs with a minimum of \$15,000.\*\*
  6. The project must conform to all “lead base paint” requirements in place at the time of the award. Lead testing is a requirement for all construction projects. It is recommended that this be done by the applicant prior to submitting an application as this can significantly change the cost of a project.
  7. Asbestos testing is a requirement for all construction projects. It is recommended that this be done by the applicant prior to submitting an application as this can significantly change the cost of the project. Asbestos testing prior to the application is not a covered cost of CDBG.
  8. Removal of Architectural Barriers (handicapped accessibility) projects require a Section 504 self-evaluation transition plan be submitted with the pre-application.
  9. Housing quality standards inspection forms and resident income verification forms are required with a pre-application.

## **PUBLIC FACILITIES**

- Goals**
1. Upgrade infrastructure (i.e., water, sewer, or community facilities).
  2. Expand infrastructure where growth takes place.
  3. Removal of architectural barriers.
- Requirements**
1. CDBG funds are grant funds.
  2. At least 51% benefit to LMI, special assessments or limited clientele.
  3. \$75,000 minimum.
  4. No local match required.
  5. Engineering/Architectural costs, when present, and CDBG administration are to be paid by grant recipient. Administrative costs will be 10% of total project costs, with a minimum of \$7,500.\*\*
  6. Asbestos testing is a requirement for all construction projects. It is recommended that this be done by the applicant prior to submitting an application as this can significantly change the cost of the project. Asbestos testing prior to the application is not a covered cost of CDBG.
  7. Removal of Architectural Barriers (handicapped accessibility) projects require a Section 504 self-evaluation transition plan to be submitted with the pre-application.

## **ECONOMIC DEVELOPMENT**

- Goals**
1. Job creation (primary sector, retail, tourism)
  2. Value-added manufacturing activities
  3. Diversification
  4. Retention and expansion of existing business
  5. Use of vacant buildings/facilities
- Requirements**
1. Grant and/or loan funds available for economic development.
  2. Retail Sector & Tourism - \$50,000 minimum, \$300,000 maximum as funds allow.
  3. Primary Sector - \$100,000 minimum, \$500,000 maximum as funds allow.
  3. 10% owner equity required.
  4. 1:1 match requirement.
  5. Grant funds available at the discretion of the NCPC/CDLF Review Board
  6. Administration of 10%, minimum \$5,000; Economic Development Construction – 15% of CDBG project funds requested.

### **SLUM AND BLIGHT – Economic Development**

**APPLICATIONS FOR NEW SLUM AND BLIGHT MAIN ST. PROJECTS WILL NOT BE TAKEN IN 2021**

## **URGENT NEED**

Urgent need and all other application submission requirements will utilize the submission requirements and deadlines established for public facilities and housing projects, depending on project type. Eligible activities in this category are those that demonstrate an immediate threat to health and safety.

## EMERGENCY PROJECTS

Eligible activities in this category are those that alleviate a condition that poses a serious health, welfare, or safety threat or that may result in a loss of jobs and/or the inability of the community to provide essential services to its jurisdiction area. The project will need to meet the eligibility requirements and have concurrence that the project constitutes an Emergency Project from the North Dakota Division of Community Services (DCS). No funding is set-aside for Emergency Projects. However, funding for an Emergency Project may be allocated at the time of the application from funding unallocated, returned funds, or funds transferred from another emphasis area. Funding decisions including transfer from one allocation to another will be made by the Executive Board at their monthly meeting. CDBG funding for emergency projects can be up to 100% of the total project. Emergency Public Facility match requirements may be waived at the discretion of the Review Committee.

**Construction Contracts cannot be executed nor can work begin on Emergency Projects prior to receiving the Financial Award and Environmental Release of Funds from the State.**

*\*\*Applicants must request a waiver to use CDBG funds. These requests must be sent in writing with the pre-application and show significant financial hardship to be considered. Additional documents that may be required for consideration include financial reports, bank statements, etc.*

## TRANSFER OF FUNDS

The transfer of allocations from one funding category to another is allowed as needed and will follow the requirements and guideline of the State PDS.

## GRANT APPLICATION GUIDELINES

### A. Housing and Public Facilities

1. Applicants will submit a pre-application by June 18, 2021. To be in consideration, the minimum requirements of a pre-application must be met.
2. Applicants who have been invited for a full application may add to the proposal shown in the pre-application, but only if the addition is within the same emphasis area, addresses the same problem and the amount of CDBG funds is not increased to more than identified in the pre-application.
4. Public facilities pre-applications should include a preliminary architect/engineering report as required by state law. If an architect or engineer is not used and a report is not included, the applicant must state the reasons why. All public facility projects exceeding \$200,000 must comply with the North Dakota Program Distribution Statement.
5. Engineering/architectural costs, when present, and CDBG Administration are to be paid by local funds.

6. Asbestos testing is a requirement for all construction projects. It is recommended that this be done by the applicant prior to submitting an application as this can significantly change the cost of the project. Asbestos testing prior to the application is not a covered cost of CDBG.
7. Removal of Architectural Barriers (handicapped accessibility) projects require a Section 504 self-evaluation transition plan to be submitted with a pre-application.
8. Housing projects require housing quality standards inspection forms and resident income verification forms are required with a pre-application.
9. Housing projects must conform to all “lead base paint” requirements in place at the time of the award. Lead testing is a requirement for all construction projects. It is recommended that this be done by the applicant prior to submitting a pre-application as this can significantly change the cost of a project.

## **GRANT REVIEW AND SELECTION PROCESS**

### **A. Public Facilities and Housing**

1. The NCPC Executive Board will serve as the CDBG Review Board. Prior to Scoring and Ranking, each member of the CDBG Review Board will sign a "Conflict of Interest Disclosure." The disclosure states that if they have a conflict of interest with any application being reviewed, that they do not take part in the ranking or discussion of that application.
2. The CDBG Review Board will be responsible for reviewing, scoring, ranking, and making grant award recommendations.
3. Upon receiving proposals, Council staff will review each for eligibility and completeness prior to the CDBG Review Board meeting on August 19, 2021. Proposals must meet all requirement of the pre-application to be reviewed.
4. Representative(s) of applicants will be given the opportunity to present their proposal to the Board at the meeting, with up to 10 minutes each for presentations and questions from the committee and staff.
5. After all proposals have been reviewed by the Ranking Committee, the Board Members will score each application with points and formulas described in the scoring and ranking criteria section.
6. After rankings have been determined, the Board will consider the amount requested for each project according to ranking. The Board reserves the right to adjust the amount of each award from the amount requested as it determines appropriate.
7. The Board will establish funding levels for each project in order of ranking, if there are not enough funds are available to fund an application, the Board may:



- a. Offer to the applicant the funds remaining in the allocation, and if it is not accepted, offer the funds to the next eligible applicant in order of ranking until the funds are expended; or,
  - b. Adjust the regional allocation to reflect needs by emphasis area on the timeline permitted by the State Program Distribution Statement.
8. Pre-applicants recommended for funding will be invited to submit final applications. Final applications which staff determines are different to the extent that the pre-application score may be reduced will be re-scored, re-ranked and funding levels altered as the Board deems necessary.
  9. If an applicant fails to meet the requirements of the full application within a reasonable period of time (typically 90 days from notification), the CDBG Review Board reserves the right to withdraw its recommendation of funds and recommend to another suitably ranked project.
  10. All final applications recommended for funding will be delivered to the Division of Community Services for review as to their compliance with Federal and State requirements and for final Financial Award.
  11. The City or County has the responsibility to obtain a lead-based paint and asbestos certified contractor and risk assessor. If one is not available, the County or City must relinquish their grant allocation back to CDBG to fund other eligible projects.

## B. Economic Development

1. Funding recommendations under the economic development allocation, to be called the North Central Community Development Loan Fund (NCCDLF) will be made by the North Central Planning Council CDLF Review Board.
2. Prior to submitting a full-application, applicants must submit a Request for Financial Assistance and required documents to North Central Planning Council to be reviewed by staff to determine eligibility. If eligible NCPC Staff will prepare the project for the Review Board.
3. The NCPC-CDLF Review Board will meet as needed to review all final and complete applications. The applicant will be adequately notified of the time and place of the meeting.
4. Prior to consideration by the CDLF Review Board of the final application, staff will review the final application and prepare recommendations regarding denial or approval, terms, conditions, and other matters.
5. After discussing the proposal with representative(s) of the applicant as well as consideration of staff recommendations, the CDLF Review Board may:
  - a. approve as proposed,

- b. approve with modifications or conditions,
  - c. agree to withhold a decision until a later date, or
  - d. deny the request.
6. Applications recommended for approval will be forwarded to the Division of Community Services for review as to their compliance with Federal and State requirements and for final grant award agreements.

### **SCORING AND RANKING CRITERIA**

**A. Public Facilities - Maximum 400 points.**

**1. Project Need - Maximum 100 points**

Based on project need, the committee will score each proposal using the following criteria:

- a. High Need: 70-100 points will be applied to proposals that:  
Address an already demonstrated significant problem which clearly affects health and/or safety;

Address a significant problem which in the immediate future is likely to affect health and/or safety; or

Address a situation in which all or the most critical services otherwise available cannot be provided because of architectural barriers or other physical impediments to the handicapped.

- b. Moderate Need: 40-69 points will be applied to proposals that:

Address a potentially significant problem which could clearly and significantly affect health and/or safety, but the likelihood or immediacy is not clear or apparent;

Address an immediate problem of health and/or safety but where no life-threatening or serious health/safety problems can be anticipated; or

Address a situation in which services to the handicapped can be provided, but not fully or only with major inconvenience and/or additional costs.

- c. Low Need: 0-39 points will be applied to proposals that:

Have not shown that immediate or serious health and/or safety problems exist; or  
The applicant has not shown that services to the handicapped cannot be provided with any more than minor inconvenience and/or costs.

## 2. Local Commitment - Maximum 100 points

Based on local commitment each application will be scored on the perceived commitment. The following criteria will be considered:

- a. Strong Commitment: 65 – 100 points will be awarded to projects that demonstrate the applicant is asking for minimum amount of grant funds. This can be shown by demonstrating the following:

Project cannot proceed without the requested funds;

Applicant can show it is without additional existing funds to fully fund a project;

Other potential sources of funding assistance have been explored but no other sources of grants or affordable loans are likely or available to meet the immediate need;

The problem is:

- I. Long standing or existing but the applicant has made all reasonable efforts to obtain local or other financing to address the problem; or
- II. Immediate and unexpected not reasonably foreseen by the applicant.

- b. Moderate Commitment: 35 - 64 points will be awarded to application which show grant funds are needed to proceed with the projects and which meet most, but not all, of the criteria in 2.a. (above).
- c. Low Commitment: 0 - 34 points will be awarded to applications that do not show grant funds are needed to proceed with the project and which other funds are available, or which meet few of the criteria in 2.a. (above).

## 3. Low and Moderate Benefit - Maximum 100 points

One point for each percent of LMI to benefit will be applied. Projects to assist exclusively low- and moderate-income persons, senior citizens, handicapped accessibility or removal of architectural barriers will receive 100% LMI benefit. Otherwise LMI benefit will be determined from American Community Survey 5-Year 2015 Low- and Moderate-Income Summary Data or from approved survey method results.

## 4. Minority Living in Project Area – Maximum 100 points.

One point for each percent of minority population to benefit will be applied. The minority percentage will be determined from census data or from approved survey method results.

## B. Housing – Maximum 400 Points

### 1. Project Need – Maximum 100 points

Based on project need, the committee will score each proposal using the following criteria:

- a. High Need: 70-100 points will be applied to proposals that:
  - Address an already demonstrated significant problem which clearly affects health and/or safety;
  - Address a significant problem which in the immediate future is likely to affect health and/or safety;
  - Address a situation in which architectural barriers or other physical impediments to the handicapped are present in the home; or
  - Address a potential fair housing problem of segregating minority populations.
- b. Moderate Need: 40-69 points will be applied to proposals that:
  - Address a potentially significant problem which could clearly and significantly affect health and/or safety, but the likelihood or immediacy is not clear or apparent;
  - Address an immediate problem of health and/or safety but where no life-threatening or serious health/safety problems can be anticipated; or
  - Address a situation in which architectural barriers or other physical impediments are present but only as an inconvenience.
- c. Low Need: 0-39 points will be applied to proposals that:
  - If the applicant has not shown that immediate or serious health and/or safety problems exist.

2. Local Commitment – Maximum 100 points

Based on local commitment each application will be scored on the perceived commitment. The following criteria will be considered:

- a. Strong Commitment: 65 – 100 points will be awarded to projects that demonstrate the applicant is asking for minimum amount of grant funds. This can be shown by demonstrating the following:
  - Project cannot proceed without the requested funds;
  - Applicant can show it is without additional existing funds to fully fund a project;
  - Other potential sources of funding assistance have been explored but no other sources of grants or affordable loans are likely or available to meet the immediate need;

The problem is:

- I. Long standing or existing but the applicant has made all reasonable efforts to obtain local or other financing to address the problem; or
- II. Immediate and unexpected not reasonably foreseen by the applicant.

- b. Moderate Commitment: 35 - 64 points will be awarded to application which show grant funds are needed to proceed with the projects and which meet most, but not all, of the criteria in 2.a. (above).
- c. Low Commitment: 0 - 34 points will be awarded to applications that do not show grant funds are needed to proceed with the project and which other funds are available, or which meet few of the criteria in 2.a. (above).

3. Low and Moderate Benefit – Maximum 100 points

One point for each percent of LMI to benefit will be applied. Projects to assist exclusively low- and moderate-income persons, senior citizens, handicapped accessibility or removal of architectural barriers will receive 100% LMI benefits. Otherwise LMI benefit will be determined from American Community Survey 5-Year 2015 Low- and Moderate-Income Summary Data or from approved survey method results.

4. Minority Living in Project Area – Maximum 100 points.

One point for each percent of minority population to benefit will be applied. The minority percentage will be determined from census data or from approved survey method results.

5. Bonus Points – Maximum 50 points

Homeownership – 10 points

- a. 10 points will be given if the project is designed to help homeowners to obtain home financing or will assist with other home ownership activities.

Rehabilitation – 10 points

- a. 10 points will be given if the project is designed to make single/multifamily homes and apartments handicapped accessible where needed or rehabilitating single family homes owned by the elderly or rehabilitating rural single family and multi-family housing.

Construction – 20 points

- a. Use CDBG funds to help with Infrastructure for Construction of affordable rental housing projects and planned unit developments for low- and moderate-income households.
- b. Design all State administered housing programs to require compliance with the State building code and State energy code in the use of funds for new construction.

Other – 10 points

- a. Project leverages at least 15-25 percent local or private investment where not in conflict with program regulations.

C. Economic Development

No point system will be utilized for economic development (CDLF) requests; however, decisions will be based on the following:

1. Financial strength
2. Likelihood of success
3. Likelihood of repay ability
4. Need and appropriateness for funds and terms
5. Management strength, expertise, and past performance
6. Marketing
7. Degree of likely benefit to the economy and very low and low income persons

**2021**

**REGION IV**

**RED RIVER REGIONAL  
COUNCIL**

**Chase Building  
516 Cooper Avenue, Suite 101  
Grafton, ND 58237  
Phone: 701-352-3550  
Email: dawn@redriverrc.com TTY: 800-366-6888  
ND Relay Voice: 800-366-6889 Spanish: 800-435-8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

The Red River Regional Council (RRRC) is a four-county, voluntary association of governments. The RRRC provides assistance in community, physical, and economic development to cities and counties in Grand Forks, Nelson, Pembina and Walsh counties in northeastern ND. This is ND sub state Planning Region IV. The members of the RRRC include representatives from the four-county region. Membership is designed to provide broad representation of governmental and economic interests.

### **2021 FUNDING ALLOCATION**

The funding allocation for 2021 is \$202,892.00. Following is the allocation breakdown:

<b>Total FY 2021 funding</b>	<b>\$202,892.00</b>
<b>Allocation by emphasis area:</b>	
Public Facilities	\$ 0
Housing	\$202,892.00
Emergency/Other	\$ 0
Economic Development – CDLF and ED Infrastructure	\$ 0

Economic Development proposals that are approved for funding will be funded from revolved CDLF funds.

### **IMPLEMENTATION SCHEDULE FOR 2021 PUBLIC FACILITIES AND HOUSING**

June 23, 2021	Pre-application deadline*
August 18, 2021	CDBG Review Committee meeting (scoring/ranking) of pre-applications and recommendation to Board of Directors
February 18, 2022	Final date for completion of full applications submitted to Division of Community Services (DCS) for approval*



## ECONOMIC DEVELOPMENT APPLICATIONS

Applications for Economic Development funds will be accepted at any time and will be considered if funds are available.

\*At the option of the RRRC, due dates for pre and final applications may be extended. Pre-application deadlines may be extended to allow for consideration of all potential applications including emergency projects, provided all materials are available for review of the Committee for Scoring and Ranking August 18, 2021. This option may be exercised without public notice at the sole discretion of the Board of Directors if final applications are invited after February 18, 2022 due to availability of additional funds resulting from additional allocations, returned or unobligated funds, or fund transfers. In such cases, the Board of Directors may extend the final application deadline as it determines is appropriate, but not later than seven days prior to the latest date by which applications and amendments must be received by DCS.

### ACRONYMS

CDBG .....	Community Development Block Grant
CDLF .....	Community Development Loan Fund
DCS.....	ND Department of Commerce - Division of Community Services
ED .....	Economic Development
FTE .....	Full Time Equivalent
PDS .....	Program Distribution Statement
RLF .....	Revolving Loan Fund
RRRC.....	Red River Regional Council
VL and LI.....	Very Low and Low Income

### CDBG FUNDING CATEGORIES

- A. **Housing:** Housing projects as described in the State Program Distribution Statement (PDS) that address single-family and affordable multi-family developments, including rehabilitation, repair, or similar activities proposed that will better assure meeting needs, immediate and long-term viability, and health and safety issues; or conversion or eligible soft costs for new construction of providing affordable housing. Multi-family awards may be made in the form of grants, loans, or a combination.
- B. **Public Facilities:** Eligible activities as described in the State PDS to include infrastructure, public safety (e.g., fire halls, trucks, ambulances and related equipment) and removal of architectural barriers.
- C. **Emergencies:** Eligible activities needed to alleviate an immediate and urgent condition that poses a serious health, welfare or safety threat, including an event such as fire, flood or tornado resulting in severe damages that may result in a loss of jobs and/or inability of the community to provide essential services to its market area. At a minimum, the threat cannot have occurred or become apparent more than 18 months prior to submission of an application or pre-application, but generally it should not have occurred, or a solution identified, until after the regular public facility pre-application deadline.

- D. **Economic Development:** Eligible activities and projects as described in the State PDS. Economic development funds may be in the form of CDLF loans or grants to businesses (or related entities), or as grants and/or loans for economic development infrastructure.

**MINIMUM GRANT AMOUNTS**

Projects seeking CDBG funds must meet the minimum grant amount as outlined below:

<b>Eligible Category</b>	<b>Grant Minimum</b>
Public Facilities & Public Services	\$75,000
Single Family Housing	\$200,000
Multi-Family Housing	\$100,000
Economic Development – Retail Sector & Tourism	\$50,000
Economic Development – Primary Sector	\$100,000
Governor’s Fund	\$100,000

**GRANT APPLICATION SUBMISSION REQUIREMENTS**

**A. Public Facilities and Housing**

1. **Applicants have the option of submitting either a pre-application or full application by June 23, 2021. This is to allow applicants wishing to begin a project as soon as possible the opportunity to receive a final grant award in a timelier manner.** To be considered for scoring, the minimum requirements of a preliminary application must be met. However, because scoring is based only on information required in the pre- application, full applications would have no advantage in scoring over pre-applications.
2. Generally, the only difference between pre-applications and full applications is documentation that all state and federal procedures and policies, such as public hearings, identification of community development needs, displacement policies, etc. have been fulfilled. However, pre-applicants who have been invited for a full application may change the proposal shown in the pre-application, but only if the proposal is within the same emphasis area and is intended to address the same problem identified in the pre- application. If any changes could affect the score it received in the pre-application, the CDBG Committee reserves the right to re-score, adjust rankings and alter award recipients and amounts.
3. Although specific match amounts are not required, at a minimum local match is required to fully cover engineering/architectural costs (if any) and CDBG administration costs. The match requirement may be waived in whole or part by the CDBG Committee if it can be clearly documented there are insufficient resources to pay such costs.

Administration costs as part of the local match for housing and public facility special assessment projects is 15% of the grant award. Using the grant minimum amounts noted in the chart above, the minimum amount of grant administration is:

<b>Eligible Category</b>	<b>Minimum Grant Administration</b>
Public Facilities – Special Assessment	\$11,250
Multi-Family Housing	\$15,000
Single-Family Housing	\$30,000

For Public Facility (not special assessment) projects, 10% of CDBG project funds, with a minimum of \$7,500.

If a jurisdiction has no local funds for grant administration, CDBG funds will be used for grant administration. If the estimated grant administration costs exceed the CDBG-funded costs, the jurisdiction will be required to supplement grant administration funds. Architectural/engineering costs should be documented in the application, and for purposes of budgeting, the following administration costs (paid with CDBG) should be assumed unless otherwise documented:

Housing: 15% of CDBG award and no more than \$15,000

Public Facilities: 10% of CDBG award and no more than \$10,000

Notwithstanding the above, the match amount proposed by the applicant should be determined by what is reasonable considering the resources available to the applicant. Failure to provide an adequate and reasonable match will result in a lower commitment score. Proposals requesting grant assistance for either engineering or administration, or both, will be required to submit additional budget and financial information.

4. Public Facility projects for which costs are estimated at \$75,000 or more require preparation of plans, drawings and specifications by a licensed architect or registered engineer.
5. Multi-Family Housing projects for which costs are estimated at \$100,000 or more require preparation of plans, drawings and specifications by a licensed architect or registered engineer.
6. Public Facilities projects are eligible for CDBG funds to pay for construction costs of the project if the population in the project area is 51% or greater very low and low income (VL and LI). If the population is less than 51% VL and LI, CDBG funds can only be used to pay for special assessments on behalf of VL and LI households.

## **B. Economic Development and Economic Development Infrastructure**

1. Economic Development (CDLF) and Economic Development Infrastructure proposals will be considered at any time.
2. Final applications will not be requested or considered until eligibility has been determined by RRRC staff after submission of a pre-application.
3. Administration of 10%, unless otherwise negotiated, will be charged:

- \$5,000 for Retail Sector & Tourism projects
- \$10,000 for Primary Sector projects

4. Minimum requirements for CDLF business loans include:

- a. At least 51% of the jobs created or retained by the proposed project must be available to very low and low income people;
- b. Principal(s) must provide at least 10% of the total project in the form of equity; (the ED Committee reserves the right to increase this requirement if it deems necessary);
- c. CDLF may only participate a maximum of fifty percent of the total project;
- d. The CDLF target is \$10,000 investment per job to be created or retained (however, the Economic Development Committee retains the flexibility to allow up to \$50,000 per job maximum investment for economic development loans). For public facility improvements undertaken for the benefit of one or more businesses, the facility/ improvement must be less than \$10,000 per permanent full-time equivalent job to be created or retained by those businesses.

**C. Emergency and Other:** Applicants should contact the RRRC staff for guidance and instructions.

## **GRANT/LOAN REVIEW AND SELECTION PROCESS**

### **A. Public Facilities and Housing**

1. The RRRC's Community Development Committee will be responsible for reviewing, scoring, ranking, and making grant award recommendations. For purposes of the PDS, this committee will be referred to as the CDBG Committee. The chair of the CDBG Committee, in cases where a committee member(s) is absent or has a conflict of interest, may name an alternate(s) for the absent or in-conflict member from a pool of RRRC Board members who have served at least one year and demonstrated a record of good attendance. When possible and practical, preference should be given to those potential alternates who have no apparent conflict of interest in any known proposal.
2. Only proposals that meet the full requirements of the pre-application, and those determined by RRRC staff to be eligible, will be considered.
3. Upon receiving proposals, RRRC staff will review each for eligibility and completeness, and prior to the CDBG Committee meeting August 18, 2021, staff will send to each member a copy of the submitted proposals.
4. Staff will prepare summary reviews of each application to be given to committee members at or before their meeting on August 18, 2021.

5. Applicant representatives will be given the opportunity to present their proposal to the committee at the meeting, with up to 15 minutes each for presentations and questions from the committee and staff.
6. After all proposals have been heard and reviewed by the committee, committee members will score proposals in each subjective scoring category. Staff will apply appropriate scores for each objective category. Committee scores will be totaled and then averaged to determine ranking.
7. Although no allocation is specified for emergencies, requests may be funded on August 18, 2021 or thereafter upon approval of the committee and approval of transfer of funds from any category.
8. For scoring purposes only on housing proposals, funds spent on related items within six months prior to consideration of the request may be recognized as match.
9. After rankings have been determined, the CDBG Committee will consider the amount of the recommended award to each project according to ranking. The CDBG Committee reserves the right to adjust the amount of each award from the amount requested as it determines appropriate, and to apply conditions to the award, including time deadlines to meet the conditions. Lower-ranked projects are not necessarily entitled to grant awards even if allocated funds remain in the category. The CDBG Committee may retain or transfer the balance of allocated funds to any category for current or future applicants, including for planning proposals, emergency, other or economic development projects as deemed appropriate.
10. Projects cannot be partially completed using CDBG funds. Projects must be complete and if additional funds are necessary, local and/or other sources must be utilized.
11. If, after making its award recommendations, funds remain in one or more categories, the CDBG Committee may consider any/all of the options below (in no specific order):
  - a. Offer all or part of the remaining allocation to applicants in order of ranking until all or part of the allocation is obligated, or
  - b. Transfer all or part of the unobligated balance of the allocation to another category, or
  - c. Retain the unobligated balance for future awards (solicitation of another round of applications) in the same category or transfer to another category, or
  - d. Award all or part of the remaining allocation to an existing, previously funded but still open project, or
  - e. Any combination of the above.

12. The CDBG Committee will make its funding recommendation(s) to the RRRC Board of Directors for consent.
13. Pre-applicants recommended for funding will be invited to submit final applications. Final applications which staff determines are different to the extent that the pre- application score may be reduced will be re-scored, re-ranked and funding levels altered as the CDBG Committee deems necessary.
14. All final applications recommended for funding will be delivered to the ND Department of Commerce Division of Community Services for review, final approval and preparation of grant awards.

## **B. Economic Development - CDLF**

1. Funding recommendations under the Economic Development allocation, to be called the Red River Community Development Loan Fund (CDLF), will be made by the RRRC Economic Development Committee.
2. Prior to submitting a full application and business plan, applicant must first submit a pre- application, which will be reviewed by staff for eligibility. Proposals that meet eligibility requirements will be invited to submit a full application.
3. The Economic Development Committee will meet approximately bi-monthly to review all final and complete applications and business plans received at least two weeks prior to the meeting. Applications received within two weeks may be considered at the option of the Economic Development Committee, and otherwise will be held over until the next meeting.
4. Prior to consideration by the Economic Development Committee, staff will review the application and business plan and prepare recommendations regarding terms, conditions, and other matters.
5. After discussing the proposal with representative(s) of the applicant as well as consideration of staff reviews and recommendations, the Economic Development Committee may:
  - a. Approve as proposed;
  - b. Approve with modifications or conditions;
  - c. Agree to withhold a decision until a later date; or,
  - d. Deny the request.
6. Applications recommended for approval will be presented to the RRRC Board of Directors for consent and if approved, forwarded to the ND Department of Commerce Division of Community Services for review, final approval and preparation of grant awards.
7. Proposals which have been rejected for funding may be resubmitted at any time, and may be reconsidered by the committee if it determines that situational or proposal

changes are significant enough that a change in determination is likely.

8. Amendment requests to approved loans or grants include requests for additional financing; change in the terms of the loan; loan deferment; or loan write-off. Loan recipients need to make amendment requests to the City/County. The City/County needs to approve, alter or disapprove, then forward the amendment to the RRRC for concurrence; if approved, the request will be forwarded to DCS. The City/County may ask the RRRC for technical assistance.

### **C. Economic Development Infrastructure**

1. The process for requests for economic development infrastructure projects will be the same as described in B. above (Economic Development-CDLF).
2. Awards for economic development infrastructure may be in the form of grants, loans, or a combination, as is determined to be appropriate.
3. Proposals which have been rejected for funding may be resubmitted at any time, and may be reconsidered by the committee if it determines that situational or proposal changes are significant enough that a change in determination is likely.

### **D. Emergency and Other**

1. For emergency and other proposals eligible for CDBG assistance, the appropriate application/pre-application form shall be used. Applicants should contact staff for guidance.
2. If needed, the committee, or a subcommittee as authorized by the committee or its chair in cases where a full committee meeting is impractical due to the immediacy of an emergency, shall review each proposal and deliver any favorable recommendation to the Division of Community Services for review, final approval and preparation of grant awards.

### **E. Other Transfers**

1. The RRRC Board of Directors reserves the right, without notification except as may be required by state or federal regulations, to modify or transfer allocations and otherwise modify or amend this statement, including but not limited to clarifications of policy, and deadline or meeting date changes.
2. The RRRC Board of Directors may assign all returned funds from 2020 or prior year grantees to whichever allocation it deems appropriate.
3. Existing grantees requesting additional CDBG funds from either the 2021 allocation or from returned or any unallocated funds may do so through the amendment procedure. Such requests for additional funds from the 2021 allocation may be considered at any time during or after the August 18, 2021 ranking session. Requests for additional funds from 2020 or earlier returned or

unallocated funds may be considered at any time.

### **CONFLICT OF INTEREST STATEMENT**

Members of the RRRC's Community Development and Economic Development Committees review pre-applications and full applications and provide funding recommendations to the Board of Directors. To ensure committee members do not have a conflict of interest, the following steps will be taken:

1. Committee Members and RRRC Board Members must identify any personal, professional, or financial interest they may have in the application under consideration. Minutes will reflect the disclosure.
2. A CDBG Review Committee member will not score applications for which he/she has a conflict of interest, nor will he/she score applications which compete for the same funds.
3. A member of the Board of Directors with a conflict of interest will abstain from voting on relevant motions, and minutes must reflect the member's desire to abstain.

### **SCORING AND RANKING CRITERIA**

#### **PUBLIC FACILITIES PROJECTS – Maximum 700 points**

1. **NEED - Maximum 150 points**

The CDBG Committee will score each pre-application or full application on the basis of perceived need.

- a. High Need: 120 to 150 points will be awarded to applications which:
  - address an already demonstrated significant problem which clearly affects health, and/or safety of the community or a targeted VL&LI group within the community;
  - address a significant problem which in the immediate future is likely to affect health and/or safety; or
  - address a situation in which all or the most critical services otherwise available cannot be provided because of architectural barriers or other physical impediments to persons with handicaps.
- b. Moderate Need: 90 to 120 points will be awarded to applications which:
  - address a potentially significant problem which could clearly and significantly affect health and/or safety, but the likelihood or immediacy is not clear or apparent;



- address an immediate problem of health and/or safety but where no life-threatening or serious health/safety problems can be anticipated; or
  - address a situation in which services to the handicapped can be provided, but not fully, or only with major inconvenience and/or additional costs.
- c. Low Need: 60 to 90 points will be awarded to applications which:
- address a problem which could significantly affect health and/or safety of the community, or a targeted VL&LI group within the community, but the likelihood or immediacy is not clearly documented or apparent.
  - have not shown that services to the disabled cannot be provided with any more than minor inconvenience and/or costs.
  - have not clearly shown that immediate or serious health and/or safety problems exist.

2. COMMITMENT - Maximum 125 points

The CDBG Committee will score each Application on the basis of perceived commitment. 90 to 125 points will be awarded for high commitment, 65 to 89 points for moderate commitment, and 0 to 64 points for low commitment. The following criteria will be considered:

- a. High Commitment: 90 to 125 points will be awarded to projects that demonstrate the applicant is asking for the minimum amount of grant funds and is, therefore, providing the maximum amount of local match funds. This can be shown by documenting all of the following:
- 1) project cannot proceed without the requested funds;
  - 2) applicant can show it is without additional existing funds to fully fund or increase the local match to the project;
  - 3) other potential sources of funding assistance have been explored but no other sources of grants or affordable loans are likely or available to meet the immediate need.
  - 4) the problem is:
    - i. long standing or existing but the applicant has made all reasonable efforts to obtain local or other financing to address the problem; or
    - ii. immediate and unexpected, not reasonably foreseen by the applicant.
- b. Moderate Commitment: 65 to 89 points will be awarded to Applications which show grant funds are needed to proceed with the project and which meet most, but not all, of the criteria in 2.a. (above).

- c. Low Commitment: 0 to 64 points will be awarded to Applications that do not show grant funds are needed to proceed with the project, for which other funds are available, or which meet few of the criteria in 2.a. (above).

3. APPROPRIATENESS - Maximum 125 points

100 to 125 points to projects that meet each of the following criteria; 80 to 99 points to those that meet 6 of 7;  
 60 to 79 points to those that meet 5 of 7;  
 40 to 59 points to those that meet 4 of 7;  
 0 to 39 points to those that meet fewer than 4 of the 7 criteria.

- a. the project would address the best immediate solution to the problem;
- b. the project would provide the best long-term solution to the problem;
- c. the project would meet all federal and state requirements and standards;
- d. the project appears to be cost effective considering the number of people to benefit versus the cost as compared to other projects;
- e. cost estimates appear to be reasonable and are well documented;
- f. project appears ready to proceed in a timely manner, with construction beginning in a 12-month period; and
- g. applicant proposes to utilize an experienced and qualified administrator.

4. PERCENTAGE OF MINORITY LIVING IN PROJECT AREA – (Taken from the U.S. Census Bureau located at American Community Survey Data [census.gov]) – Maximum 100 points

Communities with above 76% minority population	100 points
Communities with 51% to 75% minority population	75 points
Communities with 26% to 50% minority population	50
points Communities with below 26% minority population	25
points	

5. PERCENTAGE OF VL and LI IN THE PROJECT AREA - Maximum 100 points One point for every percentage point of VL and LI population will be awarded.

6. PROJECT READINESS – Maximum 100 points

Complete plans and proof of other funding committed	100 points
Complete plans and other funding located – not committed	50 points
Complete plans, other funding not located	20 points
Other	0 points

**HOUSING – Maximum 700 points**

1 PROJECT NEED -Maximum 150 Points

- a. 101-150 points will be applied to proposals that demonstrate the project will address **all** the following criteria:

- (1) Thorough documentation is provided for the type of housing or work proposed, utilizing assessments, census, survey, market study, occupancy rates or other reliable and pertinent statistical data; and,
  - (2) Meets both current and long-term benefit in addressing existing and future needs; and,
  - (3) Addresses, directly or indirectly, health and safety issues; and,
  - (4) The project will have significant impact on meeting the needs as documented.
- b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals which meet few of the above criteria, or which significantly fail to meet one or more of the criteria.
- 2 FINANCIAL NEED -Maximum 150 points
- a. 101-150 points will be applied to projects that can document **all** the following:
    - (1) The project cannot proceed without CDBG assistance, or failure to receive CDBG funds would significantly reduce the benefit, viability or impact, because the applicant or recipient does not have available the necessary financial resources, nor are future revenue sources likely to become available; and,
    - (2) The amount and the terms proposed or as may be offered, are reasonable and appropriate; and,
    - (3) Other potential sources of assistance have been explored and cannot provide the assistance necessary.
  - b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria, but one or more major concerns are apparent which affect the demonstrated financial need.
- 3 APPROPRIATENESS -Maximum 150 points
- a. 101-150 points will be applied to projects that can document **all** the following:
    - (1) The proposed project represents a logical and cost-effective strategy for addressing the needs as documented considering the amount of funds being requested, the terms proposed, the number of people who will benefit, and the degree to which they will benefit; and,

- (2) The applicant can document the sustainability and viability of the project, as can be documented that policies proposed, and/or financial information provided indicate the feasibility of the project and the ability to assure the housing can be and will remain occupied, affordable and properly maintained; and,
  - (3) The project would meet all federal and state requirements and standards, as may apply; and,
  - (4) Cost estimates appear to be reasonable and are well documented (based on either architect/engineer estimates or multiple vendor quotes as is appropriate).
- b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria, but one or more major concerns are apparent which affect the appropriateness.
- 4 PERCENTAGE OF MINORITY LIVING IN PROJECT AREA – (Taken from the U.S. Census Bureau located at American Community Survey Data [census.gov]) – Maximum 100 points
- |  |     |
|--|-----|
| Communities with above 76% minority population points  | 100 |
| Communities with 51% to 75% minority population points | 75  |
| Communities with 26% to 50% minority population points | 50  |
| Communities with below 26% minority population points  | 25  |
- 5 PERCENTAGE OF VL and LI IN THE PROJECT AREA - Maximum 100 points One point for every percentage point of VL and LI population will be awarded.
- 6 PROJECT READINESS – Maximum 50 points
- |  |           |
|--|-----------|
| Homes identified and other funding committed               | 50 points |
| Homes identified and other funding located – not committed | 40 points |
| Homes identified and other funding not located             | 30 points |
| Other  | 0 points  |

**EMERGENCY**

No point system will be utilized for emergency requests; decisions regarding funding will be based on the project need, commitment, and appropriateness as well as availability of funds.

## **ECONOMIC DEVELOPMENT**

1. No point system will be utilized for economic development (CDLF) requests; however, decisions will be based on the following:
  - a. Financial strength and reasonableness;
  - b. Likelihood of success;
  - c. Likelihood of ability to repay;
  - d. Need and appropriateness for funds and terms;
  - e. Management strength, expertise and past performance;
  - f. Marketing; and,
  - g. Degree of likely benefit to the economy, VL/LI persons, and/or anticipated impact of addressing national objectives as defined in the state program statement.
  
2. No point system will be utilized for economic development infrastructure requests; however, decisions will be based on the following:
  - a. Degree to which the infrastructure fits into the community's overall economic development strategy.
  
  - b. Need and appropriateness for funds and terms.
  
  - c. Degree of likely benefit to the economy, VL/LI persons, and/or anticipated impact of addressing national objectives as defined in the state program statement.

# 2021

## REGION V

# LAKE AGASSIZ REGIONAL COUNCIL

417 Main Avenue  
Fargo, ND 58103  
Phone: 701-235-1197  
Fax: 701-235-6706  
[info@lakeagassiz.com](mailto:info@lakeagassiz.com)  
TTY: 800-366-6888  
ND Relay Voice: 800-366-6889  
Spanish/Español: 800-435-8590



ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST

## ALLOCATION OF FUNDS

The region served by Lake Agassiz Regional Council is anticipated to be allocated \$290,445 in FY 2021. This amount will be distributed among eligible projects and programs of activities in the following manner:

Public Facilities – Low-to-Moderate Income Benefit	\$100,000
Public Facilities - Urgent Need	\$0
Housing Rehabilitation	\$0
Other Housing Activities	\$190,445
Removal of Architectural Barriers	\$0
Elimination of Slum and Blight	\$0
Community Development Loan Fund*	\$0
Planning Activities**	\$0
Main Street***	\$0
Emergency Public Facilities	\$0
<b>Total</b>	<b>\$290,445</b>

\* The Community Development Loan Fund is supplemented by repayments to the region's portion of the State Revolving Loan Fund. Contact LARC to find out how much funding is available in the CDLF.

\*\* Planning Activities cannot be funded in FY 2021.

\*\*\* Main Street cannot be funded in FY 2021.

## EMERGENCY PUBLIC FACILITY APPLICATIONS

In the event of a public facility emergency not addressed with the Urgent Need set-aside, funding may be obtained by assigning any unallocated public facility funds or funds returned or transferred from other emphasis areas at the discretion of the Lake Agassiz Regional Council Board. The funding recommendation will then be submitted to DCS for concurrence. The board will recommend funds based on documentation of the emergency and evidence that CDBG funds are required to assist in remedying the problem. The public facilities scoring process will be waived for emergency applications.

Construction Contracts cannot be executed nor can work begin on Emergency Projects prior to receiving the Financial Award and Environmental Release of Funds from the State.

## ELIGIBLE ACTIVITIES

All activities listed as eligible in the North Dakota Community Development Block Grant Program Distribution Statement are eligible in the Lake Agassiz Regional Council Community Development Block Grant Program Distribution Statement. A copy of the North Dakota Community Development Block Grant Program Distribution Statement may be obtained by

contacting the Lake Agassiz Regional Council, 417 Main Avenue, Fargo, ND 58103, telephone (701) 235-1197 or the ND Department of Commerce website.

## PROJECT REQUIREMENTS

1. Each project must fulfill a national objective and be an eligible activity.
2. Administrative fees are based upon a percentage of only the CDBG award. These are capped after a certain award size. The administrative fees are listed in the table below:

Project Type	Admin Fee	Max Admin Fee
Infrastructure Public Facilities ≤ \$200,000	12%	\$15,000
Infrastructure Public Facilities > \$200,000	Flat \$17,500	---
Non-infrastructure Public Facilities ≤ \$250,000	13%	\$20,000
Non-infrastructure public facilities > \$250,000	Flat \$25,000	---
Removal of architectural barriers	15%	\$20,000
Special assessment projects ≤ \$200,000	16%	\$20,000
Special assessment projects > \$200,000	Flat \$25,000	---
Housing projects of all types	15%	\$15,000
Main Street commercial rehab	15%	\$15,000

3. Administrative fees are to be paid with local funds.
4. All public infrastructure projects must have a licensed professional engineer create plans, drawings, specifications, and reports. They shall be paid for with non-CDBG funds.
5. All building projects must have an architect or similar professional create plans, drawings, and specifications. They shall be paid for with non-CDBG funds.
6. Economic development loans through the Community Development Loan Fund must meet the following:
  - A bank must be involved in the financing of a project unless in a disaster situation;
  - Loans must be secured with fixed assets, personal guarantees, or any other reasonable source of available collateral;
  - The project must create or retain permanent jobs, 51% of which must be held or made available to LMI persons or the project must provide a basic good or service to a LMI community.



- CDLF funds may not exceed \$35,000 per job created or retained.
- If the project is providing a basic good or service to an LMI community assistance may not exceed \$350 per LMI person in the community

**CONFLICT OF INTEREST**

All officers, directors, delegates, council members, committee members and staff members of Lake Agassiz Regional Council and its component committees shall avoid conflict, whether real or perceived, between individual, professional, or business interests and the interests and decision- making capacity of the Council.

In the event that any officer, director, delegate, council member, committee member or staff member has any direct or indirect interest or any direct or indirect relationship with any individual or organization which proposes to enter into any transaction with the Council or its component committees, such person shall give notice of such interest or relationship to the Council and shall thereafter refrain from discussing or voting on the transaction in which he or she has an interest and from otherwise exerting influence in any way on the Council or its components to affect a decision to participate or not to participate in such a transaction.

**TRANSFERS WITHOUT NOTICE**

After scoring and ranking has taken place, transfers of \$20,000 and less may be made among funding categories without public notice. Transfers of greater than \$20,000 must have a public notice before it is to take effect.

LARC will be limited to two transfers per fiscal year. DCS will be notified in writing within 10 days of a Board decision to transfer funds. Minutes of the board decision will accompany the notification.

**IMPLEMENTATION SCHEDULE**

**Public Facilities, Housing, Elimination of Slum and Blight, Removal of Architectural Barriers:**

May 19, 2021	Pre-applications due at Lake Agassiz Regional Council office
June 16, 2021	Scoring and Ranking meeting held at Lake Agassiz Regional Council Board where recommendations for funding are made.
June 18, 2021	Written Notice to Communities of Recommendations for Funding
December 16, 2021	Final Applications for those projects reviewed at Scoring and Ranking meeting must be submitted to DCS
June 15, 2022	Final date for submitting Final Applications for projects reviewed after the scoring and ranking meeting to DCS.

### **Community Development Loan Fund:**

Applications are accepted at any time during the year.

### **Planning Activities:**

Applications for Planning Activities will not be accepted during FY 2021.

### **Main Street:**

Applications for Main Street will not be accepted during FY 2021.

## **SUBMISSION REQUIREMENTS AND SELECTION PROCESS**

### **Housing Rehabilitation**

Housing Rehabilitation activities include the rehabilitation of existing structures occupied (either owned or rented) by low-and-moderate income households.

#### **Submission Process - Housing Rehabilitation**

1. Obtain and complete a FY 2021 Pre-Application form. This was mailed to all communities and counties in Region V and is also available online at [www.lakeagassiz.com](http://www.lakeagassiz.com) under the “Community Development” tab.
2. **May 19, 2021** – Deadline for pre-applications and all required supplementary information. Pre-applications must be received in LARC offices by 5:00 p.m. Applications submitted via e-mail or fax must be followed by signed original copies.
3. **May 20, 2021 – June 9, 2021** - LARC reviews pre-applications to determine eligibility and completes objective scoring.
4. **June 16, 2021** – LARC Board of Directors convenes to review staff scoring, hear project presentations, rank need for each project, and decides which pre-applications may proceed.
5. **June 18, 2021** – LARC staff notifies applicants of the recommendations for funding.
6. **June 15, 2022** – Final date for completion of full applications and submittal to the Division of Community Services.

#### **Selection Process - Housing Rehabilitation (550 points maximum)**

The Lake Agassiz Regional Council Staff will assign points to housing rehabilitation projects in the following manner (maximum 350 points):

1. Proposed number of households to be assisted with project funds.

More than 15	100 points
10-15	75 points
Under 10	50 points
  
2. Percentage of housing units in the community built prior to 1979, according to the most recent Census data available at the time of the pre-application.

70% or greater	50 points
60 - 69.9%	40 points
50 - 59.9%	30 points
40 - 49.9%	20 points
< 40%	10 points
  
3. Which of the following activities does the community undertake to encourage housing maintenance and improvement?

City has adopted Building Code	20 points
Community clean-up/fix-up events	20 points
Enforcement of nuisance ordinance	20 points
Existing housing rehabilitation incentives	20 points
  
4. Are there employment opportunities within the community or within a reasonable commuting radius of the community, which have created a demand for additional and/or upgraded housing as measured by local vacancy rates?

Yes, within the community	50 points
Yes, within commuting distance	25 points
No	0 points
  
5. Percentage of very low-income households assisted by the project

>50%	50 points
25-50%	25 points
<25%	10 points
  
6. Percentage of minority households assisted by the project

>25%	10 points
<25%	0 points
  
7. Will the project be bid out by the end of this calendar year?

Yes	10 points
No	0 points

The LARC Board of Directors will assign up to 200 points for the perceived need of each project in the following manner:

Each housing rehabilitation applicant will be invited to present a 10 minute summary of its project including a description of the need for rehabilitation, current local efforts to upgrade housing, growth of the community, if applicable, and a general description of beneficiaries (e.g. low-income households, elderly, female heads of households, etc.). After all presentations have been heard, each board member will assign need points to each project in increments of 40 points, with 200 points the highest score and 40 points the lowest. Projects may be placed anywhere along the scale, and no two applicants may receive the same score. The need points of each project will be added together and averaged to arrive at a final need score.

The score for the need criterion will then be added to the objective score to arrive at a final score.

A tie score will be broken by written ballot of the Board. The Board will be polled, with the Chairman abstaining from the vote. If a tie again results, the Chairman will cast the deciding vote.

Projects will be displayed in rank order. Projects must attain a minimum score of **310** points in order to receive funding. Projects that receive the minimum score or higher will be funded in full, plus applicable administrative costs. Should funds be insufficient to fund any application in full, the board may:

1. Offer the remaining funds in the allocation to the applicant; if the applicant declines the offer, the board will offer the remaining funds to the next eligible applicant in rank order;
2. Transfer unobligated funds from other categories and offer awards as described above;
3. Transfer funds to any other category for immediate or later distribution; or
4. Any combination of the above.

Should there be no set-aside for housing in a given year, qualified housing applications may be funded in full or in part only if funds are available in other categories after projects in those categories have been ranked and recommended for funding.

Preapplications recommended for funding will be invited to submit full applications. A full application must not deviate in general project scope, proportion of local match, if any, or implementation schedule as described in the pre-application. An applicant that has been invited to submit a full application may choose not to go forward with a full application, in which case the next highest ranked project, if any, will receive an invitation to submit a full application, subject to the size of the funding request and funds available.

Should the board reject a preapplication(s) when funds are clearly available in the Housing Rehabilitation category, it will provide a written explanation to the preapplicant and the DCS.

Several alternatives will be considered by the Board for redistribution of funds turned back from funded projects for reasons such as cost under-runs or the inability to use all allocated funds (such as in special assessment type projects).

1. Prior to June 1, 2022 funds may be:
  - Offered to current year unfunded Housing Rehabilitation applicants in rank order.
  - Transferred to Public Facilities – LMI Benefit Activities and offered to current year applicants in rank order.
  - Transferred to Public Facilities – Urgent Need and offered to current year unfunded applicants in rank order
  - Transferred to Removal of Architectural Barriers and offered to current year unfunded applicants in rank order.
  - Transferred to Other Housing Projects and offered to current year unfunded applicants in rank order.
  - Transferred to Elimination of Slum and Blight and offered to current year unfunded applicants in rank order.
  - Transferred to a previously funded project in any category that demonstrates a need for additional funding.
  - Held for emergency applications up to May 15, 2022.

Should no applications for Housing Rehabilitation be received, the Board may transfer housing set-aside funds to any of the other categories at the June 16, 2021 scoring and ranking meeting

### **Other Housing Activities**

Other housing activities include those housing activities eligible for CDBG funding that would not constitute rehab. Examples include acquisition of land and/or structures for the construction or preservation of affordable housing. Benefit must be realized to low and very low-income households.

### **Submission Process – Other Housing Activities**

1. Obtain and complete a FY 2021 Pre-Application form. This was mailed to all communities and counties in Region V and is also available online at [www.lakeagassiz.com](http://www.lakeagassiz.com) under the “Community Development” tab.
2. **May 19, 2021** – Deadline for pre-applications and all required supplementary information. Pre-applications must be received in LARC offices by 5:00 p.m. Applications submitted via e-mail or fax must be followed by signed original copies.
3. **May 20, 2021 – June 9, 2021** - LARC reviews pre-applications to determine eligibility and does staff scoring.
4. **June 16, 2021** – LARC Board of Directors convenes to review staff scoring, hear project presentations, rank need for each project, and decides which pre-applications may proceed.

5. **June 18, 2021** – LARC staff notifies applicants of the recommendations for funding.
6. **June 15, 2022** – Final date for completion of full applications and submittal to the Division of Community Services.

**Selection Process – Other Housing Activities (550 points maximum)**

The Lake Agassiz Regional Council Staff will assign points to housing rehabilitation projects in the following manner (maximum **350** points):

1. Proposed number of households to be assisted with project funds.
 

More than 15	100 points
10-15	75 points
Under 10	50 points
  
2. Participation in project by other funding sources as a percentage of total project costs.
 

50% or more	50 points
40 - 49.9%	40 points
30 - 39.9%	30 points
20 - 29.9%	20 points
< 20%	10 points
  
3. The project will definitively demonstrate which of the following results:
 

An increase in the number of housing units available to low and moderate income households	25 points
Enforceable mechanisms to ensure the affordability of housing for low and moderate income households	25 points
Is part of an ongoing effort to increase housing opportunities in the jurisdiction	25 points
Active and ongoing participation by the local city government and/or other development organization	25 points
Active and ongoing participation by other groups, including financial institutions, charitable groups, the local business community, etc.	25 points
  
4. Are there employment opportunities within the community or within a reasonable commuting radius of the community, which have created a demand for additional and/or upgraded housing?

Yes, within the community	50 points
Yes, within commuting distance	25 points
No	0 points

5. Percentage of funds to benefit minorities

>25%	10 points
<25%	0 points

6. Will a portion of the grant be obligated to an expenditure(s) by the end of the calendar year?

Yes	15 points
No	0 points

The LARC Board of Directors will assign up to 200 points for the perceived need of each project in the following manner:

Each housing activities applicant will be invited to present a 10 minute summary of its project including a description of the need for rehabilitation, current local efforts to upgrade housing, growth of the community, if applicable, and a general description of beneficiaries (e.g. low-income households, elderly, female heads of households, etc.). After all presentations have been heard, each board member will assign need points to each project in increments of 40 points, with 200 points the highest score and 40 points the lowest. Projects may be placed anywhere along the scale, and no two applicants may receive the same score. The need points of each project will be added together and averaged to arrive at a final need score.

The score for the need criterion will then be added to the objective score to arrive at a final score.

A tie score will be broken by written ballot of the Board. The Board will be polled, with the Chairman abstaining from the vote. If a tie again results, the Chairman will cast the deciding vote.

Projects will be displayed in rank order. Projects must attain a minimum score of **310** points in order to receive funding. Projects that receive the minimum score or higher will be funded in full, plus applicable administrative costs. Should funds be insufficient to fund any application in full, the board may:

1. Offer the remaining funds in the allocation to the applicant; if the applicant declines the offer, the board will offer the remaining funds to the next eligible applicant in rank order;
2. Transfer unobligated funds from other categories and offer awards as described above;
3. Transfer funds to any other category, for immediate or later distribution; or
4. Any combination of the above.

Should there be no set-aside for other housing projects in a particular year, qualified applications may be funded in full or in part only if funds are available in other categories after projects in those categories have been ranked and recommended for funding.

Preapplications recommended for funding will be invited to submit full applications. A full application must not deviate in general project scope, proportion of local match, if any, or implementation schedule as described in the pre-application. An applicant that has been invited to submit a full application may choose not to go forward with a full application, in which case the next highest ranked project, if any, will receive an invitation to submit a full application, subject to the size of the funding request and funds available.

Should the board reject a preapplication(s) when funds are clearly available in the Other Housing Activities category, it will provide a written explanation to the preapplicant and the DCS.

Several alternatives will be considered by the Board for redistribution of funds turned back from funded projects for reasons such as cost under-runs or the inability to use all allocated funds (such as in special assessment type projects).

1. Prior to June 1, 2022 funds may be:
  - Offered to current year unfunded Other Housing Activities applicants in rank order.
  - Transferred to Housing Rehabilitation and offered to current year applicants in rank order.
  - Transferred to Public Facilities – LMI Benefit Activities and offered to current year applicants in rank order.
  - Transferred to Public Facilities – Urgent Need and offered to current year unfunded applicants in rank order
  - Transferred to Removal of Architectural Barriers and offered to current year unfunded applicants in rank order.
  - Transferred to Elimination of Slum and Blight and offered to current year unfunded applicants in rank order.
  - Transferred to a previously funded project in any category that demonstrates a need for additional funding.
  - Held for emergency applications up to May 15, 2022.

Should no applications for Other Housing Activities be received, the Board may transfer housing set-aside funds to any of the other categories at the June 16, 2021 scoring and ranking meeting.



## **Public Facilities –LMI Benefit Activities**

Definition – Projects that benefit low-and-moderate income households, as defined by HUD, through direct payment of special assessments to such households or by the reduction of overall project costs in a benefiting area that is comprised of a total population that is at least 51% low-and-moderate income.

### **Submission Process – LMI Benefit Activities**

1. Obtain and complete a FY 2021 Pre-Application form. This was mailed to all communities and counties in Region V and is also available online at [www.lakeagassiz.com](http://www.lakeagassiz.com) under the “Community Development” tab.
2. **May 19, 2021** – Due date for pre-applications and all required supplementary information. Pre-applications must be received in LARC offices by 5:00 p.m. Applications submitted via e-mail or fax must be followed by signed original copies.
3. **May 20, 2021 – June 9, 2021** - LARC staff determines eligibility, reviews and scores pre-applications.
4. **June 16, 2021** – LARC Board of Directors convenes to review staff scoring, hear project presentations, rank need for each project and develop funding recommendations.
5. **June 18, 2021** – LARC staff notifies applicants of recommendations for funding.
6. **June 15, 2022** – Final date for completion of full applications and submittal to the Division of Community Services.

### **Selection Process – LMI Benefit Activities (800 points maximum)**

The Lake Agassiz Regional Council staff will assign points to Public Facilities – LMI Benefit pre-applications in the following manner (Maximum **520** points):

1. Project type (projects cannot include deferred maintenance activities)

<i>Water System Expansion Activities</i> (including but not limited to development of or access to new source, new water reservoir construction that increases capacity, water treatment plant expansion)	150 points
<i>Sanitary Sewer System Expansion Activities</i> (including but not limited to lagoon cell construction or expansion that increases treatment capacity, lift station rehabilitation or new construction that increases capacity, expansion of sanitary sewer distribution system)	150 points
<i>Sanitary Sewer System Rehabilitation Activities</i> (including but not limited to sewer main replacement)	120 points

or relining, lift station rehabilitation or replacement that does not increase capacity, lagoon repair or replacement that does not increase capacity)

<i>Flood Mitigation and Protection</i> (including surface drainage improvement, storm sewer main improvement or expansion, storm sewer lift station rehabilitation or expansion, dike construction)	120 points
<i>Water System Rehabilitation Activities</i> (including but not limited to water main replacement, water treatment plant rehabilitation, water reservoir replacement that does not increase capacity)	120 points
<i>Fire Protection Activities</i>	80 points
<i>Community Center Activities</i>	70 points
<i>Other CDBG Eligible Activities</i>	60 points
2. Low-and-moderate income to benefit from the project	
100.0%	100 points
51.0% to 99.9%	90 points
Under 51.0%	Not Eligible
3. Minority benefit of the project	
>25%	20 points
<25%	0 points
4. Project matching funds	
Assign 3 points for each percentage of total project costs paid from local or other sources	125 points max
5. Will the project be bid out by the end of this calendar year?	
Yes	25 points
No	0 points
6. Number of prior unsuccessful pre-applications for this project.	
Two or more	50 points
One	25 points
None	0 points

7. Number of community's successful CDBG Public Facilities applications for other projects within the past five years:

None	50 points
One	25 points
Two or more	0 points

The LARC Board of Directors will assign up to 280 points for the perceived need of each project. In determining need for a project, the board may take into account a number of factors including an applicant's water and sewer rates, mill levy, bonded indebtedness and level of reserve funds. The board will assign the need in the following manner:

Each public facilities applicant will be invited to present a 10 minute summary of its project including a description of the problem, the severity of the problem, the local capacity to fund the project, current rates (as applicable) and benefit to the community. After all presentations have been heard, each board member will assign need points to each project in increments of 40 points, with 280 points the highest score and 40 points the lowest. Projects may be placed anywhere along the scale, and no two applicants may receive the same score. The need points of each project will be added together and averaged to arrive at a final need score.

The score for the need criterion will then be added to the objective score to arrive at a final score.

A tie score will be broken by written ballot of the Board. The Board will be polled, with the Chairman abstaining from the vote. If a tie again results, the Chairman will cast the deciding vote.

Projects will be displayed in rank order. Projects must attain a minimum score of **450** points in order to receive funding. Projects that receive the minimum score or higher, will be funded in rank order in full, plus applicable administrative costs. Should funds be insufficient to fund any application in full, the board may:

1. Offer the remaining funds in the allocation to the applicant; if the applicant declines the offer, the board will offer the remaining funds to the next eligible applicant in rank order;
2. Transfer unobligated funds from other categories and offer awards as described above;
3. Transfer funds to any other category for immediate or later distribution; or
4. Any combination of the above.

Pre-applications recommended for funding will be invited to submit full applications. Full applications must not deviate in general project scope, proportion of matching funds commitments or planned implementation schedule as identified in the respective pre-applications. An applicant which has been invited to submit a full application may choose not to go forward with a full application, in which case the next highest ranked project, if any, will

receive an invitation to submit a full application, subject to the size of the funding request and funds available.

Several alternatives will be considered by the Board for redistribution of funds turned back from funded projects for reasons such as cost under-runs or the inability to use all allocated funds (such as in special assessment type projects).

Prior to June 1, 2022 funds may be:

- Offered to current year unfunded Public Facilities LMI applicants in rank order.
- Transferred to Public Facilities – Urgent Need and offered to current year unfunded applicants in rank order
- Transferred to Removal of Architectural Barriers and offered to current year unfunded applicants in rank order.
- Transferred to Other Housing Projects and offered to current year unfunded applicants in rank order.
- Transferred to Elimination of Slum and Blight and offered to current year unfunded applicants in rank order.
- Transferred to Housing Rehabilitation and offered to current year unfunded applicants in rank order.
- Transferred to a previously funded project in any category that demonstrates a need for additional funding.
- Held for emergency applications up to May 15, 2022.

Should no applications for LMI Benefit be received, the Board may transfer public facilities set-aside funds to any of the other categories, including the Community Development Loan Fund at the June 16, 2021 scoring and ranking meeting.

### **Public Facilities – Urgent Need Activities**

Upon local certification, an activity that is designed to alleviate existing condition(s) which pose a serious and immediate threat to the health or welfare of the community, which are of recent origin or which recently became urgent, which the applicant is unable to finance on its own and for which other sources of financing are not available. A problem is considered to be of recent origin if it developed or became urgent within the 18 months preceding the Urgent Need Certification by the unit of general local government.

## Submission Process – Urgent Need

1. Obtain and complete a FY 2021 Pre-Application form. This was mailed to all communities and counties in Region V and is also available or online at [www.lakeagassiz.com](http://www.lakeagassiz.com) under the “Community Development” tab.
2. **May 19, 2021** – Due date for pre-applications and all required supplementary information. Pre-applications must be received in LARC offices by 5:00 p.m. Applications submitted via e-mail or fax must be followed by signed original copies.
3. **May 20, 2021 – June 9, 2021** - LARC staff determines eligibility, reviews and scores pre-applications.
4. **June 16, 2021**– LARC Board of Directors convenes to review staff scoring, hear project presentations, rank need for each project and develop funding recommendations.
5. **June 18, 2021** – LARC staff notifies applicants of recommendations for funding.
6. **June 15, 2022** – Final date for completion of full applications and submittal to the Division of Community Services.

## Selection Process – Urgent Need (560 points maximum)

The Lake Agassiz Regional Council staff will assign points to Public Facilities – Urgent Need pre-applications in the following manner (Maximum **360** points):

1. Project matching funds  
Assign 3 points for each percentage of total project cost paid from local or other sources. 175 points max
2. Percentage of minorities to benefit from the project  
>25% 10 points  
<25% 0 points
3. Will the project be bid out by the end of this calendar year?  
Yes 175 points  
No 0 points

The LARC Board of Directors will assign up to 200 points for the perceived need of each project. In determining need for a project, the board may take into account a number of factors including an applicant’s water and sewer rates, mill levy, bonded indebtedness and level of reserve funds. The board will assign the need in the following manner:

Each Public Facilities – Urgent Need applicant will be invited to present a 10 minute summary of its project including a description and discussion of the severity of the problem, including the immediate threat to health and welfare of the community, the local capacity to

fund the project and benefit to the community. After all presentations have been heard, each board member will assign need points to each project in increments of 40 points, with 200 points the highest score and 40 points the lowest. Projects may be placed anywhere along the scale, and no two applicants may receive the same score. The need points of each project will be added together and averaged to arrive at a final need score.

The score for the need criterion will then be added to the objective score to arrive at a final score.

A tie score will be broken by written ballot of the Board. The Board will be polled, with the Chairman abstaining from the vote. If a tie again results, the Chairman will cast the deciding vote.

Projects will be displayed in rank order. Projects must attain a minimum score of **295** points in order to receive funding. Projects that receive the minimum score or higher, will be funded in full plus applicable administrative costs. Should funds be insufficient to fund any application in full, the board may:

1. Offer the remaining funds in the allocation to the applicant; if the applicant declines the offer, the board will offer the remaining funds to the next eligible applicant in rank order;
2. Transfer unobligated funds from other categories and offer awards as described above;
3. Transfer funds to any other category for immediate or later distribution; or
4. Any combination of the above.

Should there be no set-aside for Public Facilities-Urgent Need in a particular year, qualified urgent need applications may be funded in full or in part only if funds are available in other categories after projects in those categories have been ranked and recommended for funding.

Pre-applications recommended for funding will be invited to submit full applications. Full applications must not deviate in general project scope, proportion of matching funds or planned implementation schedule as identified in the respective pre-applications. An applicant who has been invited to submit a full application may choose not to go forward with a full application, in which case the next highest ranked project will receive an invitation to submit a full application subject to the size of the request and availability of funds.

Should the board reject a preapplication(s) when funds are clearly available in the Public Facilities – Urgent Need category, it will provide a written explanation to the preapplicant and the DCS.

The Board will consider several alternatives for redistribution of funds turned back from funded projects for reasons such as cost under-runs or the inability to use all allocated funds.

Prior to June 1, 2022 funds may be:

- Offered to current year unfunded Urgent Need applicants in rank order.
- Transferred to Public Facilities – LMI Benefit and offered to current year unfunded applicants in rank order.

- Transferred to Removal of Architectural Barriers and offered to current year unfunded applicants in rank order.
- Transferred to Elimination of Slum and Blight and offered to current year unfunded applicants in rank order.
- Transferred to Other Housing Projects and offered to current year unfunded applicants in rank order.
- Transferred to Housing Rehabilitation and offered to current year unfunded applicants in rank order.
- Transferred to a previously funded project in any category that demonstrates a need for additional funding.
- Held for emergency applications up to May 28, 2021.

### **Removal of Architectural Barriers (ROAB)**

An architectural barrier is defined as any architectural feature of a building that limits the access and mobility of disabled persons. Eligible buildings for this program include publicly owned buildings or buildings that are used by the local entity of government for reasons including but not limited to public meetings and voting.

### **Submission Requirements – Architectural Barriers**

1. Obtain and complete a FY 2021 Pre-Application form. This was mailed to all communities and counties in Region V and is also available online at [www.lakeagassiz.com](http://www.lakeagassiz.com) under the “Community Development” tab.
2. **May 19, 2021** – Due date for pre-applications and all required supplementary information. Pre-applications must be received in LARC offices by 5:00 p.m. Applications submitted via e-mail or fax must be followed by signed original copies.
3. **May 20, 2021 – June 9, 2021** - LARC staff determines eligibility, reviews and scores pre-applications.
4. **June 16, 2021** – LARC Board of Directors convenes to review staff scoring, hear project presentations, rank need for each project and develop funding recommendations.
5. **June 18, 2021** – LARC staff notifies applicants of recommendations for funding.
6. **June 15, 2022** – Final date for completion of full applications and submittal to the Division of Community Services.

## Selection Process – Architectural Barriers (550 points maximum)

The Lake Agassiz Regional Council staff will award points in the following manner:  
(Maximum **350** points)

1. Applicant has completed an ADA/504 Transition Plan

Yes	50 points
No	0 points
  
2. The project is a priority need identified in the applicant's ADA/504 Transition Plan (submitted with the pre-application or on file at LARC).

Yes	50 points
Not a priority	25 points
No Transition Plan	0 points
  
3. Matching Funds:

75% or more of total project costs	125 points
50-74% of total project costs	100 points
25-49% of total project costs	50 points
< 25% of total project costs	25 points
  
4. The project will affect a public structure that is frequently used by the public (for example, courthouse, city hall, public polling place, library, etc.)

Yes	100 points
No	0 points
  
5. Percentage of minority to be assisted by the project

>25%	10 points
<25%	0 points
  
6. Will the project be bid out by the end of this calendar year?

Yes	15 points
No	0 points

The LARC Board of Directors will assign up to 200 points for the perceived need of each project in the following manner:

Each removal of architectural barriers applicant will be invited to present a 10 minute summary of its project including a description of the work to be done, the applicant's prior efforts to accomplish ADA compliance and the local capacity to fund the project.



After all presentations have been heard, each board member will assign need points to each project in increments of 40 points, with 200 points the highest score and 40 points the lowest. Projects may be placed anywhere along the scale, and no two applicants may receive the same score. The need points of each project will be added together and averaged to arrive at a final need score.

The score for the need criterion will then be added to the objective score to arrive at a final score.

A tie score will be broken by written ballot. The Board will be polled, with the Chairman abstaining from the vote. If a tie again results, the Chairman will cast the deciding vote.

Projects will be displayed in rank order. Projects must attain a minimum score of **320** points in order to receive funding. Projects that receive the minimum score or higher will be funded in rank order in full, plus applicable administrative costs. Should funds be insufficient to fund any application in full, the board may:

1. Offer the remaining funds in the allocation to the applicant; if the applicant declines the offer, the board will offer the remaining funds to the next eligible applicant in rank order;
2. Transfer unobligated funds from other categories and offer awards as described above;
3. Transfer funds to any other category for immediate or later distribution; or
4. Any combination of the above.

Should there be no set-aside for ROAB in a particular year, qualified ROAB applications may be funded in full or in part only if funds are available in other categories after projects in those categories have been ranked and recommended for funding.

Preapplications recommended for funding will be invited to submit full applications. Full applications must not deviate in general project scope, proportion of local match or implementation schedule, as identified in the pre-application. An applicant who has been invited to submit a full application may choose not to go forward with a full application, in which case the next highest ranked project, if any, will receive an invitation to submit a full application, subject to the size of the funding request and funds available.

Should the board reject a preapplication(s) when funds are clearly available in Removal of Architectural Barriers category, it will provide a written explanation to the preapplicant and the DCS.

The following alternatives will be considered by the Board for redistribution of funds turned back from funded projects for reasons such as cost under-runs or the inability to use all allocated funds.

Prior to June 1, 2022 funds may be:

- Offered to current year unfunded Removal of Architectural Barriers applicants in rank order.
- Transferred to Public Facilities LMI Benefit and offered to current year unfunded applicants in rank order.
- Transferred to Public Facilities – Urgent Need and offered to current year unfunded applicants in rank order.
- Transferred to Elimination of Slum and Blight and offered to current year unfunded applicants in rank order.
- Transferred to Housing Rehabilitation and offered to current year unfunded applicants in rank order.
- Transferred to Other Housing Projects and offered to current year unfunded applicants in rank order.
- Transferred to a previously funded project in any category that demonstrates a need for additional funding.
- Held for emergency applications up to May 15, 2022.

### **Elimination of Slums and Blight (ESB)**

The focus of activities under this national objective is a change in the physical environment of a deteriorating area. Qualified activities include prevention or elimination of slums and blight on an area basis, on a spot basis or the project must be in an urban renewal area.

### **Submission Requirements – Elimination of Slums and Blight**

1. Obtain and complete a FY 2021 Pre-Application form. This was mailed to all communities and counties in Region V and is also available or online at [www.lakeagassiz.com](http://www.lakeagassiz.com) under the “Community Development” tab.
2. **May 19, 2021** – Due date for pre-applications and all required supplementary information. Pre-applications must be received in LARC offices by 5:00 p.m. Applications submitted via e-mail or fax must be followed by signed original copies.
3. **May 20, 2021 – June 9, 2021** - LARC staff determines eligibility, reviews and scores pre-applications.
4. **June 16, 2021** – LARC Board of Directors convenes to review staff scoring, hear project presentations, rank need for each project and develop funding recommendations.
5. **June 18, 2021** – LARC staff notifies applicants of recommendations for funding.

6. **June 15, 2022** – Final date for completion of full applications and submittal to the Division of Community Services.

**Selection Process – Elimination of Slums and Blight (650 points maximum)**

The Lake Agassiz Regional Council staff will award points in the following manner:  
(Maximum **450** points)

1. Proposed number of structures to be affected by the project.
 

Three or more	100 points
Two	75 points
One	50 points
  
2. Matching Funds:
 

75% or more of total project costs	50 points
50-74% of total project costs	40 points
25-49% of total project costs	25 points
< 25% of total project costs	0 points
  
3. Type of structure to be affected
 

Commercial Structure	100 points
Residential Structure	50 points
  
4. Proposed solution
 

Restoration	75 points
Removal	50 points
  
5. The planned future use for the space is:
 

Commercial or residential development	100 points
A park or recreation area	75 points
A vacant lot	50 points
  
6. Percentage of minority to benefit from the project
 

>25%	10 points
<25%	0 points
  
7. Will the project bid out by the end of this calendar year?
 

Yes	15 points
No	0 points

The LARC Board of Directors will assign up to 200 points for the perceived need of each project in the following manner:

Each elimination of slum and blight applicant will be invited to present a 10 minute summary of its project including a description of the work to be done, the applicant's prior efforts to remedy the deterioration and the local capacity to fund the project.

After all presentations have been heard, each board member will assign need points to each project in increments of 40 points, with 200 points the highest score and 40 points the lowest. Projects may be placed anywhere along the scale, and no two applicants may receive the same score. The need points of each project will be added together and averaged to arrive at a final need score.

The score for the need criterion will then be added to the objective score to arrive at a final score.

A tie score will be broken by written ballot. The Board will be polled, with the Chairman abstaining from the vote. If a tie again results, the Chairman will cast the deciding vote.

Projects will be displayed in rank order. Projects must attain a minimum score of **400** points in order to receive funding. Projects that receive the minimum score or higher will be funded in rank order in full, plus applicable administrative costs. Should funds be insufficient to fund any application in full, the board may:

1. Offer the remaining funds in the allocation to the applicant; if the applicant declines the offer, the board will offer the remaining funds to the next eligible applicant in rank order;
2. Transfer unobligated funds from other categories and offer awards as described above;
3. Transfer funds to any other category for immediate or later distribution; or
4. Any combination of the above.

Should there be no set-aside for ESB in a particular year, qualified ESB applications may be funded in full or in part only if funds are available in other categories after projects in those categories have been ranked and recommended for funding.

Preapplications recommended for funding will be invited to submit full applications. Full applications must not deviate in general project scope, proportion of local match or implementation schedule, as identified in the pre-application. An applicant who has been invited to submit a full application may choose not to go forward with a full application, in which case the next highest ranked project, if any, will receive an invitation to submit a full application, subject to the size of the funding request and funds available.

Should the board reject a preapplication(s) when funds are clearly available in the elimination of slum and blight category, it will provide a written explanation to the preapplicant and the DCS.

The following alternatives will be considered by the Board for redistribution of funds turned back from funded projects for reasons such as cost under-runs or the inability to use all allocated funds.

Prior to June 1, 2022 funds may be:

- Offered to current year unfunded Elimination of Slum and Blight Applicants in rank order.
- Transferred to Public Facilities – LMI Benefit and offered to current year unfunded applicants in rank order.
- Transferred to Public Facilities – Urgent Need and offered to current year unfunded applicants in rank order.
- Transferred to Removal of Architectural Barriers and offered to current year unfunded applicants in rank order.
- Transferred to Housing Rehabilitation and offered to current year unfunded applicants in rank order.
- Transferred to Other Housing Projects and offered to current year unfunded applicants in rank order.
- Transferred to a previously funded project in any category that demonstrates a need for additional funding.
- Held for emergency applications up to May 15, 2022.

Should no applications for Elimination of Slum and Blight be received, the Board may transfer ESB set-aside funds to any of the other categories, including the Community Development Loan Fund at the June 16, 2021 scoring and ranking meeting.

### **Community Development Loan Fund (CDLF)**

The Community Development Loan Fund consists of (1) funds set-aside for loans and equity investments in for-profit businesses and (2) funds repaid to DCS from loans and equity investments made in prior fiscal years. These funds retain their federal status.

Seven types of activities are eligible for funding through the Community Development Loan Fund: 1) direct loans or equity investments in for-profit businesses including loans for fixed assets and inventory; 2) loans to non-profit corporations which operate business enterprises or which serve as an avenue through which assistance is provided to for-profit businesses; 3) loans to for-profit businesses for development of infrastructure owned and maintained by the for-profit entity; 4) grants for the development of municipally owned infrastructure which directly serves new or expanding for-profit businesses; 5) grants to new or expanding for-profit businesses or non-profits; and 6) grants and/or loans to businesses for façade and streetscape improvements,

renovation of closed or abandoned buildings, energy system improvements or retrofitting, and preservation of architectural or historical design features. An application may be submitted at any time during the year.

### **Submission Process and Requirements to CDLF for Loans and Equity Investments**

1. An Applicant (the business to be assisted) submits a full application that consists of a complete business plan (*LARC may provide a format*) and supplementary information including, but not limited to historical financial statements of the business, 3 years of business tax returns, as applicable, 3 years of personal tax returns of the principals, financial pro formas, including cash flow statements, income statements and balance sheets, a description of the project, anticipated use of funds, other sources of financing including owner equity and a projection of jobs to be created and/or retained as a result of the project. Applicant must also demonstrate that all other sources of funds are committed to the project, contingent upon CDLF funding.
2. The sponsoring jurisdiction (a city or county) passes a resolution of sponsorship and holds a public hearing on the request for CDLF funds.
3. LARC staff prepares a credit analysis and a recommendation to the LARC Loan Committee<sup>1</sup> based upon the following factors:
  - a. Need for Community Development Loan Fund Program assistance and appropriateness of the proposed use of funds;
  - b. Cash flow and the ability to meet debt service requirements;
  - c. Strength of the balance sheet and profit and loss statement (existing businesses);
  - d. Reasonableness and credibility of pro forma financial statements (existing and new businesses);
  - e. Financial strength of principals;
  - f. Appropriateness of the proposed terms of the Community Development Loan Fund request;
  - g. Management strength and expertise;
  - h. Past performance of the firm or principal(s);
  - i. Other sources or lack of other sources of funding;
  - j. Marketing; and

---

<sup>1</sup> The LARC Loan Committee membership is comprised of one LARC Board Member from each of the Lake Agassiz Region's six counties and any other LARC board members who demonstrate an interest in the work of the Committee. The Committee currently has seven members.

- k. Cost per job based on the amount of Community Development Loan Funds requested.
  - l. Community benefit.
4. The LARC Loan Committee reviews the credit analysis and staff recommendation.
  5. The LARC Loan Committee review may result in any of the following actions:
    - a. The committee may approve funding as recommended;
    - b. The committee may approve funding with conditions;
    - c. The committee may ask the business to restructure its financial package for reconsideration; or
    - d. The committee may recommend that the application not be funded and not be allowed to restructure its financial package for further consideration.
  6. Upon approval by the LARC Loan Committee, the application materials, business plan and accompanying documentation, staff review, and loan committee recommendation and minutes are submitted to DCS for final approval.

#### **Submission Process and Requirements for CDBG Infrastructure and Public Facilities Grants to Local Units of Government**

1. LARC staff determines that a proposal for infrastructure improvements or public facilities will meet the job creation and community benefit objectives of the Community Development Loan Fund and that the project will qualify for grant assistance. Applications may be submitted at any time during the year.
2. Applicant jurisdiction (city or county) completes and submits a full application for a CDLF Infrastructure Grant (*with assistance from LARC staff, if needed*) that includes all of the following items:
  - a. CDBG public facilities application form;
  - b. Preliminary engineering report;
  - c. Staff review;
  - d. Assessment(s) of benefiting company(ies);
  - e. Business plan(s) of benefiting company(ies) including 3 years historical financial statements and pro forma financial projections, as applicable.
  - f. Letter(s) of commitment from benefiting company(ies);

- g. Job creation and retention form for each benefiting company;
  - h. Hiring plan for each benefiting company;
  - i. Business assessment of beneficiary (Attachment B) for each benefiting company.
3. The sponsoring jurisdiction (a city or county) passes a resolution of sponsorship and holds a public hearing on the request for CDLF funds.
  4. LARC staff prepares a written recommendation to the LARC Loan Committee. The Loan Committee makes a funding recommendation based on the information contained in the application, including the job creation and public benefit aspects of the project, the amount of the local share and the staff recommendation.
  5. Upon approval by the LARC Loan Committee, the application materials, business plan and accompanying documentation, staff review, and loan committee recommendation are submitted to DCS for final approval.



**2021**

**REGION VI**

**SOUTH CENTRAL  
DAKOTA REGIONAL  
COUNCIL**

**429 2<sup>nd</sup> St SW, Suite 208**

**PO Box 903**

**Jamestown, ND 58402-0903**

**Phone: 701-952-8050**

**Email: [tredlin@scdrc.org](mailto:tredlin@scdrc.org)**

**TTY: 800-366-6888**

**ND Relay Voice: 800-366-6889**

**Spanish: 800-435-8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

South Central Dakota Regional Council is a nine-county, voluntary association of governments formed pursuant to the North Dakota Century Code. The Regional Council provides assistance in business and economic development to Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman and Wells counties in South Central North Dakota.

The Board of Director members of the Regional Council include 28 representatives from the nine-county area. **Membership is designed to give broad representation of governmental and economic interest.** The members consist of one mayor and one county commissioner from each of the nine counties. In addition, there are two members representing urban communities with populations over 5,000 – Jamestown and Valley City, along with economic developers, private sector, Soil Conservation District and University delegates.

**Public Facilities/Housing/Planning**

- Friday, February 26, 2021            Public Needs Hearing will be held at 1 pm online via GoTo Meeting #437-446-917
  
- Friday, May 14, 2021                Deadline for Pre-application submission: on or before 5 p.m. Friday, May 14<sup>th</sup>, 2021.
- Wednesday, June 23, 2021        Pre-applications will be reviewed, ranked, and recommended grant amounts determined. Applicants are expected to attend SRC meeting to make a presentation, answer questions and provide clarification. Each applicant will be allowed approximately 15 minutes for a presentation and questions from SRC members and Regional Council staff.
  
- Friday, July 30, 2021                Final applications are due to the Regional Council. The original application must be received in the Regional Council office on or before 5:00 p.m. Friday, July 30, 2021.
  
- December 23, 2021                 Final Applications to be submitted to DCS.

**Economic Development/Emergency**

No Deadline                            Applications for economic development and emergency funds are accepted at any time.

**ALLOCATION OF FUNDS \*2021 Funds have not been allocated.**

The following amounts have been estimated for the 2021 program year.

<b>2021 Total Amount Anticipated for Distribution</b>	\$269,321.00
<b>Public Facilities</b>	\$269,321.00
<b>Housing</b>	\$ 0.00
<b>Planning</b>	\$ 0.00
<b>Economic Development and Emergency</b>	\$ 0.00
<b>Total</b>	<b>\$269,321.00</b>

## **AWARD PROCESS FOR PUBLIC FACILITIES/HOUSING**

The South Central Dakota Regional Council will appoint a committee to review, score, and recommend projects for funding at its March, 2021 quarterly full Board of Directors meeting. The committee will consist of one representative from each of the member counties. If an appointed member cannot attend the Scoring and Ranking committee meeting, he or she will inform the Regional Council of his or her alternate county representative and the alternate will need to be approved by the board.

After the SCDRC Scoring & Ranking Committee (SRC) meets on June 23, 2021, decisions including transfers from one allocation to another will be made at the July 21, 2021 Board of Directors quarterly meeting. However, in the event a timelier decision needs to be made, the Executive Director and the President of the Regional Council Board have been authorized by the Board of Directors to make any necessary decisions. In case of a conflict of interest by the Executive Director and/or President, the decision will be made by three (3) other SRC Members. The Economic Development allocation, to be called the Community Development Loan Fund (CDLF), is under the authority of the Regional Council Loan Funds Committee.

To be eligible for a grant, the activity must benefit a population of 51% or more low- to moderate income (LMI) people based on the HUD-approved data per the American Community Survey or serve a limited clientele population. If your entity has less than 51% LMI individuals and/or families, the project may be eligible under special assessment. Please contact the Regional Council for census data at 701-952-8050. This requirement applies to Public Facilities. Housing is a direct benefit activity. However, to be eligible in multi-family projects at least 51% of the unit and/or units must be occupied by LMI persons; and in single-family projects 100% of the homes rehabbed need to be occupied by LMI persons. A prospective applicant may conduct, at its expense, an "Income Survey" to establish LMI population.

### **Review process for public facilities and housing:**

1. Regional Council staff will review all Pre-applications for eligibility (as described in the State Action Plan & the Pre-App Instructions) and completeness, posing any questions to applicant as soon as possible.
2. Pre-applications will be submitted to Scoring & Ranking Committee (SRC) members for review prior to the SRC June 23, 2021 meeting.
3. City/County Housing Single Family Projects (this amount is not per house)  
Minimum Amount \$200,000; Maximum Amount \$500,000.  
City/County Housing Multi-Family Projects  
Minimum Amount \$100,000; Maximum Amount \$500,000.
4. Applicants are expected to attend the SRC meeting to make a presentation, answer questions, and provide clarification. Each applicant will be allowed approximately 15 minutes for a presentation and questions from SRC members and Regional Council staff.
5. After all presentations are complete; the SRC will discuss the projects and their merits.
6. After the applications have been reviewed and discussed, the SRC members will individually score them utilizing the scoring criteria contained in this document.
7. After the scores have been added, the high and low scores out of the 9 will be eliminated and an average score will be determined out of 7 scores. Rankings will be determined,

the SRC will recommend an award amount to each project according to ranking. The SRC reserves the right to adjust the amount awarded to the projects during this process. If there are no projects presented or the projects presented do not use the entire allocation, the committee can move allocated funds from that activity to another. In the event a project does not move forward, the committee may reallocate that funding.

8. In the event of a scoring tie, the SRC will determine the funding sequence by means of a written ballot.
9. Each applicant will be informed of the proposed disposition of its application. Applicants awarded funding must provide the information, assurances, and documentation necessary to show compliance with State and Federal guidelines. This is accomplished by completing a Full Application.
10. The Full Application requires information necessary to determine if the project is in compliance with all federal and state requirements. The Division of Community Services (DCS), ND Department of Commerce, will review Full Applications for such compliance and prepare the final financial award. It is possible that a "Scored and Ranked Project" will not be approved for a Final Application. In such an event, the highest ranked project, able to support the increased funding, will be allocated additional funding. This process will continue until the full allocation to Region VI has been awarded. Final allocations are approved by the Executive Board of South Central Dakota Regional Council.

### **Public Facility Grants**

Eligible activities as described in the State Program Distribution Statement include infrastructure, public safety and removal of architectural barriers. A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or disabled persons to publicly owned and privately owned non-residential buildings, facilities and improvements, and the common areas of residential structures containing more than one dwelling unit. Public facility projects which include the removal or architectural barriers projects should be designed to benefit elderly or disabled persons.

A local commitment, including a cash match, is required for public facilities. Some or all of the local match will be used for CDBG grant administration of up to 10 percent of CDBG funds awarded with a minimum of \$5,000 for administration. If a jurisdiction has no local funds for grant administration, the funds will come out of CDBG. The higher the local commitment, the greater the points. See the scoring sections for commitment and matching funds for points awarded.

An engineer/architect report is to be included in the public facility's Pre-application. The engineer/architect report provides information helpful in determining the project's appropriateness and cost effectiveness. An Engineer/Architect is mandated if the building project is over \$200,000.

## **PUBLIC FACILITIES SCORING AND RANKING CRITERIA**

### **1. COMMITMENT**

The committee will score each application on the basis of perceived commitment. 90 to 125 points will be awarded for high commitment and 65 to 89 points for moderate. The following criteria will be considered:

- a. 90 to 125 points will be awarded to projects that demonstrate the applicant is asking for the minimum amount of grant funds and is, therefore, providing the maximum amount of local match and/or other funds. This can be shown by documenting all of the following:
  - 1) project cannot proceed without the requested funds.
  - 2) applicant can show it is without additional existing funds to fully fund or increase the local match to the project.
  - 3) other potential sources of funding assistance have been explored but no other sources of grants or affordable loans are likely or available to meet the immediate need.
  - 4) the problem is:
    - i. long standing or existing and the applicant has made all reasonable efforts to obtain local or other financing to address the problem; or
    - ii. immediate and unexpected, not reasonably foreseen by the applicant.
- b. 65 to 89 points will be awarded to applications which show grant funds are needed to proceed with the project and which meet most, but not all above criteria.

**2. APPROPRIATENESS**

100 to 125 points to projects that meet each of the following criteria:  
 80 to 99 points to those that meet 5 of 6.  
 60 to 79 points to those that meet 4 of 6.  
 40 to 59 points to those that meet 3 of 6.

- a. the project is the best immediate solution to the problem.
- b. the project provides the best long-term solution to the problem.
- c. the project meets all federal and state requirements and standards.
- d. the project appears to be cost effective considering the number of people to benefit versus the cost (compared to other projects);
- e. cost estimates appear to be reasonable and are well documented.
- f. project appears ready to proceed in a timely manner, with construction beginning & completing within a 12-month period.

**3. PERCENTAGE OF MINORITY LIVING IN PROJECT AREA**

Communities with above 76% minority population	100 points
Communities with 51% to 75% minority population	75 points
Communities with 26% to 50% minority population	50 points
Communities with below 26% minority population	25 points

**4. PERCENTAGE OF LMI IN THE PROJECT AREA**

One point will be awarded for every percentage point of LMI population served by the project.

**5. LMI AND/OR TARGET GROUPS BENEFIT -**

Two points for each percent above 51 percent LMI will be awarded. Projects to assist exclusively LMI persons, including senior citizens, removal of architectural barriers projects are eligible. LMI benefit will be determined from the HUD approved data or from approved survey method results.

**6. PROJECT TYPE**

Installation of water and/or sewer facilities	150 points
Rehabilitation of slum or blighted buildings	125 points
Fire protection facilities/equipment	115 points
Install flood & drainage facilities	95 points
Street construction/reconstruction	80 points
Community Center (includes Child Care Initiative)	75 points
Removal of architectural barriers	60 points
All other eligible CDBG projects	50 points

**7. TOTAL CDBG COST PER CAPITA COST**

\$0 to \$1,000	100 points
\$1,001 to \$3,000	80 points
\$3,001 to \$6,000	60 points

**8. RECEIPT OF PUBLIC FACILITY CDBG FUNDS IN THE PAST**

No prior funding	100 points
5 years or more prior	80 points
within the past 4 years	60 points
within the past 3 years	40 points
within the past 2 years	20 points
within the past year	0 points

NOTE: Years are to be counted from (and including) the most recent year in which funds were awarded, up to (and including) the funding year immediately prior to the current year.

CDBG funds from any source (including urgent need funds) are to be considered as prior funds received.

**9. PROJECT READINESS**

Complete plans, and proof of other funding committed	100 points
Complete plans, other funding located – not committed	80 points
Complete plans, other funding not located	20 points

**HOUSING**

Eligible projects as described in the State Program Distribution Statement that address affordable single and multi-family developments, including rehabilitation, repair, expansion, or similar activities that will better assure meeting of needs, immediate and long-term, viability and health and safety issues; or conversion or support new construction providing affordable housing will be considered. Awards may be made in the form of grants.

**HOUSING SCORE SHEET**

SRC will assign points to housing activities applications in the following manner:

1. Proposed number of households to be assisted by the project.	
10 and over	40 points
7-9	30 points
4-6	20 points
Under 4	10 points
2. Participation in project by other funding sources as a percentage of total project costs.	
50.0% and over	40 points
25.0% to 49.9%	20 points
Under 25.0%	0 points
3. Is there a business development project within the community or within a reasonable commuting radius of the community that is contributing to housing demand as measured by local Housing Authority?	
Yes	30 points
No	0 points
4. The project will definitively demonstrate the following results:	
An increase in the number of housing units available to low and very low-income households	20 points
Concrete mechanisms to enhance the affordability of housing for low and very low-income households.	20 points
An ongoing effort to increase housing opportunities in the locality	20 points
Active and ongoing participation by city government and/or other development organization(s).	20 points
Active and ongoing participation by other groups, including financial institutions, charitable groups, the local business community, etc.	10 points
5. Percentage of Minority Living in Project Area	
Communities with above 76% minority population	50 points
Communities with 51% to 75% minority population	30 points
Communities with 26% to 50% minority population	20 points
Communities with below 26% minority population	10 points
6. Project Readiness	
Complete plans, and proof of other funding committed	100 points
Complete plans, other funding located – not committed	80 points
Complete plans, other funding not located	20 points

7. SRC will assign up to **50 points** for the perceived need of each project in the following manner:

Each applicant for housing projects will be invited to present a 5- to 10-minute summary of the project including a description of the type of project, an explanation of the need for the project, growth of the community, if applicable, other proposed financial participants and a general description of beneficiaries (low-and moderate-income households, elderly, female head of households, etc.) After all presentations have been heard, each board member will rank the projects in order of perceived need on a 10-point scale, a rank of 10 the highest and 1 the lowest. The point rankings of each project as shown above in each section will be added together and averaged to arrive at a final ranking. Applicants will then be assigned points, the highest-ranking applicant receiving 50 points, the next highest 45 points, etc., in increments of five points.

The score for the perceived need criterion will then be added to the objective score to arrive at a final score.

A tie will be broken by secret ballot of the SRC. The SRC will be polled, with the Chairperson abstaining from the vote. If a tie again results, the Chairperson will cast the deciding vote.

### **EMERGENCY FUNDS**

Emergency projects are approved by the Governor's Office. Construction contracts cannot be executed nor can work begin on Emergency Projects prior to receiving the Financial Award and Environmental Release of Funds from the State.

Eligible activities must meet the national urgent needs objective as stated in the Federal Register. At a minimum, the threat cannot have occurred or become apparent more than 18 months prior to submission of an application or pre-application, but generally it should not have occurred, or a solution identified, until after the regular public facility pre-application deadline. The use of emergency funds due to a failure from lack of a maintenance plan by a community may not be considered urgent need. Projects will need to meet eligibility requirements and have concurrence that the project constitutes an Emergency Project from the ND Division of Community Services (DCS). Funding will be requested from the Governor's Fund. DCS will determine eligibility and appropriateness based on availability of funds and needs. Applicants must provide evidence that it is unable to finance the activity on its own and other sources of funding are not available. Emergency requests will not be ranked and scored. Emergency applications will be considered at any time. Final funding decisions are made by the State of North Dakota through the Governor's office.

Applicants should contact the Regional Council office for guidance in preparing requests/applications for emergency funding.

### **ECONOMIC DEVELOPMENT FUNDS**

Economic Development projects will be funded with the Regional Revolving Loan Fund.

The South Central Dakota Regional Council (SCDRC) is served by a Loan Funds Committee for SCDRC Community Development Loan Fund (CDLF) review. The Economic Development



allocation, to be called the Community Development Loan Fund (CDLF), is under the authority of the Regional Council's Loan Funds Committee. The Loan Funds Committee consists of one person from each county in Region VI, who is nominated by the county. The Regional Council staff assists the Loan Funds Committee by providing guidance to the business in developing its application, assuring compliance with HUD regulations, and preparing a staff recommendation for the Loan Funds Committee. Applications to the CDLF are taken on an ongoing basis throughout the program year.

Should all available CDLF funds be committed, applicants will be informed of the status of program funding and potential timeline for future funding. Staff will also assist in researching other potential financing sources.

1. Eligible Activities - (Partial listing for a complete list refer to the State Action Plan).
  - a. Direct loans or grants to businesses including loans for fixed assets, equipment, infrastructure, inventory; and guarantees for working capital; or
  - b. Grants for the development of publicly owned infrastructure which directly serves new or expanding for profit businesses; or
  - c. Purchase of preferred stock limited to 20 percent of the total project.
2. Ineligible Activities - (Partial listing for a complete list refer to the State PDS)
  - a. Interest buy downs.
3. Review Committee

The Loan Funds Committee consists of one member from each of the member counties served. The Loan Funds Committee will consider all applications for funding.

#### 4. Application

The application checklist and complete application packet can be obtained from SCDRC. State eligibility requirements will be applied to regional projects. The staff will work with each applicant to assist in the completion of the application. The application must be completed at least fourteen (14) days prior to the upcoming monthly committee meeting at which the applicant would like its application to be considered. The committee meetings are held on the second Tuesday of each month, as needed.

#### 5. Staff Review

The staff will review the application for completeness and program compliance. If necessary, the staff will request additional information or clarification. The staff will prepare a staff recommendation that will be sent to each Loan Funds Committee member with the application packet at least one week prior to its upcoming meeting.

Minimum program requirements include:

- a. At least 51% of the jobs created or retained by the proposed project must be available to low to moderate income people.

- b. Principal(s) must provide at least 10% of the total project in the form of cash or tangible balance sheet equity, and/or other acceptable assets.
- c. A private financing institution must be involved in all ED projects unless it is a disaster situation.
- d. CDLF may only participate to a maximum of 50% of the total project.
- e. CDLF's maximum investment (loans or equity) should be limited to \$35,000 per job created or retained and \$10,000 per job for infrastructure grants.

Upon a determination that the application does not comply with minimum requirements, a letter will be sent to the applicant identifying specifically what can be done to bring the proposal into compliance with the application requirements.

The staff may also begin the environmental review process on each application to expedite the potential drawdown of loan funds.

## 6. Applicant Presentation

Each applicant will present his/her application to the Loan Funds Committee and answer any additional questions from the Loan Funds Committee. The presentation and question/answer period are limited to 30 minutes.

## 7. Loan Committee Review

The Loan Funds Committee will review the CDLF request based on an analysis of the project. The Loan Funds Committee recommendation may come in the form of any of the following actions:

- a. The Loan Funds Committee may recommend funding as requested; or
- b. The Loan Funds Committee may recommend funding with conditions; or
- c. The Loan Funds Committee may ask the business to restructure its financial package for reconsideration; or
- d. The Loan Funds Committee may request additional information before a recommendation can be made; or
- e. The Loan Funds Committee may recommend that the application not be funded and not be allowed to restructure its financial package for further consideration.

## 8. Application Approval

If the application is approved by the Loan Funds Committee, the staff will organize the following:

- a. Public hearing held by sponsoring applicant jurisdiction.
- b. Completion of community application requirements.
- c. Complete full application and submit to Division of Community Services (DCS).

## 9. Amendment Requests

Amendment requests must be made by the loan recipient to the sponsoring unit of government, for approval, denial, or approval with alterations. The sponsoring unit of government will then forward the amendment to the Regional Council who will forward the request to the DCS.

## ECONOMIC DEVELOPMENT APPLICATION

### 1. Pre-Application/Business Plan

- a. The pre-application includes submitting a pre-application and a business plan to the Regional Council which will be accepted any time during the program year. It shall contain all information required by the current State Action Plan.
- b. Regional Council staff will review each pre-application and business plan for compliance with Program Distribution Statement-Economic Development guidelines.
- c. Once the application has been determined complete and in compliance, the Regional Council will complete an in-depth review of it and forward the review to the Loan Funds Committee.

The Regional Council staff, when reviewing the application and business plan will focus primarily on an analysis of the following:

- Need for CDLF assistance and appropriateness of the proposed use of funds.
- Cash flow and the ability to meet current and proposed debt service requirements.
- Strength of the balance sheet, profit and loss statements.
- Financial contribution (equity commitment) and strength of the principals.
- Appropriateness of the proposed terms of CDLF assistance.
- Management strength and expertise.
- Past performance of the firm and/or principals.
- Commitment of other sources or lack of other sources of funding.
- Strengths and weaknesses of the proposed marketing activities.
- Proposed staffing plan, including cost per job based on the amount of CDLF assistance requested.

The results of the Regional Council staff review may consist of any of the following:

- The applicant and/or business may be asked to provide more information.
- The business may be asked to pursue other sources of funding before giving further consideration.
- The business may be asked to restructure the financial package.
- The business may be asked to rework/revise its business plan.
- The Regional Council staff may request a visit to the business locale and/or a meeting with the business.
- The Regional Council staff may decide that the business is not feasible as structured with the negative recommendation provided in writing.
- The Regional Council staff may decide to develop a positive funding recommendation with conditions.
- The Regional Council staff may recommend that the business not be funded and not be permitted to restructure its proposal, and
- The Regional Council staff may recommend funding as requested. The above list or potential actions are not all-inclusive and other actions may be taken as the situation may dictate.

- d. At least one week prior to the Loan Funds Committee monthly meeting the pre-application, business plan, and Regional Council staff review and recommendation for funding will be sent to each Loan Funds Committee member.

- e. The Loan Funds Committee, at its monthly meeting, will review the pre- application and business plan, meet with the business owners and/or representatives, and consider the staff recommendation. When reviewing the proposal, the committee will focus on an analysis of the following:
- Need for CDLF assistance and appropriateness of the proposed use of funds.
  - Cash flow and the ability to meet current and proposed debt service requirements.
  - Strength of the balance sheet, profit and loss statements.
  - Financial strength of the principals.
  - Appropriateness of the proposed terms of CDLF assistance.
  - Management strength and expertise.
  - Past performance of the firm and/or principals.
  - Other sources or lack of other sources of funding.
  - Strengths and weaknesses of the proposed marketing activities.
  - Proposed staffing plan, including cost per job based on amount of CDLF assistance requested.

After the meeting with the business and reviewing the proposal the committee will recommend one of the following:

- The applicant and/or business may be asked to provide more information.
- The business may be asked to pursue other sources of funding before giving further consideration.
- The business may be asked to restructure the financial package.
- The business may be asked to rework/revise its business plan.
- The Loan Funds Committee may decide that the business is not feasible as structured with the negative recommendation provided in writing.
- The Loan Funds Committee may decide to develop a positive funding recommendation with conditions.
- The Loan Funds Committee may recommend that the business not be funded and not be permitted to restructure its proposal, and
- The Loan Funds Committee may recommend funding as requested. The Committee may recommend less funding depending on the availability of funds. The above list or potential actions are not all-inclusive and other actions may be taken as the situation may dictate.

## 2. Full Application

- a. Following approval by the Loan Funds Committee, the full application will be generated by the Regional Council staff. It will contain all information in compliance with PDS guidelines. The Regional Council staff will then forward the full application to DCS for a compliance review and preparation of the Financial Award. Two copies of the Financial Award will be forwarded to the grantee. The signed Financial Award must be signed and returned within 60 days of the effective date of the award or the award may be terminated. Upon receipt of the Financial Award and prior to completing all environmental review requirements and receipt of an official Notice of Release of Funds, the grantee may only incur administrative costs. No construction, acquisition, or other costs may be incurred before the Release of Funds date.

- b. The loan documents (i.e., loan agreement, promissory note, security agreement, guarantee, and UCC filings) will be generated by the Regional Council staff. It will be the Regional Council's responsibility to submit these documents to the required persons/agencies for execution and/or recording.

## **OTHER POLICIES**

### **A. Conflict of Interest**

South Central Dakota Regional Council and its Community Development Block Grant committees will avoid conflict of interest situations, whether real or perceived. To avoid even an appearance of conflict of interest, the following policies shall be in effect:

1. Adoption of HUD Conflict of Interest Policy.

The committee shall adopt the HUD Conflict of Interest policy as its own policy.

2. Other Policies

Committee members who reside within the applicant's jurisdiction will provide disclosure at the committee meeting and shall refrain from ranking the application.

No employee, agent, consultant, officer or elected official of the state, unit of general local government, designated public agency or sub-recipient shall participate in the scoring or ranking of a project that could be supported by federal grants funds, if a conflict of interest, real or perceived exists. Such a conflict would arise when the employee, agent, consultant, officer or elected official, any member of his/her immediate family, his/her partner or an organization which employs, or is about to employ any of the above has a financial interest or other interest in the project selected for funding.

If it is not clear whether a conflict of interest, real or perceived, may exist, a committee member may abstain from voting/ranking, or may ask the chairman to determine whether abstention is advisable, or the chairman may ask other committee members to determine if abstention should be required.

DCS and South Central Dakota Regional Council reserve the right, without notification except as may be required by state or federal regulations, to modify or transfer allocations and otherwise modify or amend this statement, including but not limited to, clarifications of policy, and deadline or meeting date changes."

### **B. Allocations, Adjustments and Transfers**

After project scoring is complete, the SCDRC Executive Board of Directors will consider the amount of the recommended award for each project according to ranking. The SCDRC Executive Board of Directors reserves the right to adjust the amount of each award from the amount requested as it determines appropriate, and to apply conditions to the award. Lower-ranked projects that exceed thresholds are not necessarily entitled to grant award even if funds remain in the category. The SCDRC Executive Board of Directors may retain or transfer the balance of allocated funds to any

category for current or future applicants, including emergency, other or economic development project as.

If, after making its award recommendations, funds remain in one or more categories, the SCDRC Executive Board of Directors may:

1. Offer all or part of the remaining allocation to applicants in order of ranking until all or part of the allocation is obligated,
2. Transfer all or part of the unobligated balance of the allocation to another category,
3. Retain the unobligated balance for future awards in the same category or transfer to another category,
4. Award all or part of the remaining allocation to an open project, or
5. Any combination of the above.

### ACRONYMS

<b>CDBG</b>	Community Development Block Grant: (U.S. Department of Housing & Urban Development) funds distributed to North Dakota
<b>CDLF</b>	Community Development Loan Fund
<b>DCS</b>	Division of Community Services: A division of the North Dakota Department of Commerce
<b>ED</b>	Economic Development
<b>HUD</b>	US Department of Housing and Urban Development
<b>LMI</b>	Low to Moderate Income: Relates to income status as determined by HUD
<b>PDS</b>	Program Distribution Statement
<b>SRC</b>	Scoring and Ranking Committee
<b>RLF</b>	Revolving Loan Fund
<b>SCDRC</b>	South Central Dakota Regional Council
<b>VL &amp; LI</b>	Very Low and Low Income: Relates to income status of households/persons as determined by HUD

**2021**

**REGION VII**

**LEWIS AND CLARK**

**REGIONAL**

**DEVELOPMENT COUNCIL**

**200 1<sup>st</sup> Avenue NW**  
**Mandan, ND 58554**  
**Phone: 701-667-7620**  
**Fax: 701-255-7228**  
**[lcrdc@lewisandclarkrdc.com](mailto:lcrdc@lewisandclarkrdc.com)**  
**TTY: 800-366-6888**  
**ND Relay Voice: 800-366-6889**  
**Spanish: 800-435-8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

## IMPLEMENTATION SCHEDULE

### Public Facilities, Housing, Planning and Main Street

June 4, 2021	Submission deadline for pre-applications (original and one copy required, must be post-marked on or before deadline date).
June 23, 2021	Applications will be reviewed, scored and recommended funding amounts determined.
December 23, 2021	Submission deadline for final applications due to DCS.
January 2, 2022	Last date final applications are due (original only) to Lewis and Clark Regional Development Council.*

### Economic Development (CDLF and ED Infrastructure) and Emergency Applications

Pre-applications and final applications will be accepted at any time and will be considered if funds are available.

\*At the option of the CDBG committee, due dates for final applications may be extended. This option may be exercised at the sole discretion of the committee and with public notice if final applications are invited after June 4, 2021 due to availability of additional funds resulting from additional allocations, returned or unobligated funds, or fund transfers. In such cases, the committee may extend the final application deadline as it determines is appropriate, but not later than seven days prior to the latest date by which applications and amendments must be received by DCS.

## ALLOCATION OF FUNDS

Distribution of CDBG funds by Lewis and Clark Regional Development Council will be as follows. If the final allocation changes, allocations to one or more categories may be adjusted accordingly without notice and at the sole discretion of the CDBG Committee.

Housing	\$ 100,000
Public Facilities	\$ 206,939
Emergency/Other	\$ 0
Economic Development - CDLF & ED Infrastructure	\$ 0
TOTAL	\$306,939

### CDBG Funding Categories

- A. **Housing:** Housing projects are eligible projects as described in the State Program Distribution Statement that address single family and affordable multi-family developments, including rehabilitation, repair or similar activities proposed that will better assure meeting of needs, immediate and long-term viability, and health and safety issues; or conversion or eligible soft costs for new construction providing affordable housing. Awards may be made in the form of grants, loans, or a combination.



- B. **Public Facilities:** Eligible activities as described in the State Program Distribution Statement to include infrastructure, public safety (e.g., fire halls, fire trucks, ambulances and related equipment) and removal of architectural barriers.
- C. **Emergencies:** Eligible activities needed to alleviate an immediate and urgent condition that poses a serious health, welfare or safety threat, including an event such as fire, flood or tornado resulting in severe damages that may result in a loss of jobs and/or inability of the community to provide essential services to its market area. At a minimum, the threat cannot have occurred or become apparent more than 18 months prior to submission of an application or pre-application, but generally it should not have occurred, or a solution identified, until after the regular public facility pre-application deadline.
- D. **Other:** Is for other activities which do not fit in to any other category but which are eligible for CDBG assistance. Any proposal within this category must meet one of the national objectives.

### **CDLF Funding Categories**

**Economic Development:** Eligible activities and projects as described in the State Program Distribution Statement. Economic development funds may be in the form of CDLF loans or grants to businesses (or related entities), or as grants and/or loans for economic development infrastructure, but a bank must be involved in the project financing of CDLF projects.

## **GRANT APPLICATION SUBMISSION REQUIREMENTS**

### **A. Public Facilities and Housing**

1. Applicants have the option of submitting either a pre-application or full application by June 4, 2021. This is to allow applicants wishing to begin a project as soon as possible the opportunity to receive a final grant award in a timely manner. To be considered for scoring, the minimum requirements of a preliminary application must be met. However, because scoring is based only on information required in the pre-application, full applications would have no advantage in scoring over pre-applications.
2. Generally, the only difference between pre-applications and full applications is documentation that all state and federal procedures and policies, such as public hearings, identification of community development needs, displacement policies, etc. have been fulfilled. However, pre-applicants who have been invited for a full application may change the proposal shown in the pre-application, but only if the proposal is within the same emphasis area and is intended to address the same problem identified in the pre-application. If any changes could affect the score it received in the pre-application, the Lewis and Clark CDBG Committee reserves the right to re-score, adjust rankings and alter award recipients and amounts.
3. Although specific match amounts are not required, at a minimum local match is required to fully cover engineering/architectural costs, if any, and CDBG administration costs. The match requirement may be waived in whole or part by the committee if it can be clearly documented there are insufficient resources to pay such costs. Architectural/ engineering

costs should be documented in the application, and for purposes of budgeting. The following administration costs should be assumed unless otherwise documented:

- a. For Housing and Public Facility Special Assessment projects, 15% of CDBG project funds, with a minimum of \$1,000 and maximum of \$15,000.
- b. For Public Facility projects, 10% of CDBG project funds, with a minimum of \$1,000 and maximum of \$10,000.

Notwithstanding the above, the match amount proposed by the applicant should be determined by what is reasonable considering the resources available to the applicant. Failure to provide an adequate and reasonable match will result in a lower commitment score. Proposals requesting grant assistance for either engineering or administration, or both, will be required to submit additional budget and financial information.

4. Public Facility projects for which costs are estimated at \$200,000 or more require preparation of plans, drawings and specifications by a licensed architect or registered engineer.
5. Housing projects for which costs are estimated at \$200,000 or more require preparation of plans, drawings and specifications by a licensed architect or registered engineer.

#### **B. Economic Development and Economic Development Infrastructure**

1. Economic Development (CDLF) and Economic Development Infrastructure proposals will be considered at any time.
2. Final applications will not be requested or considered until eligibility has been determined by council staff after submission of a pre-application.
3. Administration of 10%, minimum \$1,000, unless otherwise negotiated, will be charged.

**C. Emergency and Other:** Applicants should contact the regional council for guidance and instructions.

### **GRANT REVIEW AND SELECTION PROCESS**

#### **A. Public Facilities and Housing**

1. A committee composed of voting Council members serving on the Lewis and Clark **CAPITAL** Fund Board will be responsible for reviewing, scoring, ranking and making grant award recommendations. The chairman of the CDBG committee, in cases where a committee member(s) is absent or has a conflict of interest, may name an alternate(s) for the absent or in-conflict member from a pool of Council board members who have served at least one year and demonstrated a record of good attendance. When possible and practical, preference should be given to those potential alternates who have no apparent conflict of interest in any known proposal.

2. Only proposals that meet the full requirements of the pre-application, and those determined by Council staff to be eligible, will be considered.
3. Upon receiving proposals, Council staff will review each for eligibility and completeness, and prior to the CDBG committee meeting on June 23, 2021, staff will send to each member a copy of the submitted proposals.
4. Staff will prepare summary reviews of each application to be given to committee members at or before their meeting on June 23, 2021.
5. Applicant representatives will be given the opportunity to present their proposal to the committee at the meeting, with up to 15 minutes each for presentations and questions from the committee and staff.
6. After all proposals have been heard and reviewed by the committee, committee members will score proposals in each subjective scoring category. Staff will apply appropriate scores for each objective category. Committee scores will then be totaled, with the highest and lowest individual scores in each category for each project eliminated and the remaining scores averaged to determine ranking.
7. To be considered for, but not necessarily entitled to funding, public facilities proposals must receive a score of at least 350 points and housing at least 500. The threshold requirements may be waived upon unanimous vote of a quorum of the CDBG Committee.
8. Although no allocation is specified for emergencies, requests may be funded on June 23, 2021 or thereafter upon approval of the committee and approval of transfer of funds from any category.
9. For scoring purposes only on housing proposals, funds spent on related items within six months prior to consideration of the request may be recognized as match.
10. After rankings have been determined, the committee will consider the amount of the recommended award to each project according to ranking. The committee reserves the right to adjust the amount of each award from the amount requested as it determines appropriate, and to apply conditions to the award, including time deadlines to meet the conditions. Lower-ranked projects that exceed thresholds are not necessarily entitled to grant awards even if allocated funds remain in the category. The committee may retain or transfer the balance of allocated funds to any category for current or future applicants, including for emergency, other or economic development projects as deemed appropriate.
11. If, after making its award recommendations, projects cannot be partially completed using CDBG funds. Projects need to be complete, if additional funds are necessary local and/or other sources must be utilized. If funds remain in one or more categories, the CDBG committee may distribute funds in this order:
  - a. Offer all or part of the remaining allocation to applicants in order of ranking until all or part of the allocation is obligated, or

- b. Transfer all or part of the unobligated balance of the allocation to another category, or
  - c. Retain the unobligated balance for future awards in the same category or transfer to another category, or
  - d. Award all or part of the remaining allocation to an existing, previously funded (from the previous year) but still open project, or
  - e. Any combination of the above.
12. Pre-applicants recommended for funding will be invited to submit final applications. Final applications which staff determines are different to the extent that the pre-application score may be reduced will be re-scored, re-ranked and funding levels altered as the committee deems necessary.
13. All final applications recommended for funding will be delivered to the Division of Community Services for review, final approval and preparation of grant awards.

**B. Economic Development—CDLF**

- 1. Funding recommendations under the Economic Development allocation, to be called the Lewis and Clark Community Development Loan Fund (CDLF), will be made by the Lewis and Clark **CAPITAL** Fund Board.
- 2. Prior to submitting a full application and business plan, applicant must first submit a pre-application, which will be reviewed by staff for eligibility. Proposals that meet eligibility requirements will be invited to submit a full application.
- 3. The **CAPITAL** Fund Board will meet monthly to review all final and complete applications and business plans received at least two weeks prior to the meeting. Applications received within two weeks may be considered at the option of the **CAPITAL** Fund Board, and otherwise will be held over until the next monthly meeting.
- 4. Prior to consideration by the **CAPITAL** Fund Board, staff will review the application and business plan and prepare recommendations regarding terms, conditions and other matters.
- 5. After discussing the proposal with representative(s) of the applicant as well as consideration of staff reviews and recommendations, the **CAPITAL** Fund Board may:
  - a. Approve as proposed;
  - b. Approve with modifications or conditions;
  - c. Agree to withhold a decision until a later date; or,
  - d. Deny the request.
- 6. Applications recommended for approval will be forwarded to the Division of Community Services for review, final approval and preparation of grant awards.

7. Proposals which have been rejected for funding may be resubmitted at any time, and may be reconsidered by the committee if it determines that situational or proposal changes are significant enough that a change in determination is likely.

### **C. Economic Development Infrastructure**

1. The process for requests for economic development infrastructure projects will be the same as described in B. above (Economic Development-CDLF).
2. Awards for economic development infrastructure may be in the form of grants, loans, or a combination, as is determined to be appropriate.
3. Proposals which have been rejected for funding may be resubmitted at any time, and may be reconsidered by the committee if it determines that situational or proposal changes are significant enough that a change in determination is likely.

### **D. Emergency and Other**

1. For emergency and other proposals eligible for CDBG assistance, the appropriate application/pre-application form shall be used. Applicants should contact staff for guidance.
2. The committee, or a subcommittee as authorized by the committee or its chair in cases where a full committee meeting is impractical due to the immediacy of an emergency, shall review each proposal and deliver any favorable recommendation to the Division of Community Services for review, final approval and preparation of grant awards.
3. Construction contracts cannot be executed nor can work begin on emergency projects prior to receiving the Financial Award and Environmental Release of Funds from the State.

### **F. Other Transfers**

1. The committee reserves the right, without notification except as may be required by state or federal regulations, to modify or transfer allocations and otherwise modify or amend this statement, including but not limited to clarifications of policy, and deadline or meeting date changes.
2. The committee may assign all returned funds from 2020 grantees and grantees prior to 2019 to whichever allocation it deems appropriate.
3. Existing grantees requesting additional CDBG funds from either the 2021 allocation or from returned or any unallocated funds may do so through the amendment procedure. Such requests for additional funds from the 2021 allocation may be considered at any time during or after the June 23, 2021 ranking session. Requests for additional funds from 2019 or earlier returned or unallocated funds may be considered at any time.

## **SCORING AND RANKING CRITERIA**

### **A. Public Facilities – Maximum 700 Points**

## 1. Project Need – Maximum 150 Points

On the basis of project need, the committee will score each proposal from 0-150 points, applying 101-150 for proposals showing high need, 51-100 for moderate need and 0-50 for low need using the following criteria:

- a. 101-150 points will be applied to proposals that demonstrate the project will address **all** of the following criteria:
  - (1) The health and/or safety risk is significant; and,
  - (2) The risk is immediate, either existing or it is clearly and definitively documented to pose an impending threat to the health and/or safety of residents; or,
  - (3) For proposals addressing handicapped accessibility or removal of architectural barriers, most or all critical and necessary services otherwise available are not and cannot be provided.
- b. 51-100 points will be applied if:
  - (1) The health and/or safety problem is either significant or immediate, but not both; or,
  - (2) Accessibility problems pose a major inconvenience, but services and access are still available.
- c. 0-50 points will be applied if:
  - (1) The health and/or safety problem is neither significant nor immediate; or,
  - (2) Accessibility problems pose a minor inconvenience, or restrict access only to secondary services.
- d. Within the high-medium-low ranges, the committee will score projects according to:
  - (1) Relative degree of seriousness of the health and/or safety threat;
  - (2) Relative immediacy of the problem;
  - (3) Relative problems posed by accessibility limitations; and,
  - (4) Documentation of federal or state violations or unmet standards.

## 2. Financial Need – Maximum 75 points

On the basis of financial need, the committee will score each proposal 0-75 points, applying 51-75 points for proposals showing high need, 26-50 points for proposals showing moderate need, and 0-25 points for proposals showing low need using the following criteria:

- a. 51-75 points will be applied to projects that can document **all** the following:

- (1) The project cannot proceed without CDBG assistance because the applicant does not have available the necessary financial resources, future revenues are inadequate or cannot accommodate timelines necessary to undertake the project, borrowing capacity is inadequate, or cost would place an undue financial burden on the applicant and/or its citizens; and,
  - (2) Other potential sources of assistance have been explored and cannot provide the assistance necessary.
- b. 26-50 points will be applied if:
- (1) The project can proceed but would likely place a significant financial burden upon the applicant and its citizens; and,
  - (2) Other potential sources of assistance have been explored and cannot provide the assistance necessary.
- a. 0-25 points will be applied if:
- (1) The project can proceed with available or accessible financial resources and without significant financial burden; or,
  - (2) No efforts can be documented that other sources of assistance have been explored or accepted.
- d. Within the high-medium-low ranges, the committee will consider in its scoring:
- (1) The relative need for the funds;
  - (2) Whether other federal or state funds will be leveraged by the CDBG funds that would otherwise be lost if funding is not awarded;
  - (3) Documentation of need, including demonstrated efforts to secure funding assistance from other sources.

3. Local Commitment – Maximum 75 points

On the basis of local commitment, the committee will score each proposal 0-75 points, applying 51-75 points for proposals showing high commitment, 26-50 points for proposals showing moderate commitment, and 0-25 points for proposals showing low commitment using the following criteria:

- a. 51-75 points will be applied to projects that can document **all** of the following:
- (1) No more match other than what is being committed to the project is available; and,
  - (2) The applicant is not now confronting a problem or need simply because of deferred maintenance or non-action that it should have reasonably undertaken, or, if that is the case, can demonstrate it has taken actions necessary to correct the situation; and,

- (3) Past activities undertaken by the applicant indicates strong commitment to providing adequate and safe community infrastructure, public works and services; and,
  - (4) The applicant demonstrates commitment to providing adequate infrastructure and safety through tax levies, fees and utilization of borrowing capacity that are reasonable and appropriate considering the community size and demographics
- b. 26-50 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with those criteria it does not clearly meet.
  - c. 0-25 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria but one or more major concerns are apparent which affect the appropriateness.
  - d. Within the high-medium-low ranges, the committee will consider in its scoring:
    - (1) The relative degree of commitment shown by the applicant;
    - (2) Documentation that the proposal has strong community support.

4. Project Appropriateness – Maximum 300 points

On the basis of project appropriateness, the committee will score each proposal 0-300 points, applying 201-300 points for proposals showing high appropriateness, 101-200 for moderate appropriateness, and 0-100 for low appropriateness using the following criteria:

- a. 201-300 points will be awarded to proposals that show the applicant has substantially met **all** the following criteria:
  - (1) The solution proposed, and funding requested, is logical and cost-effective considering the cost of the project related to the immediacy of the problem, the seriousness of the problem being addressed, the degree to which impacted residents will be benefited, and the number of people to benefit; and,
  - (2) The project would address the best immediate solution to the problem; and,
  - (3) The project would address the best long-term solution to the problem; and,
  - (4) The project would meet all federal and state requirements and standards, as may apply; and,
  - (5) Cost estimates appear reasonable and are well documented (based on either architect/engineer estimates or multiple vendor quotes as is appropriate); and,
  - (6) Project appears ready to proceed in a timely manner.



- b. 101-200 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with those criteria it does not clearly meet.
- c. 0-100 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria but one or more major concerns are apparent which affect the appropriateness.

5. Planning – Maximum 15 Points

15 points will be applied if the applicant has a complete 504 Transition Plan submitted to the State. No (0) points will be applied if the applicant does not have a completed plan.

6. Very Low/Low Income Benefit (VL/LI) – Maximum 5 points

One point for each percent rounded 10% VL/LI to benefit above 50% will be applied. Projects to assist exclusively VL/LI persons, senior citizens, handicapped accessibility or removal of architectural barriers projects, will receive 100% VL/LI benefit. Otherwise VL/LI benefit will be determined from census data or from approved survey method results.

7. Bonus – Maximum 30 points

- a. One point will be applied for each year since a (regular program) CDBG grant was last awarded for a project within the same emphasis area, which was sited within the same political jurisdiction and owned or controlled by the same recipient, and which included primary benefit to the same population. (Maximum 15 points.)
- b. One point will be applied for each year since any (regular program) CDBG grant-assisted project, with the exception of CDLF, planning and emergencies, was last awarded for activities within the jurisdiction of the proposed grant recipient. (Maximum 15 points.)

8. Percent of Minority Living in Project Area – Maximum 50 points

- a. Communities with 100% minority population 50 Points
- b. Communities with 50.1% to 99.9% minority population 40 Points
- c. Communities with 25% to 50% minority population 30 Points
- d. Communities with 5% to 24% minority population 20 Points
- e. Communities with below 5% minority population 10 Points

**B. Housing Projects – Maximum 1,050 Points**

1. Project Need – Maximum 150 Points

- a. 101-150 points will be applied to proposals that demonstrate the project will address **all** of the following criteria:

- (1) Thorough documentation is provided for the type of housing or work proposed, utilizing assessments, census, survey, market study, occupancy rates or other reliable and pertinent statistical data; and,
  - (2) Meets both current and long-term benefit in addressing existing and future needs; and,
  - (3) Addresses, directly or indirectly, health and safety issues; and,
  - (4) The project will have significant impact on meeting the needs as documented.
- b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals which meet few of the above criteria, or which significantly fail to meet one or more of the criteria.
2. Financial Need – Maximum 150 points
- a. 101-150 points will be applied to projects that can document **all** of the following:
    - (1) The project cannot proceed without CDBG assistance, or failure to receive CDBG funds would significantly reduce the benefit, viability or impact, because the applicant or recipient does not have available the necessary financial resources, nor are future revenue sources likely to become available; and,
    - (2) The amount and type of funds requested (loan, grant or a combination) and the terms proposed or as may be offered, are reasonable and appropriate; and,
    - (3) Other potential sources of assistance have been explored and cannot provide the assistance necessary.
  - b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria but one or more major concerns are apparent which affect the demonstrated financial need.
3. Appropriateness – Maximum 150 points
- a. 101-150 points will be applied to projects that can document **all** of the following:
    - (1) The proposed project represents a logical and cost-effective strategy for addressing the needs as documented considering the amount of funds being requested, the terms proposed, the number of people who will benefit, and the degree to which they will benefit; and,
    - (2) The applicant can document the sustainability and viability of the project, as can be documented by the likelihood of repayability if loans are proposed, and

through past performance and credit rating, strength and credibility of pro forma financial statements and cash flows, value of security, and financial strength and commitment of the principals or borrowers; or whether debt service and loans are or are not involved, that policies proposed and/or financial information provided indicate the feasibility of the project and the ability to assure the housing can be and will remain occupied, affordable and properly maintained; and,

- (3) The project would meet all federal and state requirements and standards, as may apply; and,
  - (4) Cost estimates appear to be reasonable and are well documented (based on either architect/engineer estimates or multiple vendor quotes as is appropriate).
- b. 51-100 points will be awarded to proposals that substantially meet most of the above criteria and no major concerns are apparent with criteria it does not clearly meet.
  - c. 0-50 points will be awarded to proposals that meet few of the above criteria, or which meet most criteria but one or more major concerns are apparent which affect the appropriateness.
4. Leveraged and Matching Funds – Maximum 100 points

Up to 100 points will be applied based upon the amount and percentage of matching funds and if funding will leverage other funds that might otherwise be lost if CDBG funds are not awarded. Maximum points will be awarded if the match and leverage amount is significant and both certain and dependent upon CDBG funding. Lower scores will be applied based on lesser amounts of leverage and degree of certainty and dependence upon the CDBG funding.

5. Timeliness – Maximum 100 points

Up to 100 points will be applied to projects that can show the following has been met or it can be reasonably assured will soon be met:

- (1) The applicant/recipient has appropriate site control; and,
- (2) The applicant/recipient has all necessary licenses and permits; and,
- (3) Proper zoning is in place; and,
- (4) Other financing needed is available; and,
- (5) Project plans, specifications and cost estimates are complete, and,
- (6) If existing, HQS certifications are current, and if built before 1978, lead-based paint inspections have been completed and, if lead paint is identified as existing, proper methods are proposed in addressing the issue and costs are determined; and,

- (7) All other data, information, commitments, plans, and other are complete and in place.

6. Low-Income Benefit – Maximum 100 Points

Up to 100 points will be applied to projects showing the greatest benefit to low- and very-low income persons and households, including benefit and access to handicapped persons. The highest number of points will be applied if handicapped-accessible units are available and, based upon past, current and/or future occupancy by low-income persons, as shown by historical data, subsidy policies or funding regulations, a high level of low-income occupancy can be assured.

7. Community Development Impact – Maximum 100 Points

Up to 100 points will be applied to proposals that will have favorable impact upon the community's economic and community development efforts. In considering the number of points to be applied, the committee will weigh several factors, including the following:

- a. The degree of impact the project will have on the community's community development efforts, including housing and economic development.
- b. Whether it is a part of a larger or comprehensive program or project.
- c. Its relationship to a business or housing opportunity or need, such as business retention, expansion or attraction.
- d. Puts to its best use current, vacant or abandoned buildings, space or property.
- e. Relates to other housing projects or efforts that are recently completed, underway or proposed.
- f. The quality of the proposed project.
- g. Consistency with a priority identified in a Community Strategic Plan, Urban Renewal Plan, Development Plan or other related plan or strategy.

8. Services Capacity – Maximum 50 points

Up to 50 points will be applied if the applicant and/or recipient can document it has the capacity to provide other essential services to its residents benefiting from the project. Depending upon the nature of the project, this may include in-house social programs, health services, transportation, meals, personal services and other, and/or may include community services that would serve beneficiaries, such as medical, public transportation, youth and senior citizen services and programs, availability of Meals on Wheels, and handicapped accessibility at public buildings.

9. Infrastructure Capacity – Maximum 25 points

Up to 25 points will be applied if the applicant can document all primary health and safety infrastructure serving, or to serve the proposed housing units, including water, sewer, solid waste disposal and fire protection services, are of high quality, readily available, and without problems or deficiencies.

10. Innovation – Maximum 25 Points

Up to 25 points may be applied to projects that propose an innovative approach to providing affordable housing.

11. Management Capacity – Maximum 25 points

Up to 25 points will be applied if the applicant and/or recipient can show strong management, marketing and administrative skills and experience, or provision of counseling and technical assistance, as the project may require, that should assure project success.

12. Community Support – Maximum 25 Points

Up to 25 points may be applied to projects that can demonstrate strong support for the proposal. This, at a minimum, should include letters of support from public or private individuals or entities, and may also include consideration of past community efforts and successes in providing affordable housing, and the level of financial, technical assistance or other community support or partnerships that are being provided for the project.

13. Percent of Minority Living in Project Area – Maximum 50 Points

- |  |           |
|--|-----------|
| a. Communities with 100% minority population           | 50 Points |
| b. Communities with 50.1% to 99.9% minority population | 40 Points |
| c. Communities with 25% to 50% minority population     | 30 Points |
| d. Communities with 5% to 24.9% minority population    | 20 Points |
| e. Communities with below 5% minority population       | 10 points |

**D. Emergency**

No point system will be utilized for emergency requests; decisions regarding funding will be based on the project need, commitment and appropriateness as well as availability of funds.

**E. Economic Development**

1. No point system will be utilized for economic development (CDLF) requests; however, decisions will be based on the following:
  - a. Financial strength and reasonableness;
  - b. Likelihood of success;
  - c. Likelihood of repayability;

- d. Need and appropriateness for funds and terms;
  - e. Management strength, expertise and past performance;
  - f. Marketing; and,
  - g. Degree of likely benefit to the economy, VL/LI persons, and/or anticipated impact of addressing national objectives as defined in the state program statement.
2. No point system will be utilized for economic development infrastructure requests; however, decisions will be based on the following:
- a. Degree to which the infrastructure fits into the community's overall economic development strategy.
  - b. Need and appropriateness for funds and terms.
  - c. Degree of likely benefit to the economy, VL/LI persons, and/or anticipated impact of addressing national objectives as defined in the state program statement.

### **ACRONYMS**

- CDBG** Community Development Block Grant: US Department of Housing and Urban Development (HUD) funds distributed to North Dakota.
- CDLF** Community Development Loan Fund: CDBG funds utilized for economic development projects and activities.
- DCS** Division of Community Services: A division of the North Dakota Department of Commerce.
- ED** Economic Development.
- HQS** Housing Quality Standards: Minimum physical conditions of residential homes as required by HUD.
- VL/LI** Very Low and Low Income: Relates to income status of households/persons as determined by HUD.

**2021**

**REGION VIII**

**ROOSEVELT-CUSTER  
REGIONAL COUNCIL**

**40 1<sup>st</sup> Ave W Ste 301**

**Dickinson, ND 58601**

**Phone: 701-483-1241**

**[rcrc@ndsupernet.com](mailto:rcrc@ndsupernet.com)**

**TTY: 800-366-6888**

**ND Relay Voice: 800-366-6889**

**Spanish: 800-435-8590**



**ALTERNATIVE FORMATS FOR DISABLED  
PERSONS ARE AVAILABLE UPON REQUEST**

## APPLICATION DEADLINES

### Public Facilities, Planning and Housing

**September 1, 2021** Pre-applications due at Roosevelt-Custer Regional Council.

**September 23, 2021** Presentation to Roosevelt-Custer Regional Council Review Committee and pre-application scoring by Review Committee.

**December 3, 2021** Final Applications due at Roosevelt-Custer Regional Council.

**March 23, 2021** Final Application due to DCS.

## DISTRIBUTION OF FUNDS

### FUNDING AMOUNTS AND CATEGORIES

The estimated statewide allocation of the 2021 Community Development Block Grant (CDBG) funds is found in the 2021 State Program Distribution Statement [www.communityservices.nd.gov/communitydevelopment/Programs/CommunityDevelopmentBlockGrantCDBG/](http://www.communityservices.nd.gov/communitydevelopment/Programs/CommunityDevelopmentBlockGrantCDBG/). Funds available to Region VIII will be \$213,297.00. Those funds will be allocated under the following categories:

Economic Development (see page 7)	0%	\$	0
Public Facilities	50%	\$	106,648.50
Housing	50%	\$	106,648.50
Emergency Public Facility	\$0	\$	0
Total Funding	100%	\$	213,297.00

### ECONOMIC DEVELOPMENT

Economic development projects must meet the eligibility criteria as described in the 2021 State Program Distribution Statement. Additionally, regional information is included in this statement.

### PUBLIC FACILITIES & HOUSING

Projects must meet the eligibility criteria as described in the 2021 State Program Distribution Statement.

[Community Services: Community Development \(nd.gov\)](http://www.communityservices.nd.gov)

Regional information is attached to this program statement. The Roosevelt-Custer Regional Council Executive Board elected to **allocate the 2021 Regional CDBG funds to housing and public facilities at 50% each. Any funds remaining in either category after scoring and ranking can be transferred to the other.**



## **PUBLIC FACILITIES CATEGORIES**

Public Facilities categories include: Water and Sewer, fire protection, ambulances, community centers, storm sewers, flood or drainage facilities, removal of architectural barriers and planning.

North Dakota State Law requires that **“all public improvement projects with costs exceeding \$200,000 that are funded under the CDBG Public Facilities program shall procure plans, drawings and specifications for the work from a licensed architect or registered professional engineer.” These architect/engineering plans must be included in the pre-application to be eligible for 2020 funding.**

It is **strongly recommended** applicants seek professional assistance (architectural or engineering expertise) for construction projects under \$200,000 when estimating project costs.

## **HOUSING CATEGORIES**

Housing projects include:

1. Housing rehabilitation of existing low-income single-family and multi-family housing.
2. New housing construction is prohibited. However, CDBG funds can be used in support of new housing construction such as property acquisition, site clearance in preparation for housing and site improvements (install water lines, sewer lines and utility lines) on publicly-owned properties or privately-owned properties, if an easement on the property is obtained before carrying out the improvements. Also, the construction or reconstruction of publicly owned streets, bridges and alleys is eligible as a public facilities and improvements activity when it relates to new housing construction. If you are considering a project in support of new housing, please contact the Regional Council office for additional information to determine project eligibility prior to engaging in any activity (including property acquisition) in support of new housing construction. **All infrastructure projects in support of new housing construction exceeding \$200,000 that are funded under the CDBG Housing program shall procure plans, drawings, and specifications for the work from a licensed architect or registered professional engineer.**
3. All multi-family rehabilitation housing projects will need to submit with their preapplication the Housing Quality Standards for each unit.

It is recommended to have the housing units tested for lead-based paint prior to submitting the pre-application.

## **EMERGENCY PUBLIC FACILITY**

Emergency projects shall be determined as those having an immediate threat to the safety of the residents of the area as defined by the request for assistance. The project will need to meet eligibility requirements and have concurrence that the project constitutes an emergency from the North Dakota Division of Community Services (DCS). No funding is set-aside for emergencies in this program statement. However, funding for an emergency public facility project may be allocated at the time of the emergency from funding not currently allocated, returned funds, or

funds transferred from other emphasis areas. No transfer of funds will be necessary if the funding is from a public facility category. The public facility pre-application scoring and review process will be waived for emergency applications. Emergency public facility decisions will be made by the R-CRC Executive Board. In addition, emergency CDBG funds may also be accepted or applied for from other regional or state allocations and or set-asides. .

## **AMERICANS WITH DISABILITIES ACT (ADA)**

It is a federal requirement that all cities and counties receiving funds through the CDBG Program must provide a copy of their Section 504 Self-Evaluation and Transition Plan prior to project closeout. All projects involving Removal of Architectural Barriers (example: handicap accessible bathrooms) must have a transition plan included with the application. **In addition, this plan and a completed thirteen (13) point checklist must be included in the pre-application for funding. (Checklist found on pages 47-68 of the 504-self-evaluation guide. See website below.)**

The Transition Plan Outline can be found in Section III of the Section 504/ADA Technical Assistance Handbook. The Transition Plan identifies the following items:

1. Physical barriers in the building.
2. Changes that can be made without changing the structure of the building to make program and services accessible.
3. Structural changes required to make the building handicapped accessible.

The Section 504/ADA Technical Assistance Handbook can be found at:

[www.communityservices.nd.gov/communitydevelopment/Resources/ADA504SelfEvaluationGuide](http://www.communityservices.nd.gov/communitydevelopment/Resources/ADA504SelfEvaluationGuide)

## **STATEMENT OF “CONFLICT OF INTEREST” POLICIES**

The Roosevelt-Custer Regional Council, its affiliates and components and all officers, directors, delegates, council and committee members scrupulously shall avoid any conflict between their own respective individual, professional or business interests and the interests of the Council, in any and all actions taken by them on behalf of the Council in their respective capacities.

In the event that any officer, director, delegate, council, or committee member of the Regional Council shall have any direct or indirect interest in, or relationship with, any individual or organization which proposes to enter into any transaction with the Council, including, but not limited to, transactions involving:

1. The sale, purchase, lease or rental of any property or other asset;
2. Employment or rendition of services, personal or otherwise;
3. The award of any grant, contract or subcontract;
4. The investment or deposit of any funds of the Council.

Such person shall give notice of such interest or relationship and shall thereafter refrain from discussing or voting (but not to include testimony in a public forum) on the particular transaction in

which he has an interest, or otherwise attempting to exert any influence on the Council or its components to affect a decision to participate or not participate in such transaction.

In addition, a recipient may not use CDBG funds to replace other funds for which they are responsible for, such as paying off existing debt.

## **ADMINISTRATION COSTS**

Project administration costs will generally be paid with local matching funds. If using CDBG for the project administration costs there are maximums please see the State PDS (p. 28).

Applicants are asked to provide the minimum matching funds to the project as follows:

1. Housing projects: 15% of the project not to exceed \$15,000
2. Public Facilities:
  - a. Equipment Purchases: 5% of the project.
  - b. All other Projects: 15% of the project.

Consult the Regional Council for guidance of the anticipated administration cost since some projects may require additional administrative actions to meet grant guidelines.

## **FUND TRANSFERS, RETURNED FUNDS AND RE-ALLOCATIONS**

Uncommitted and unused funds in any category may be reallocated if the balance in one category is needed for a project in the other category. The Executive Committee approval for the 2021 CDBG funding allocation took place on February 11, 2021.

In the event the funds allocated or transferred in any category exceed the applications on hand, the Executive Committee may call for additional applications through a second funding cycle. The implementation schedule for the second funding competition is to be included in the public notice.

Any funds returned during or after the end of the calendar year in which it was awarded, may be reallocated by the Executive Committee of the R-CRC. Projects cannot be partially completed using CDBG funds. Projects need to be complete, if additional funds are necessary local and/or other sources must be utilized. An Executive Committee decision will be based on timeliness and perceived need and will be done through a motion and with the majority approval of the Executive Committee members. The Executive Committee may commit these funds to in no particular order (1) any open project, (2) any new eligible economic development project or (3) to the next ranked public facility or housing project in the most recent funding competition. These actions may require a transfer of funds between categories. Any transfer of funds from one category to another must follow the transfer of funds procedure as outlined above and in the State Action Plan.

## **SUBMISSION OF APPLICATIONS**

Completed pre-applications and full applications should be forwarded to:

**ROOSEVELT-CUSTER REGIONAL COUNCIL**

40 1<sup>st</sup> Ave W Ste 301

DICKINSON, ND 58601

[rcrc@ndsupernet.com](mailto:rcrc@ndsupernet.com)

## **ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT LOAN FUND**

### **IMPLEMENTATION SCHEDULE**

Applications for funding from the State Community Development Loan Fund (CDLF) will be accepted by the Roosevelt-Custer Regional Council at any time throughout the program year.

### **DISTRIBUTION OF FUNDS**

Funding for the State CDLF program is available from program income. Program income comes from CDLF loans that have been made previously and repaid. Economic development projects being proposed to Roosevelt-Custer Regional Council's CDLF program must meet the eligibility criteria as described in the current State Action Plan.

Roosevelt-Custer Regional Council has made its allocation of CDLF funds available for such grants according to, and in compliance with the NORTH DAKOTA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM DISTRIBUTION STATEMENT.

Roosevelt-Custer Regional Council's Loan Review Committee, using prudent lending practices, will review all projects. Final approval will be given by Roosevelt-Custer Regional Council's Executive Committee based on the recommendation received from the Loan Review Committee.

### **APPLICATION PROCEDURES**

Loan applicants will be required to submit a pre-application or meet in person with Roosevelt-Custer Regional Council for a preliminary determination of project eligibility.

If eligible, applicants will be invited to submit a full application, which will consist of the purpose of request, a business plan, commitment of other project funds, financial projections, job creation documentation and other pertinent information as deemed necessary by Roosevelt-Custer Regional Council. Roosevelt-Custer Regional Council will provide necessary forms and business plan outlines for these applications. Applicants will be requested to assist Roosevelt-Custer Regional Council in completing the formal application which shall consist of application cover sheet, various assurances and certifications, sponsorship, etc.

*For purposes of clarification, applicant shall mean the business or person requesting assistance and sponsor shall mean the city or county, which will ultimately become the applicant to the state Division of Community Services.*

### **APPLICATION REVIEW AND DECISION-MAKING PROCESS**

Applicants must submit a pre-application or contact Roosevelt-Custer Regional Council so that a preliminary determination of eligibility can be made. The 24 CFR part 570, Title I, the State Action Plan, and the Roosevelt-Custer Regional Council's program distribution statement to determine eligibility.

If eligible, the applicant will obtain a resolution of sponsorship from the appropriate local governmental entity. Once sponsorship is obtained, the applicant will be directed to develop a full

application, which shall be in a format described in the State's Action Plan. Official application packets will be provided by Roosevelt-Custer Regional Council.

Full applications will be reviewed by the Loan Review Committee. Economic development projects will not be scored on a point system. The Loan Review Committee's decision to recommend funding will be based on the merits of the project as described in the applicant's business plan. The following will be the primary criteria used to determine the merits of a project:

1. Financial strength of the principals and the business.
2. Likelihood of success.
3. Need and appropriateness for funds and terms.
4. Management strength, expertise, and past experience.
5. Marketing strength.
6. Documented source of equity and collateral.
7. Proposed staffing plan (job creation).
8. Character of the borrower.
9. Other criteria:
  - a. **Appropriate:** CDLF assistance is "appropriate" to carry out the economic development project. The following elements will be assessed to make a determination of appropriate:
    - 1) Reasonableness of proposed costs.
    - 2) Commitment of other sources of funding.
    - 3) No substitution of CDLF funds for private sources of funds.
    - 4) Proposed CDLF financing terms.
    - 5) Assessing level of public benefit.
  - b. **Displacement:** CDLF assistance must minimize business and job displacement.
  - c. **Outcomes:** The economic development project consists of activities that do one or more of the following:
    - 1) Create or retain jobs for very low to low income persons.
    - 2) Prevents or eliminates slum and blight.
    - 3) Creates or retains businesses owned by community residents.
    - 4) Assists businesses that provide affordable goods and services needed by very low to low income persons.
    - 5) Provides technical assistance to promote any of the activities under items 1-5 above.

- d. **National Objectives:** CDLF assisted activities meets one of the national objectives listed in the state Action Plan.
  - 1) Activities benefiting very low and low-income persons.
  - 2) Activities which aid in prevention of slum and bight.
  - 3) Activities designed to meet a community development need having particular urgency.
- e. **Financial Participation:** Each project under review must demonstrate a working relationship with another financial source that has committed or is willing to commit funding to the project equal to at least 50% of the total project cost.

The completed application along with the staff's notations and proposed amount and terms will be reviewed by Roosevelt-Custer Regional Council's Loan Review Committee. This committee may be made up of the following individuals: a) Roosevelt-Custer Regional Council's chair or designee, b) a representative of a retail/service sector business, c) a representative of a financial institution, d) a representative of a primary sector business, and e) a certified public accountant.

The Loan Review Committee will meet on an as-needed basis. Based on the Loan Review Committee's recommendation, the Executive Committee's decision will represent the final decision on the regional level.

Applicants will have an opportunity to personally present their project to the Loan Review Committee.

The Loan Review Committee may:

1. Recommend approval of the project as proposed.
2. Recommend approval with modifications or conditions.
3. Delay any decision for further information or the availability of funds.
4. Recommend denial of the application.

Applications for funding will be forwarded to the Division of Community Services for review as to compliance with state and federal requirements.

A notification of acceptance will be sent by the Division of Community Services followed by the official award document. Expenditure of funds can begin only after the environmental review has been completed and the State issues a "release of funds" letter.

## **APPLICATION FORMS AND FORMAT**

The format for a business plan/application shall be such that it meets and addresses the items described in the State of North Dakota's Action Plan.

Forms meeting the state requirements for a business plan, will be available by contacting Roosevelt-Custer Regional Council, 40 1<sup>st</sup> Ave W Ste 301 Dickinson, North Dakota or by calling 701-483-1241.

## **PUBLIC FACILITIES & HOUSING PROJECTS**

### **IMPLEMENTATION SCHEDULE**

The award of funds for Housing and Public Facilities projects is a two-step process. First, a pre-application must be submitted to participate in the regional competition as outlined below. If the pre-application is recommended for the region's available funding, the successful applicant completes the second step; preparation and submission of a full application for review by the North Dakota Division of Community Services (DCS). The Roosevelt-Custer Regional Council will assist successful applicants in preparing the necessary documentation for the full application. If the applicant plans to bond for the match funds, evidence of bonding will be required by the DCS in the full application.

**Pre-applications are due by the close of business on Wednesday, September 1, 2021.** One copy with original signatures must be received on or before due date.

**Project interviews will be held on Thursday, September 23, 2021** and all pre-applications will be reviewed, scored and funding levels determined.

### **GRANT APPLICATION PROCEDURES**

1. Applicants will be required to complete the pre-application form and provide the necessary attachments. The pre-application is to be submitted to the Roosevelt-Custer Regional Council according to the dates given in this document.
2. Pre-applications will be reviewed by the R-CRC for eligibility. Applicants will be contacted if further information is needed.
3. Pre-applications will be scored according to the appropriate score sheet and the methods described in the following section entitled "Application Review Process."
4. Applicants may contact the Roosevelt-Custer Regional Council for guidance in completing their pre-application.

### **PRE-APPLICATION REVIEW PROCESS**

**Review Board.** Pre-applications are scored by the Roosevelt-Custer Regional Council's Community Development Block Grant Review Board. The Review Board is comprised of one representative from each of the seven participating counties within Region VIII. These representatives are appointed by the Executive Committee of the Roosevelt-Custer Regional Council and will serve in that capacity for the duration of the 2021 CDBG Program year.

To avoid a real or perceived conflict of interest, Review Board Members may not be members of boards, councils or commissions that are submitting or sponsoring applications. Review Board Members may not submit a bid, participate in, or contract with a successful applicant or beneficiary in the procurement processes of successful projects. If there are no Roosevelt-Custer Regional Council board members from a particular county without this conflict or unable to serve on the board, a mayor without a conflict of interest from the county will be appointed by the Executive Committee. If there are no mayors available to participate, a general appointment will be made by the Roosevelt-Custer Regional Council Executive Committee. This appointee should also be without direct conflict of interest and, if possible, reside in the county in question.



**Scoring Process.** The Review Board reserves the right to adjust awarded funds to ensure adequate funds are available for project implementation. Funding levels will be determined by motion and majority approval of Review Board members.

**Public Facilities and Housing.** Public Facility & Housing projects will be ranked and awarded with available funds beginning with the highest-ranking project and distributed down the list until all the CDBG funds are committed. In the event of a tie, the Review Board will consider the history of CDBG funding to the applicants. If a successful applicant does not accept the funds, withdraws their application, or more funds become available during the calendar year, the next applicant in ranking order will be offered those funds (see also “Fund Transfers, Returned Funds, and Reallocations).”

**Project Interviews.** Applicants will be given the opportunity to address the Review Board at the project interviews on the date stated in the Implementation Schedule. Applicants should be prepared to give a brief overview of their proposed project. Interviews are scheduled for approximately 10 to 15 minutes per applicant.

If the applicant is acting as a sponsor for a beneficiary such as a fire district, representatives of the beneficiary organization and/or the applicant (city or county) may attend. Applicants for public facility improvements should be able to supply general information on the current fees, rates, or levies for the public facility in question.

Applicants for projects (other than special assessment projects) which are providing less than a 50% local match should be prepared to justify the lesser local contribution and show financial documentation which supports why the applicant is unable to finance an equal share of the project.

## **SCORING CRITERIA**

**Public facility** pre-applications will be scored using the following criteria:

Percentage of local match

A. Percentage of local match

Score two (2) points for each percentage of total project costs paid out of Local Funds or Other Funds. Does not include CDBG or administration funds requested to be paid by CDBG funds. (Matching funds/Total project costs)

B. Ratio of CDBG dollars requested per low moderate income (LMI) persons to benefit

\$250 and below	100 points
\$251 – 500	80 points
\$501 - 1,000	60 points
\$1,001 - 1,500	40 points
\$1,501 - 2,000	20 points
\$2,001 and over	0 points

- C. Project Type
- |  |            |
|--|------------|
| Water and/or Sewer                                 | 100 points |
| Removal of Architectural Barriers                  | 100 points |
| Fire Protection or Ambulance                       | 80 points  |
| Community Centers                                  | 80 points  |
| Install Storm Sewers, Flood or Drainage Facilities | 70 points  |
| All Other Eligible Projects                        | 70 points  |
- D. Applicant's prior receipt of CDBG funds
- Applicants that have not received CDBG Public Facilities or Housing funding within the past five (5) years. Need to indicate type of CDBG project and year.
- 25 points
- E. Project Readiness
- Applicant is to indicate the stage of progress the proposed project is at:
- |  |           |
|--|-----------|
| Complete plans and proof of other funding committed        | 20 points |
| Complete plans and other funding located but not committed | 10 points |
| Complete plans and other funding not located               | 5 points  |
| No plans and no other funding located                      | 0 points  |
- F. Percentage of Minority Living in the Project Area:
- Indicate the racial/ethnic makeup of the sponsoring community or county based on information found in American Fact Finder at <http://factfinder2.census.gov>
- |   |           |
|---|-----------|
| Communities above 51% minority population       | 20 points |
| Communities with 25% to 50% minority population | 15 points |
| Communities with 10% to 24% minority population | 10 points |
| Communities below 10% minority population       | 0 points  |

After the project interviews, each member of the Review Board will score the proposed projects based on perceived need for the project and the need for CDBG funding. To do this, each member of the Review Board will have 200 points to distribute among all the applications for perceived need. Individual scores are then totaled for each project and added to their existing score. A Review Board member may not give more than 50 points to any one project application

<b>CDBG 2021 SCORE SHEET – REGION VIII PUBLIC FACILITIES</b>	
Name of Applicant	
A. Percentage of Local funds _____% X 2	= _____ Points
B. CDBG Cost per LMI persons = \$_____ cost/person	= _____ Points
C. Project Type	= _____ Points
D. Previous CDBG Awards	= _____ Points
E. Project readiness (ready to go to bid)	= _____ Points
F. Project population serving a minority	= _____ Points
G. Total Points A+B+C+D+E+F	= _____ Points
H. Region VIII Review Board Points for Perceived Need (up to 50 points each)	= _____ Points
<b>Total Score</b>	= _____ Points

Public facility and housing project pre-applications will be accepted for projects which are eligible activities as stated in Section II of the State Program Public Distribution Statement. Housing projects must directly improve the existing housing stock in the project area and CDBG funds can be used for direct benefit of very-low to low-income households. In addition, Region VIII will provide emphasis to the targets below:

Design housing grant programs to emphasize (a) making single-family homes and low-income apartments handicapped accessible where needed, (b) modernizing single-family homes owned by the elderly; and (c) rehabilitating rural single-family and multi-family housing.

Design all state administered housing programs to require compliance with the State Building Code and State Energy Code in the use of funds for new construction.

**2021 HOUSING REHABILITATION SCORE SHEET**

<b>APPLICANT</b>		<b>TOTALS</b>
<b>1. Low-Moderate Income (LMI) Population:</b> Applicants will receive two points for each percentage point of LMI persons in the project area.	2 points per unit	
<b>2. Percent of low-moderate income household pre-applications received to total pre-applications received:</b> 85-100% 64-84% 50-64% 25-49% 0-24%	50 points 25 points 10 points 5 points 0 points	
<b>3. Direct benefit households:</b> One point will be awarded for each household member who is: (a) elderly (b) a minority (c) handicapped (d) female head of household (e) a child under the age of 18 years	_____ Points _____ Points _____ Points _____ Points _____ Points	
<b>4. Percentage of all local funds/total funds involved in project:</b> 50.0+ 40.0-49.9 30.0-39.9 20.0-29.9 15.0-19.9	25 points 20 points 15 points 10 points 5 points	
<b>5. Housing units that have been pre-tested for lead base paint. Only applies to units built prior to 1978.</b>	25 points	
<b>6. Engineer/architect estimates:</b> Housing rehabilitation estimates are submitted by a licensed engineer or architect.	25 points	
<b>7. Previous Application:</b> Applicants who have not received CDBG housing funding within the past five years.	10 points	
<b>8. Project Readiness</b> Indicate the stage of progress the proposed project is at: Complete plans and proof of other funding committed Complete plans and other funding located but not committed Complete plans and other funding not located No plans and no other funding located	20 points 10 points 5 points 0 points	
<b>9. Percentage of racial/ethnic Living in the Project Area:</b> Communities above 51% minority population Communities with 25% to 50% minority population Communities with 10% to 24% minority population Communities below 10% minority population	20 points 15 points 10 points 0 points	
<b>10. Perceived Need:</b> Each CDBG Review Board member may award each applicant up to 50 points based on perceived need of each applicant's project.	50 points	
<b>Total Points</b>		

**PROJECTS SUBMITTED IN SUPPORT OF NEW HOUSING WILL BE SCORED AS FOLLOWS**

<p align="center"><b>PROJECTS IN SUPPORT OF NEW HOUSING CONSTRUCTION POINT SCORING SYSTEM</b></p>	<p align="center"><b>POINTS</b></p>
<p><b>A. PROJECT NEED:</b> Proposal demonstrates the need for the project and that it has been well documented with the type of housing proposed, utilizing census, survey, market study or other reliable statistical data. Also, meets both the current and long-term benefits in addressing existing and future needs. (up to 50 points)</p>	
<p><b>B. MANAGEMENT:</b> Applicant or recipient can show strong management, marketing and administrative skills, technical assistance as the project may require, that should assure project success. (up to 25 points)</p>	
<p><b>C. LEVERAGE OF FUNDS:</b> Projects using <b>CDBG</b> funds for:                  25% or less of the total project costs will score 50 points                  26-50% of the total project costs will receive 25 points                  51-75% of the total project costs will receive 10 points                  75% or more of the total project costs will receive 0 points</p>	
<p><b>D. APPROPRIATENESS:</b> The applicant can document the sustainability and viability of the project, as can be documented by the likelihood of repayment if loans are proposed, and through past performance and credit rating, strength and credibility of pro forma financial statements and cash flows, value of security, and financial strength and commitment of the principals or borrowers; or whether debt service and loans are or are not involved, that policies proposed and/or financial information provided indicate the feasibility of the project and the ability to assure the housing can be and will remain occupied, affordable and properly maintained. (up to 50 points)</p>	
<p><b>E. INFRASTRUCTURE CAPACITY:</b> Applicant has supporting documentation from city/county officials stating they have adequate primary health and safety infrastructure to serve the proposed housing units—water, sewer, solid waste disposal and fire protection services and are of high quality, accessible, readily available, and without problems or deficiencies. (up to 25 points)</p>	
<p><b>F. OTHER SERVICE CAPACITY:</b> The applicant and/or recipient can document it has the capacity to provide other essential services to its residents benefiting from the project. Depending upon the nature of the project, this may include in-house social programs, health services, transportation, meals, personal services and other, and/or may include community services that would serve beneficiaries, such as medical, public transportation, youth and senior citizen services and programs, availability of Meals on Wheels, and handicapped accessibility at public buildings. (up to 25 points)</p>	
<p><b>G. TIMELINESS:</b> Applicant must demonstrate that other financing needed is available and project plans, specifications and cost estimates are complete. The applicant has verification that proper zoning is or will be in place, all necessary licenses and permits, and an environmental study was conducted to address transportation issues, hazardous materials, flood zones and noise factors. (up to 50 Points)</p>	
<p><b>H. COMMUNITY SUPPORT:</b> Applicant can demonstrate strong local support for the proposal. At a minimum should include letters of support from public or private individuals or entities, and may also include consideration of past community efforts and successes in providing affordable housing, and the level of financial, technical assistance or other community support or partnerships that are being provided for the project. (up to 25 points)</p>	

<p><b>I. INCOME CATEGORY UNITS WILL SERVE</b></p> <p>30% and Below HUD INCOME LIMITS (50 points)  31%-50% HUD INCOME LIMITS (25 points)  51%-80% HUD INCOME LIMITS (10 points)</p> <p><i>At least 51% of the units in a multi-family project must meet the program income criteria to be eligible for funds. (i.e., A multi-family unit having 15 units must have at least 8 of the units meet the income requirements.</i></p>	
<p><b>J. Project Readiness</b></p> <p>Indicate the stage of progress the proposed project is at:</p> <p>Complete plans and proof of other funding committed 20 points  Complete plans and other funding located but not committed 10 points  Complete plans and other funding not located 5 points  No plans and no other funding located 0 points</p>	
<p><b>K. Percentage of racial/ethnic Living in the Project Area:</b></p> <p>Communities above 51% minority population 20 points  Communities with 25% to 50% minority population 15 points  Communities with 10% to 24% minority population 10 points  Communities below 10% minority population 0 points</p>	
	<b>SUB-TOTAL POINTS</b>
<b>REVIEW BOARD POINTS-perceived need (up to 50 points each)</b>	
	<b>TOTAL POINTS</b>

### **Acronym Listing**

ADA	Americans with Disabilities Act
CDBG	Community Development Block Grant
CDLF	Community Development Loan Fund
CFR	Congressional Federal Record
DCS	Division of Community Services - A division of the ND Department of Commerce
LRC	Loan Review Committee
R-CRC	Roosevelt-Custer Regional Council
LMI	Low-Moderate Income