

COMMUNITY DEVELOPMENT BLOCK GRANT
CORONAVIRUS RESPONSE (CDBG-CV)

Application Guidelines

NEBRASKA

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DEPT. OF ECONOMIC DEVELOPMENT

COMMUNITY DEVELOPMENT | 11/2022

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Part I. Overview

In response to COVID-19, Congress appropriated additional funds, via the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136) to the U.S. Department of Housing and Urban Development (HUD) in the amount of \$5 Billion to be allocated in three rounds of funding. These funds must be used for HUD CDBG eligible activities and meet one of the HUD national objectives of either benefit to low- and moderate-income persons, addressing slum and blight, or urgent need. Nebraska received a total of \$14,130,912. The Nebraska Department of Economic Development (DED) administers this allocation, the funding was made available within three funding opportunities: 1) Economic Development (ED); 2) Emergent Threat (EM); and 3) Coronavirus Related Emergency Payments¹. All funding is to be used directly related to the prevention, preparation, and response to the COVID-19 pandemic in the State of Nebraska except for the areas designated as CDBG Entitlement Communities (Omaha, Lincoln, Bellevue, Grand Island).

The following funding opportunities are made available through the CDBG-CV Program:

Category	National Obj.	Minimum		Maximum			Public Service Mgmt.	
		Match	CDBG-CV Project Activity ²	CDBG-CV Requested Project Activity	General Admin ³ .	Const. Mgmt.		
1) Economic Development ⁴	LMI	Not Required	\$125,000	\$1,000,000	10% or \$10,000	\$10,000	N/A	
2) Emergent Threat ⁵	Public Services	LMI	Not Required	\$10,000	\$750,000	10% or \$25,000	N/A	Not to exceed 10% of CDBG-CV Project Costs
	Public Facilities & Infrastructure	LMI/SB/UN	Not Required	\$50,000	\$750,000	10% or \$25,000	\$10,000	N/A
3) Emergency Payments – No longer Available								

¹ This opportunity is no longer available.

² CDBG Project Activity does not include Construction Management, Public Service Management, and/or General Administration

³ 10% of the CDBG Project Costs not to exceed a specific amount (ED = \$10,000; EM = \$25,000). Refer to footnote 4 and 5 related to awards issued prior to November 30, 2022

⁴ For awards issued prior to November 30, 2022, these awards will have the opportunity to amend their budget for CDBG project costs to not exceed the total maximum amount of \$1,000,000 and general administration costs cannot exceed \$15,000.

⁵ For awards issued prior to November 30, 2022, these awards will have the opportunity to amend their budget for CDBG project costs to not exceed the total maximum amount of \$750,000. General administration costs cannot exceed \$35,000

Part II. General CDBG-CV Application Guidelines

The primary objective of Nebraska's nonentitlement Community Development Block Grant (CDBG) Program is to develop viable communities and counties by providing decent housing, suitable living environments, and expanding economic opportunities principally for low-and moderate-income (LMI) persons. As the designated state-administering agency, the Nebraska Department of Economic Development (DED) accomplishes this objective by funding activities authorized under the federal Housing and Community Development Act of 1974, as amended, and designed to meet the goals identified in the State of Nebraska's Consolidated Plan. In 2020, Congress appropriated additional funds, via the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Public Law 116-136) to the U.S. Department of Housing and Urban Development (HUD). This funding included supplemental funds to the CDBG program called CDBG-CV. This funding will follow the same regulations as the regular CDBG program, unless otherwise clarified by HUD per the [federal register](#) or other notification.

Further clarification regarding each of the Sections found within *Part II. General CDBG-CV Application Guidelines* is identified within *Part III. CDBG-CV Application Opportunities*.

Section 1: Applicants

1.01 | Eligible Applicants

Except as provided in *Part II. Section 1.03*, eligible applicants include every Nebraska county or incorporated municipality with a population of less than 50,000 and are not classified as a CDBG Entitlement Community (Omaha, Lincoln, Bellevue, and Grand Island).

1.02 | Type of Applicants

- 1) **Individual:** Except as provided in *Part II. Section 1.03*, an eligible municipality may apply only for projects within its corporate limits, and an eligible county may apply only for such projects or activities in unincorporated areas.
- 2) **Joint:** Eligible applicants may jointly apply for projects when it can be clearly documented that mutual action by the applicants is required. The applicant local government in a multi-jurisdictional application must also be a direct participant in the study/project. The applicant local government cannot serve only as a pass through for CDBG funds or only as the general administrator of the study/project.

1.03 | Special Policies for Applicants

Special policies affecting *Part II. Section 1.01* and *Section 1.02* are further clarified:

- 1) A municipality may not submit an application for projects undertaken outside its corporate limits unless the projects either:
 - a) Occur within its zoning jurisdiction; or
 - b) Involve property acquired by the municipality prior to project implementation through purchase, donation, or a permanent easement.

Activities may serve beneficiaries outside the applicant's jurisdiction provided the applicant is meeting its community development and/or economic development needs. If beneficiaries are not residents

of applicant's jurisdiction, explain how the jurisdiction's needs are being met by the proposed activity (see 24 C.F.R. §570.486(b)). Applicants seeking multi-community funding may be subject to additional requirements; applicants for such projects should contact the program representative for technical assistance.

- 2) A county may not submit an application for projects undertaken within the corporate limits or zoning jurisdiction of a municipality unless the projects involve either:
 - a) Public facilities within an eligible incorporated municipality that are owned or operated by the county; or
 - b) Activities provided county-wide, either directly by the county or through contract with another local or area agency.

- 3) A joint application must include a written agreement made in accordance with state law (Inter-local Cooperation Act) that
 - a) Stipulates that the parties will cooperate in undertaking the project;
 - b) Delineates responsibilities and authorities of each party with respect to grant administration; and
 - c) Authorizes one of the parties to act as primary agent for administrative and monitoring purposes. The applicant local government in a multi-jurisdictional application must also be a direct participant in the project. The applicant local government cannot serve only as a pass-through for CDBG funds or only as the general administrator of the project.

NOTE: Using CDBG to fund multi-jurisdictional projects can be problematic in regard to meeting the national objective threshold. Ultimately, all communities in the project must meet a national objective. This may be cumbersome to meet unless the project involves a county that is 51% or greater LMI. As an example, it may be beneficial to think in terms of a single community that has bedroom communities surrounding it. In terms of a labor-shed area, where Anytown is the labor hub and the labor force lives in surrounding communities. In general, a multi-jurisdictional approach would require there to be an existing relationship among the communities and its respective residents, as in the case of a labor-shed.

One possible approach it is to consider that CDBG-funded activities within one applicant community may serve beneficiaries outside the applicant's jurisdiction provided the applicant is meeting its community development and economic development needs. Where beneficiaries are not residents of the applicant's jurisdiction, the application narrative would need to explain how the jurisdiction's needs are being met by the proposed activity (note: 24 C.F.R. §570.486(b)). For example, if the applicant ("Anytown") is proposing to extend water and sewer service outside its corporate limits, the applicant must own the water or sewer service for which it plans to extend.

Returning to the labor-shed example, there may be unincorporated communities that are included in Anytown's labor-shed. Anytown may want to extend or provide services outside corporate limits within the county into these incorporated municipalities. Activities would need to be within the service area of the municipality's public facility service (e.g. fire protection, street, sewer, water lines, etc.) However, for comprehensive planning and other public activities it may be okay to consider those areas within extraterritorial jurisdiction of the lead community, Anytown.

Overall, a CDBG funded project must meet the low- and moderate-income national objective and report on beneficiaries. For multi-community purposes, beneficiaries are likely to be LMI persons or

households. It is imperative that the project is built around the problem/need and the proposed solution, not one or the other. This makes modeling difficult as community needs are specific to the community and do not often fit into a particular mold so as to approach it at the multi-community level.

- 4) If an application requires participation of entities that are not eligible applicants, each such entity must provide written assurance that it concurs with the project and is committing its resources, if any, as stated in the application. An agreement that stipulates the decision-making authority, administration, contract compliance, reporting, etc. shall be executed and submitted as an upload to the application. In all instances, the subrecipient has the final responsibility for implementation of the project and must retain environmental and financial responsibility. In some instances, a draft agreement is acceptable at the time of application; however, the executed agreement is required before release of funds.

NOTE: Include within the application the following documentation:

- a) Proof of Secretary of State Registration
- b) System for Awards Management (SAM), <https://www.sam.gov/SAM/>
- c) Agreement

- 5) Eligible applicants may provide CDBG funds to a sub-grantee Neighborhood-based Nonprofit Organization or Nonprofit Development Organization (NDO).

NOTE: Include within the application the following documentation:

- a) Proof of Secretary of State Registration
- b) System for Awards Management (SAM), <https://www.sam.gov/SAM/>
- c) Memorandum of Understanding

Section 2: National Objective

2.01 | National Objectives

The primary national CDBG objective is the development of viable communities by providing decent housing, suitable living environments, and expanded economic opportunities, principally for low- and moderate-income persons. Under these guidelines, this is accomplished by funding projects that meet at least one national objective. Further guidance about CDBG National Objectives available in the CDBG Administration Manual.

Funding priority will be provided to the applicant meeting the national objective benefitting low- and moderate-income persons.

On a form or manner provided by DED, Applicants are required to identify and document the national objective selected.

Based on the amended 1974 HCD Act and HUD guidance, the national objectives are defined and clarified by DED as follows:

- 1) **Benefit to low- and moderate-income persons** (referred to throughout this document as LMI persons): LMI persons are defined as a member of a family having an income equal to or less than the income limits established by HUD for their resident county. The income limits as published by HUD at <https://www.hudexchange.info/programs/home/home-income-limits/> are determined for each Nebraska County on the higher of either: 80% of the median income of the county, or 80% of the median income of the entire non-metropolitan area of the state.

Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to meet this national objective.

- a) **Area benefit activities:** An area benefit activity is available to all residents of an area that is **primarily residential**. To qualify on an area basis, the activity must meet the identified needs of LMI persons residing in an area where at least 51% of residents are LMI persons. The benefits of this type of activity are available to all residents in the area regardless of income. If the assisted activities serves an area having an LMI concentration below 51%, the activity may not qualify even if there is reason to believe that it will actually be used primarily by LMI persons.

Such an area need not be coterminous with census tract or other officially recognized boundaries, but must be the ENTIRE area served by the activity (i.e., an arterial street or sewer interceptor line running through a neighborhood would serve more residents than those in the immediate neighborhood). To determine the percentage of LMI persons in the target area, subrecipients may review data from the most current US Census and should consider conducting an income survey in the designated project target area.

Subrecipients would conduct an income survey of the residents within the project target area if data from the most current Census does not reflect current relative income levels in an area or census boundaries do not coincide with the service area of an activity. Applicants must use survey methodology as prescribed by U.S. Department of Housing and Urban Development and set forth in the State's CDBG Administration Manual or, as appropriate, superseding policy memorandum.

- b) **Limited clientele activities.** These are activities that provide a benefit to a specific group of persons rather than everyone in an area generally. It may benefit particular persons without regard to the area in which they reside, or be an activity that provides benefit on an area basis but only to a specific group of persons who reside in the area. In either case, at least 51% of the beneficiaries of the activity must be LMI persons. To qualify under this subcategory the activity must meet one of the following tests:
- i) Exclusively benefit a clientele who are generally presumed by HUD to be principally LMI persons. The following groups are currently presumed by HUD to be made up principally of LMI persons: abused children, battered spouses, elderly persons, adults meeting Bureau of Census' definition of severely disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or,
 - ii) Require information on family size and income so that it is evident that at least 51% of the clientele are persons whose family income does not exceed the LMI limit, this includes the case where the activity is restricted exclusively to LMI persons; or,
 - iii) Be of such nature and in such location that it may reasonably be concluded that the activity's clientele will primarily be LMI persons (e.g. a daycare center that is designed to serve residents of a public housing complex); or,
 - iv) Be an activity that removes material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting Bureau of Census' Current Population Reports definition of "severely disabled," provided it is restricted, to the extent practicable, to the removal of such barriers by assisting the reconstruction of a public facility or improvement or rehabilitation or a privately-owned nonresidential building that does not qualify under LMI area benefit criteria.

Activities that serve a service or target area generally cannot qualify under the Limited Clientele criterion. For example, while a clinic serving only persons with AIDS living in a particular area would clearly qualify as a Limited Clientele activity, a clinic providing CDBG-subsidized health services that are available to *all* persons in the area would not. It must instead meet the criteria for an Area Benefit activity.

- c) **Job Creation/Job Retention (LMJ):** An activity generally meets this national objective when it is designed to create or retain permanent jobs where at least 51% of the jobs, computed on a full time equivalent (FTE) basis of 2,080 hours, involve the employment of LMI persons.

Permanent jobs are full- or part-time positions provided by the assisted business that will be, or can reasonably be expected to be, occupied for at least six continuous months. Seasonal jobs may be considered if the season recurs annually and lasts at least three consecutive months. All permanent jobs must be converted to FTEs. Temporary jobs (e.g., construction jobs) are not considered permanent jobs.

For an activity that creates jobs, the local government must document by certification with the business that at least 51% of the permanent jobs will be held by or will be available to LMI persons.

- i) Permanent jobs will be considered **held by** LMI persons when the jobs are held for six or more continuous months by individuals who are LMI at the time of hire.
 - (1) Permanent jobs will be considered to be **available to** LMI persons if:
 - (a) Special skills that can be only 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.
 - (b) The local government and the assisted business take actions to ensure that LMI persons receive **first consideration** for filling such jobs. Principles involved in first consideration are:
 - (i) The business must use a hiring practice that in all likelihood will results in 51% of the persons hired being LMI.
 - (ii) The business must consider a sufficient number of LMI applicants to meet this intent.
 - (iii) The distance from residence and the availability of transportation to the job site must be considered in determining whether a particular LMI person can be considered an applicant for the job.
 - ii) For an activity that **retains** permanent jobs, the local government must document through a certification by the business that permanent jobs would actually be lost without the CDBG assistance and that at the time CDBG assistance is provided one of the following apply:
 - (1) At least 51% of the permanent jobs are known to be filled by LMI persons
 - (2) At least 51% of the permanent jobs can reasonably be expected to turn over within the following two years and that steps will be taken to ensure that the permanent jobs will be filled by, or made available to, LMI person upon turnover. (See c)i) above for conditions when jobs are to be **held by** or **available to** LMI persons.)

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 objective. Where CDBG funds are used to acquire, develop, or improve real property (e.g. a business incubator or an industrial park), this objective may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided such businesses are not otherwise assisted by CDBG funds.

- (3) If a business receives other CDBG assistance, the total CDBG amount cannot be more than \$35,000 per job created/retained⁶.
- (4) If meeting the National Objective of Benefit to Low- and Moderate-Income person through job creation/retention funds an attraction, the total CDBG amount cannot be

⁶ HUD is waiving the individual standards at [24 CFR 570.209\(b\)\(3\)](#) and [24 CFR 570.482\(f\)\(4\)](#) and imposing the following alternative requirement. For activities subject to the public benefit standards, grantees must document that: (a) The activity will create or retain at least one full-time equivalent, permanent job per \$85,000 of CDBG funds used; (b) the activity will provide goods or services to residents of an area such that the number of LMI persons residing in the area served by the assisted businesses amounts to at least one LMI person per \$1,700 of CDBG funds used; or (c) the assistance was provided due to business disruption related to coronavirus (in which case, no monetary standard applies because HUD has determined that there is sufficient public benefit derived from the provision of assistance to stabilize or sustain businesses in the grantee's jurisdiction that suffer disruption due to coronavirus, and that facilitation of business assistance for this purpose may help to avoid complete economic collapse within the grantee's jurisdiction).

more than \$35,000⁷ per job created/retained. The minimum wage to qualify as a job meeting this criterion is \$12.50 per hour.

Job Creation/Retention Requirements: To be eligible, a CDBG project must guarantee at least 51 percent of the permanent full-time equivalent jobs (FTE's) created or retained are available to or taken by LMI person. Definitions for these terms are:

- (a) **Full-Time Equivalent (FTE):** Jobs are computed on a full-time equivalent basis of 2,080 hours per year or 40 hours per 52 weeks per year.
- (b) **LMI Person:** A person whose family income is equal to or less than the income limits for their resident county. This test counts the entire family (household) income. Note that the wage of the job taken is irrelevant.
- (c) **Permanent Jobs:** A job is permanent if it is a full- or part-time position and will be, or can reasonably be expected to be, available for at least six continuous months. Seasonal jobs may be considered. Not eligible are temporary jobs (i.e., construction jobs related only to the project's new or renovated real estate) and jobs indirectly related to the assisted business. (i.e., trickle-down jobs). Generally, contracted workers are not considered.
- (d) **Made Available To:** Jobs will be considered to be available to LMI person if special skills that can only be acquired with substantial training or work experience beyond high school are not a prerequisite to fill the jobs and LMI person are given first consideration for such jobs.

First consideration for jobs made available to LMI persons defined:

- (i) The business must use a hiring practice that under usual circumstances would result in over 51% of LMI persons interviewed for the jobs being hired.
- (ii) The business must seriously consider a sufficient number of LMI persons as job applicants to give reasonable opportunity to fill the position with such LMI persons.
- (iii) The distance from residence and availability of transportation to the job site must be reasonable before an LMI person may be considered a serious applicant for the job.

- (e) **Retained Jobs:** Retained jobs would be lost without CDBG assistance. Documentation is necessary to show that at least 51% of the jobs are known to be held by LMI person, or steps will be taken to ensure that at least 51% of the jobs which can reasonably be expected to become available through turnover within the following two years will be filled by or made available to, LMI persons.

Jobs retained as a result of CDBG assistance, defined:

- (i) There must be clear and objective evidence that permanent jobs will be lost without CDBG assistance.
- (ii) The definition of "clear and objective" evidence that jobs will be lost includes:
 - 1. Evidence that the business has issued a notice to affected employees or made a public announcement to that effect; OR,

⁷ Refer to Footnote 4.

2. Analysis of relevant financial records which clearly and convincingly shows that the business is likely to have to cut back employment in the near future without the planned intervention.

- (f) **Provisions for aggregating jobs:** As a general rule, jobs from each business receiving CDBG assistance must be considered separately for purposes of demonstrating compliance with the LMJ requirements. Even if the state or its subrecipient considers the CDBG-funded activity to be a business loan fund, HUD generally considers assistance to each business as a separate activity. However, there are certain circumstances under which subrecipients may aggregate the jobs created or retained by two or more assisted businesses for this purpose, as follows:
- (i) Where CDBG funds are used to acquire, develop, or improve real property (for example, a business incubator, an industrial park, or shopping mall), *jobs may be aggregated* for all of the businesses which locate on the property, provided such businesses are not otherwise assisted with CDBG funds.
 - (ii) Where CDBG funds are used for public facilities or improvements (infrastructure), that will result in the creation or retention of jobs by more than one business, the jobs created or retained by all such businesses as a result of the public facility or improvement *may (and sometimes must) be aggregated*, using the following ground rules:

Examples of when aggregating jobs is required. Where such an improvement (to infrastructure or public facilities) is undertaken for the benefit of one or more specific businesses, but the improvement clearly benefits other businesses or allows other sites to be developed, jobs created or retained as a result of the public improvement, by all businesses in the service area of the infrastructure, *must be aggregated*.

EXAMPLE 1: A city's existing industrial park is fully developed and cannot accommodate a new metal stamping plant that wishes to locate in the city. The city buys an adjoining parcel, divides it into four lots, and uses CDBG funds to install water, sewer, and roads through the parcel to serve the new plant. However, the other three lots in the parcel are now developable because these improvements serve them too. The city must aggregate the metal stamping plant jobs plus any jobs which are created or retained as a result of other businesses subsequently locating on the other three lots—even if no other business had committed to locate there at the time the improvements were constructed.

PROVIDED: Where such an improvement is undertaken principally for the benefit of one or a few particular businesses, and the cost (in CDBG funds) for the facility/improvement amounts to *less than \$10,000 per job* to be created or retained by those businesses, only the jobs created or retained by those specific businesses for which the facility/improvement is principally undertaken need to be aggregated. The subrecipient can disregard any incidental job creation that might occur because other businesses might also benefit from the improvement.

PROVIDED: Where the CDBG cost per FTE job expected to be created or retained is *\$10,000 or more*, jobs created or retained as a result of the public improvement,

by all businesses in the service area of the infrastructure, *must be aggregated*. The aggregation must include all businesses which, as a result of the public improvement, locate or expand in the service area of the improvement *between the date the state awards the CDBG funds to the subrecipients and the date one year after the physical completion of the facility/improvement*.

EXAMPLE 2: The state provides a CDBG funds to allow the city to double the capacity of its sewage plant (and handle a new poultry processing plant), at a cost of \$11,200 per new poultry plant job. Over the next 12 months, four new businesses decide to locate in town, because the city has sufficient sewage treatment capacity to handle their effluent. The city must aggregate job creation figures for the poultry plant plus the four new businesses.

****For CDBG-CV Economic Development applicants using LMJ National Objective:** The recordkeeping requirements can be simplified. The normal job creation and retention recordkeeping requirements consider family income when determining whether a beneficiary is a person of low or moderate income, but these requirements are likely to be burdensome during a time when unemployment has surged and family income is more difficult to document. Collection of income information directly from assisted businesses can streamline assistance. For activities that prevent, prepare for, and respond to coronavirus, grantees and employers may consider individuals that apply for or hold jobs to be members of one-person families. HUD has also modified related recordkeeping requirements at 24 CFR 570.506(b)(7) (entitlement) and the jointly agreed upon requirements referenced in 24 CFR 570.490 (state) by adding the following additional presumption: the recipient may substitute records showing the type of job and the annual wages or salary of the job in lieu of maintaining records showing the person's family size and income to demonstrate that the person who filled or held/retained the job was a low- or moderate-income person. HUD will consider the person income-qualified if the annual wages or salary of the job is equal to or less than the Section 8 low-income limit established by HUD for a one-person family. Under this alternative requirement, a grantee will have substantially reduced documentation requirements because they will be working with assisted businesses rather than each person, and potentially their households, who received a job.

- 2) **Aid in prevention or elimination of slums and blight:** "Slums" has the meaning as substandard areas as defined in Section 18-2103 (31) Neb. R.R.S. "Blight" has the same meaning as blighted areas as defined in Section 18-2103 (3) Neb. R.R.S. The focus of activities under the Prevention/Elimination of Slums and Blight (SB) National Objective is a *change in the physical environment of a deteriorating area or spot*. This contrasts with the LMI benefit national objective where the goal is to ensure that funded activities benefit LMI persons.

Activities meeting one or more of the following criteria, in the absence of substantial evidence to the contrary, will be considered to meet this national objective:

- a) **On an area basis:** An activity will be considered to meet this objective if:
- i) The area is designated by official action of the local government as substandard or blighted in accordance with the applicable state statute;

- ii) There is a substantial number of deteriorated or deteriorating structures throughout the area, or public improvements throughout the area are in a general state of deterioration;
 - iii) The assisted activity is designed to address one or more of the conditions which contributed to the deterioration of the area;
 - iv) Documentation is provided and maintained by the recipient on the boundaries of the area and the conditions which qualified the area at the time of its designation; and
 - v) Activities to be assisted with CDBG funds must be limited to those that address one or more of the conditions that contributed to the deterioration of the area.
- b) **On a spot basis:** An activity must be designed to eliminate specific conditions of blight or physical decay not located in a designated slum or blighted area; and be limited to one of the following: acquisition, clearance, relocation, historic preservation, or rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety. (Public improvements cannot qualify under this standard except for rehabilitation of public buildings and historic preservation of public property that is blighted.)

Qualifying activities under this National Objective either **1) clearly eliminate objectively determinable signs of slums or blight in a defined slum or blighted area** or **2) are strictly limited to eliminating specific instances of blight outside such an area.** HUD provides a list of criteria, all of which must be met; generally requiring that the area must be:

- i) Officially designated and meet the requirements of State statutes;
 - (1) Demonstrate signs of economic disinvestment, indicated by either:
 - (a) A substantial number of deteriorated or deteriorating buildings throughout the area or
 - (b) As a whole, public improvements throughout the area must be in a general state of deterioration;
 - (2) Documentation is maintained substantiating those conditions considered as a part of designation and re-designated every 10 years; and
 - (3) The activities assisted with CDBG funds must be limited to those that address one or more of the conditions that contributed to the decline of the area.
- 3) **Urgent Need:** To comply with the national objective of meeting community development needs having a particular urgency, an activity must be designed to alleviate existing conditions which the local government certifies and state determines:
- a) Pose a serious and immediate threat to the health or welfare of the community,
 - b) Are of recent origin or recently became urgent. A condition will generally be considered to be of recent origin if it is developed or became critical within 18 months preceding the subrecipient's certification.
 - c) The local unit of government is unable to finance the activity on its own, and other sources of funding are not available to carry out the activity, as certified by both the State and the subrecipient.

2.02 | Public Benefit Standards⁸

CDBG-CV awards are limited to a maximum of \$85,000 per FTE job created or retained. If the project activity provides goods or services, the amount of CDBG funds allowed for that activity cannot exceed \$1,700 per LMI person served; OR the assistance was provided due to business disruption related to coronavirus (in which case, no monetary standard applies because HUD has determined that there is sufficient public benefit derived from the provision of assistance to stabilize or sustain businesses in the grantee's jurisdiction that suffer disruption due to coronavirus, and that facilitation of business assistance for this purpose may help to avoid complete economic collapse within the grantee's jurisdiction).

2.03 | Compliance with the State's Consolidated Plan

Per the 2015 -2019 Consolidated Plan, the Nebraska CDBG program is focused on achieving at least one of three objectives with funded CDBG project activities:

- Providing Suitable Living Environments: improving the safety and livability of neighborhoods; increasing access to quality facilities and services; and reducing the isolation of income groups within an area through integration of low-income housing opportunities.
- Providing Decent Housing: preserving the affordable housing stock; increasing availability of permanent housing that is affordable to low- and moderate-income persons without discrimination; and increasing the supply of supportive housing.
- Expanding Economic Opportunities: creating jobs that are accessible to low- and moderate-income persons; making down payment and closing cost assistance available for low- and moderate-income persons; promoting long term economic and social viability; and empowering low-income persons to achieve self-sufficiency.

Each project activity awarded is focused on achieving one of the following outcomes:

- Availability/Accessibility: associated with activities that make services, infrastructure, public services, public facilities, housing or shelter available or accessible to LMI people.
- Affordability: associated with activities that provide affordability in a variety of ways to LMI people. It includes the creation or maintenance of affordable housing, basic infrastructure hookups, or services such as transportation or day care.
- Sustainability: associated with activities aimed at improving communities or neighborhoods, helping to make them livable or viable by providing benefit to persons of LMI or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods.

⁸ HUD is waiving the individual standards at [24 CFR 570.209\(b\)\(3\)](#) and [24 CFR 570.482\(f\)\(4\)](#) and imposing the following alternative requirement. For activities subject to the public benefit standards, grantees must document that: (a) The activity will create or retain at least one full-time equivalent, permanent job per \$85,000 of CDBG funds used; (b) the activity will provide goods or services to residents of an area such that the number of LMI persons residing in the area served by the assisted businesses amounts to at least one LMI person per \$1,700 of CDBG funds used; or (c) the assistance was provided due to business disruption related to coronavirus (in which case, no monetary standard applies because HUD has determined that there is sufficient public benefit derived from the provision of assistance to stabilize or sustain businesses in the grantee's jurisdiction that suffer disruption due to coronavirus, and that facilitation of business assistance for this purpose may help to avoid complete economic collapse within the grantee's jurisdiction).

Section 3: Activities

3.01 | Eligible Activities

Activities eligible for assistance under the State's CDBG program are only those authorized in Section 105(a) of the amended 1974 HCD Act. The general rule is that any activity listed in Section 105(a) may be funded in whole or in part with CDBG funds. A full list of activities can be found on the HUD Exchange, <https://files.hudexchange.info/resources/documents/Matrix-Code-Definitions.pdf>. Applicants should be aware that although an activity may be eligible under Federal statute and HUD regulations, it may not be competitive under the guidelines and ranking system in the respective Nebraska CDBG Funding Opportunities. The State has adopted priorities, listed in *Part II, Section 3.02*, which increase the likelihood of funding of certain activities. Restrictions are identified in *Part II, Sections 3.03* and *3.04*.

3.02 | Priority Activities

The following activities are priority activities within the Nebraska State CDBG Program. If any activity is not noted within the list below, please consult the CDBG Program Representative for clarification.

1) Public Facilities and Improvements

- a) Senior Centers (03A): Acquisition, construction, or rehabilitation of a facility to be used by seniors (individuals 62 or older).
- b) Facilities for Persons with Disabilities (03B): Acquisition, construction, or rehabilitation of centers, group homes, and other facilities (except permanent housing) for persons with disabilities.
- c) Facilities for Abused and Neglected Children (03Q): Acquisition, construction, or rehabilitation of daycare centers, treatment facilities, or temporary housing for abused and neglected children.
- d) Facilities for AIDS Patients (not operating costs) (03S): Acquisition, construction, or rehabilitation of facilities for the treatment or temporary housing of people who are HIV positive or who have AIDS.
- e) Homeless Facilities (03C): Acquisition, construction, conversion of buildings, or rehabilitation of temporary shelters and transitional housing for the homeless, including victims of domestic violence, dating violence, sexual assault or stalking, disaster victims, runaway children, drug offenders, and parolees.
- f) Youth Centers (03D): Acquisition, construction, or rehabilitation of facilities intended primarily for young people age 13 to 19. These include playground and recreational facilities that are part of a youth center.
- g) Neighborhood Facilities (03E): Acquisition, construction, or rehabilitation of facilities that are principally designed to serve a neighborhood and that will be used for social services or for multiple purposes (including recreation).
 - i) Libraries: Libraries constructed must meet be accredited through the Nebraska Public Library Accreditation program.
 - ii) Community Centers
 - iii) Convention Center
 - iv) Participatory Sport Facilities
 - v) Cultural and Heritage Recreational Sites and Facilities
 - vi) Scientific and Educational Interpretive Educational Sites and Facilities
- h) Child Care Centers (03M): Acquisition, construction, or rehabilitation of facilities intended primarily for children age 12 and under.

- i) Health Facilities (03P): Acquisition, construction, or rehabilitation of physical or mental health facilities. Examples of such facilities include neighborhood clinics, hospitals, nursing homes, and convalescent homes.
- j) Other Public Improvements (03Z)
- k) Construction Management: Costs related to compliance with Davis-Bacon and Related Acts (DBRA).

2) Public Service, including but may not be limited to:

- a) Senior Services (05A): Services for the elderly.
- b) Services for Persons with Disabilities (05B): Services for the persons with disabilities, regardless of age.
- c) Youth Services (05D): Services for young people age 13 to 19. For example, recreational services limited to teenagers and teen counseling programs.
- d) Transportation Services (05E): Transportation services for a specific client group should use the matrix code for that client group.
- e) Child Care Services (05L): Services that will benefit children (generally under age 13), including parenting skills classes.
- f) Services for victims of domestic violence, dating violence, sexual assault or stalking (05G): Services for victims of domestic violence, dating violence, sexual assault or stalking.
- g) Health Services (05M): Services addressing the physical health needs of residents of the community.
- h) Mental Health Services (05O): Services addressing the mental health needs of residents of the community.
- i) Food Banks (05W): Costs associated with the operation of food banks, community kitchens, and food pantries, such as staff costs, supplies, utilities, maintenance, and insurance.
- j) Other Public Service (05Z): Only use this matrix code when an activity does not fall under a more specific activity listed. An example of a legitimate use of this activity is when the CDBG funds are provided to a non-profit organization that provides multiple types of social services for operating costs. In another example, when a public service activity that does not have a more specific matrix code, provides services to multiple groups of clients such as seniors, persons with disabilities, and homeless persons. For instance, for a “meals on wheels” program for seniors and persons with disabilities.
- k) Public Services Management: Delivery costs (including staff, other direct costs, and service costs) directly related to carrying out public service activities.

3) Economic Development

- a) Economic Development Direct Financial Assistance to For-Profit Business (18A): Financial assistance to private for-profit businesses to (for example) acquire property, clear structures, build, expand or rehabilitate a building, purchase equipment, or provide operating capital. Forms of assistance include loans, and grants.
- b) Infrastructure Development (17B): Street, sewer, water, parking, or other improvements to businesses and/or commercial/industrial sites. This activity also includes the installation of public improvements, such as the construction of streets to and through commercial/industrial areas.

4) Administration

- a) General Administration (21A): Overall administration, including (but not limited to) salaries, wages, and related costs of subrecipient staff or others engaged in grant management and implementation, monitoring, and evaluation.

3.03 | Ineligible Activities

The following activities are ineligible within the CDBG Program. If any activity is not noted within the list below, and is not listed as an eligible activity, please consult a CDBG Program Representative to determine if any other proposed activities are eligible within the Nebraska CDBG program.

- 1) General administrative and audit costs that exceed the allowable maximum.
- 2) Buildings, or portions thereof, used predominantly for the general conduct of government cannot be assisted with CDBG funds. Such buildings are defined as city and village halls, county administrative buildings, or office buildings or other facilities in which the general administrative affairs of the government are conducted. This definition does not include such facilities as neighborhood service centers or special purpose buildings located in LMI areas that house various non-legislative functions or services provided by government at decentralized locations. This does not exclude, however, the removal of architectural barriers to make public buildings accessible to elderly and handicapped persons.
- 3) General government expenses cannot be paid with CDBG funds, except for those costs that are directly attributable to administration of a local CDBG program and are documented as such. (Eligible cost expenses are detailed in 2 CFR. §200)).
- 4) CDBG funds cannot be used to pay for facilities or equipment used for political purposes or to engage in other political activities such as candidate forums, voter transportation, or voter registration. However, a facility originally financed in whole or in part with CDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns; provided all parties and organizations have access to the facility on an equal basis, and are assessed equal rent or use charges, if any.
- 5) The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture with CDBG funds is generally ineligible, except:
 - a) The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowance pursuant to 2 CFR §200 as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible;
 - b) Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible; and
 - c) CDBG funds may be used to purchase or to pay depreciation or use allowances (in accordance with 2 CFR. §200, as applicable) for such items when necessary for use by a municipality or county

in the administration of activities assisted with CDBG funds, or when eligible as firefighting equipment, or when such items constitute all or part of a public service.

- 6) The general rule is that any expense associated with repairing, operation, or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with a public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program.

For example, the use of CDBG funds to pay the allocable costs of operating and maintaining a facility used in providing a public service would be eligible, even if no other costs of providing such a service are assisted with such funds. Examples of ineligible operating and maintenance expenses are maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for the handicapped, parking and similar public facilities. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs; and payment of salaries for staff, utility costs, and similar expenses necessary for the operation of public works and facilities.

- 7) CDBG funds cannot be used for income payments for housing or any other purpose. Examples of ineligible income payments include payments for income maintenance, housing allowances, down payments, and mortgage subsidies. One-time payments made on behalf of persons or families to meet emergency needs such as housing or essential utilities is not an income payment and is eligible.
- 8) New residential construction activities or other activities associated with new residential construction purpose. Examples of ineligible income payments include payments for income maintenance, housing allowances, down payments, and mortgage subsidies. One-time payments made on behalf of persons or families to meet emergency needs such as housing or essential utilities is not an income payment and is eligible.

3.04 | Special Policies for Activities

Special policies affecting activities listed in *Part II. Section 3.01* are:

- 1) **Facilities containing both eligible and ineligible uses:** A public facility otherwise for assistance under the CDBG program may be provided with CDBG funds even if it's part of a multiple use building containing ineligible uses, if:
 - a) The facility which is otherwise eligible and proposed for assistance will occupy a designated and discrete area within the larger facility; and
 - b) The subrecipient can determine the costs attributable to the facility proposed for assistance as separate and distinct from the overall costs of the multiple use building and/or facility. Allowable costs are limited to those attributable to the eligible portion of the building or facility.
- 2) **Fees for use of facility:** Reasonable fees may be charged for the use of the facilities assisted with CDBG funds, but charges, such as excessive membership fees, which will have the effect of precluding LMI persons from using the facilities, are not permitted.

- 3) **Target Area Definition:** A target area is contiguous and substantial. Generally, substantial means a concentration of 100 or more families and primarily residential in character. A contiguous target area is generally delineated along block lines and by natural/man-made boundaries, such as streets, highways, railroads, and streams. Alleys and lot lines do not delineate target area boundaries exclusively. The entire community is considered the target area if there are less than 100 families. All target areas will be reviewed for direct effects of the assisted activity to LMI person and other person inside or outside the target area as well.

The target area for a county is a contiguous and substantial area of concentrated families or the entire unincorporated area. County applications exclude the incorporated areas, unless the county is a lead applicant in a joint application submitted in conformance with *Part II. Section 1.03(3)*.

Target area must be appropriately designed to coincide with the project service area. Separate activities may suggest different target areas or a combined target area to be most effective.

- 4) **Duplication of Benefits:** Projects funded through CDBG-CV are subject to the duplication of benefits (DOB) test, which means grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (the “Stafford Act”) requirements, Congress instituted a goal to achieve greater coordination and responsiveness of disaster preparedness and relief programs. Accordingly, Stafford Act duplication of benefits (DOB) requirements apply to all federal agencies, including HUD, administering a disaster recovery program providing financial assistance for emergency response and long-term recovery.

3.05 | Proposed and Actual Beneficiaries

Each project activity must serve beneficiaries. There are seven beneficiary types: People, Households, Housing Units, Jobs, Businesses, Organizations, and Public Facilities. The beneficiary type is determined by the project activity and the national objective. Once the beneficiary type is determined the applicant needs to identify the total number of beneficiaries proposed to benefit by the CDBG Activity.

For those activities that meet the national objective: LMA, LMC, LMJ, proposed beneficiaries will be identified within the correlating exhibit and AmpliFund section. For those activities meeting the national objective: SBA or SBS proposed beneficiaries will be identified within AmpliFund section. Further guidance regarding meeting the SBA national objective:

Slum and Blight on an Area Basis (SBA): If meeting this national objective for an activity whose primary beneficiary type is People, use census information to determine the proposed beneficiaries. Depending on the size of the community or the designated area, census information for the entire community or the specific census tract information of where the activity is being implemented from the Current ACS 5-Year Estimates Detailed Tables will be used.

Section 4: Funding

4.01 | Grant Amount and Matching Funds

Grant amounts vary based upon the funding opportunity. Note: The following activities are considered supporting project costs and should not be included when determining your total CDBG-CV project cost:

- Construction Management
- General Administration
- Public Services Management

Matching funds are not required in most instances and unless otherwise described in *Part III*. Proposed match must be towards CDBG eligible activities (*Part II. Section 3.01 and 3.02*) directly related to the proposed project(s) or directly benefitting a substantial majority of the LMI persons or families residing within the service area during the period of performance. Consideration for match may be given for such sources as public and/or private funds. All cash-match is preferable.

With limited exception, as detailed below, any CDBG-eligible activity may be proposed. **CDBG-eligible activities**, which may be further restricted for use depending on the activities proposed. **The following activities are not used for calculating match requirements:**

- 1) General Administration
- 2) Construction Management
- 3) Public Services Management

Match is proportionally injected into the project as CDBG-funded activities are drawn down. For this reason, unless otherwise directed by DED or negotiated, it is recommended that each project activity proposed for CDBG-funding be matched at the proportion identified.

At DED's discretion, in-kind contributions, or services such as materials, labor, or other items that are directly related to the project, may be considered on a case-by-case basis. Where an applicant or subrecipient proposes use of in-kind match, the calculated value must be accountable, reasonable, and supported by adequate source documentation. It may be difficult to adequately account for such costs. If considering using in-kind match, consult with the program representative of the CDBG funding opportunity prior to submitting a full application.

4.02 | Program Income

Program income is defined as gross income received by a State, a unit of general local government, or a subgrantee of the unit of general local government that was generated from the use of CDBG funds, regardless of when the CDBG funds were appropriated and whether the activity has been closed out, except in limited circumstances [See also 24 CFR. §570.489(e)(2)].

Review Chapter 8, Program Income of the CDBG Administration Manual for information and requirements regarding Program Income.

Note: If a local unit of government has local program income currently, funding may need to be applied to the open grant first. Program Income is not allowable as local match. New local program income revolving loan funds will not be authorized to be created from an awarded grant.

4.03 | Budget

Within the grant management system, AmpliFund, applicants will input budget information within the section labeled “Budget”. The proposed project budget includes costs for project delivery (project and supporting project costs) and administration. All items listed as match and CDBG costs must be allowable and eligible under the CDBG Program. Detailed information provided in this section will be used to evaluate the accuracy and reasonableness of activities as identified throughout the application.

Provide a breakdown of the major project delivery costs by each activity. Common line-item costs include real property acquisition, legal expenses, architectural and engineering fees, project inspection fees, site work, demolition and removal, equipment, etc.

Project costs not eligible for CDBG funds and not claimed as part of the grant application should not be included within this section, but highlighted in Exhibit Q.

Section 5: Applications

5.01 | Application Development and Use of Consultants

CDBG funds cannot be used to fund application preparation and Release of Funds must be received before engineering/architectural services or other project activities are eligible for reimbursement.

The federal requirements do not apply to communities selecting consultants to assist with the preparation of an application; however, these costs are not eligible for reimbursement. Refer to the CDBG Administration Manual for more information.

5.02 | Application Submission

All full application submission will occur electronically through a grants management system called AmpliFund. Links to the Application Portal can be accessed using the Nebraska Department of Economic Development website, <https://opportunity.nebraska.gov/CDBG>.

All pre-applications will either occur 1) electronically via the AmpliFund system or 2) submission via email to the DED CDBG-CV Representative.

5.03 | Application Due Dates

Unless otherwise announced by DED through official press release or other such notification, this section describes the application due dates for each Funding Opportunity for the current program year.

The Economic Development and Emergent Threat funding opportunities accept application on an open cycle basis beginning July 1, 2020 – April 30, 2023.

5.04 | Application Thresholds

Applicant must meet threshold requirements to be funded. Applications may be considered incomplete if the below threshold items are not met:

- a) Applicant is eligible. See *Part II. Section 1*.
- b) Activities are eligible and are identified as a State CDBG Priority. See *Part II. Section 3*.
- c) Applicant has no significant, unresolved audit finding.
- d) Applicant has no legal actions underway that may significantly impact its capacity.
- e) Applicant is following a detailed Citizen Participation Plan and Anti-Displacement Plan
- f) Applicant has adopted an authorizing participation resolution.
- g) Applicant is current with all reporting requirements, including but not limited to, semi-annual project status reports, program income reports, closeout reports, audit reports, notification of annual audit reports, etc.

5.05 | Application Exhibits

Application Exhibits are required to be submitted based on the opportunity information found in *Part III. CDBG-CV Application Guidelines*. Templates and further guidance for each narrative will be made available on the Department's website.

Exhibit A: Public Hearing Documentation

This is a required exhibit for all CDBG applications. Applicants must document that a public hearing has occurred prior to submission of the application. Materials to be provided as part of application submission include:

1. Notification to the public advertising the date/time of the public hearing and the content of the notification (i.e., project description, amount of CDBG being applied for, matching funds, source of matching funds, etc.).
2. Verification that the notification was published (Affidavit of Publication) or was posted within the community (Certificate of Posting).
3. Summary of Public Comments Received, if applicable.
4. Official Meeting Minutes (If public comments were not received, this should be documented within the Meeting Minutes).

Exhibit B: Authorizing Resolution

This is a required exhibit for all CDBG applications. This exhibit authorizes the Chief Elected Official to sign application materials and if awarded the CDBG agreement between the Nebraska Department of Economic Development and the local unit of government. A template of this exhibit is available.

Exhibit C1: Statement of Assurances and Certification

This is a required exhibit for all CDBG applications. This exhibit identifies laws and regulations that the local unit of government need to comply with if awarded CDBG funds. A template of this exhibit is available.

Exhibit C2: Citizen Participation Plan

This is a required exhibit for all CDBG applications, as indicated in 24 CFR 570.486 and the State's Citizen Participation Plan. A template of this exhibit is available.

Exhibit D: Residential Anti-Displacement and Relocation Assistance Plan

This is a required exhibit for all CDBG applications, as indicated within 24 CFR Part 42. A template of this exhibit is available.

Exhibit E: LMI - Area Basis: ACS Data

If qualifying a project activity through the national objective benefit to low- and moderate-income persons on an area basis through ACS Data complete this Exhibit. This data can be found here: <https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/>.

Exhibit E1: LMI - Area Basis: Census Survey

If qualifying a project activity through the national objective benefit to low- and moderate-income persons on an area basis through Census Income Survey complete this Exhibit.

Exhibit E2: LMI - Area Basis: Random Sample Survey

If qualifying a project activity through the national objective benefit to low- and moderate-income persons on an area basis through Random Sample Income Survey complete this Exhibit.

Exhibit E3: LMI - Limited Clientele

If qualifying a project activity through the national objective benefit to low- and moderate-income persons on limited clientele complete this Exhibit.

Exhibit E4: LMI – Jobs

If qualifying a project activity through the national objective benefit to low- and moderate-income persons on Jobs complete this Exhibit. A template of this exhibit is available. This template will need to be completed and signed by a representative of the business.

Exhibit F1: Slum and Blight Area Basis (SBA) Documentation

If qualifying a project activity through the national objective elimination of slum and blight on area basis, complete this Exhibit.

Exhibit F2: Slum and Blight Spot Basis (SBS) Documentation

If qualifying a project activity through the national objective elimination of slum and blight on spot basis, complete this Exhibit.

Exhibit G: Urgent Need

If qualifying a project activity through the national objective benefit of Urgent Need, complete this Exhibit.

Exhibit K1: Waiver of Procurement Process and Narrative

This exhibit is broken into two components:

1. The Local Unit of Government is requesting a waiver from the Department due to officials acting in the official capacity of the applicant.
2. The Local Unit of Government requesting a waiver from the Department due to an interlocal agreement in place with the development district.

Complete this exhibit if the local unit of government is requesting to waive procurement due to an individual or entity acting in the official capacity. A template of this exhibit is available.

Exhibit K2: Procurement Process Completed Prior to Application

Complete this exhibit if the local unit of government has gone through the procurement process prior to application. Documentation provided needs to address the procurement process completed to ensure all federal requirements were met.

Exhibit M: Map of Proposed Project Area

This is a required exhibit for all CDBG applications.

Exhibit N: System for Awards Management Documentation

This is a required exhibit for all CDBG applications. Documentation for the local unit of government must be provided. If the applicant is also qualifying through Part II, Section 1.03, SAM documentation must be provided for those entities.

Exhibit O: Four Factor Analysis Assessing Limited English Proficiency

This is a required exhibit for all CDBG applications. A template of this exhibit is available.

Exhibit Q: Local Cost-Share Documentation

This is a required exhibit for all CDBG applications.

5.06 | Application Criteria

Refer to Part III. CDBG-CV Application Criteria.

5.07 | Application Review and Selection

All applications will be reviewed by the Opportunity Manager to ensure the threshold requirements identified in *Part II, Section 5.04* are met. If an application contains missing or incomplete threshold items that merit clarification, the CDBG Program Representative will notify the applicant and provide the applicant a timeframe to respond. Failure to submit the complete threshold items within the Department's designated timeframe may result in the application to be considered incomplete. The resubmitted threshold items will be reviewed for compliance. If the resubmitted threshold items are incomplete, the application will be considered incomplete and not eligible for scoring and/or award.

If an application meets all the threshold requirements, then the application will be reviewed by the Opportunity Team based on the application criteria identified in *Part III, Opportunity Name, Section 5.06*. Until available funds are exhausted and/or at the Department's discretion, the highest-ranking applications are recommended for award.

Unless otherwise noted, applications for all Funding Opportunities are reviewed by the Opportunity Team, which may include consultation with other vested state agencies.

After threshold compliance and Opportunity Team consensus scoring, recommendations are presented to the CDBG Program Manager for consultation. The CDBG Program Manager submits a memo recommending the Opportunity applicant local government application for award to the Department Director for approval, denial, or further consultation. The Department Director may identify a Deputy Director to review the recommendation memo on the Director's behalf. The Department issues the selections for award (i.e., Notice of Approval) and notifications to the non-selected applicants.

Section 6: Post Award Requirements

Considerations should be given to a variety of Federal and State regulations that can have scheduling or cost implications. Among these are:

1. Contract Period of Performance

All applications awarded funding must be substantially complete by June 2023.

2. Records and Reporting: Retain all information on the CDBG Agreement activities for ten (10) years following completion and closeout of the grant. During the CDBG Agreement Period of Performance, performance reports are required semi-annually. Projects deficient for reporting are subject to further action as described in the *CDBG Administration Manual* or other such publication or notification by the Department.

3. 2 CFR §200 Subpart F

Local governments and nonprofits that expend \$750,000 or more must conduct a single audit of federal and local funds.

4. Davis-Bacon Act and Related Acts

This and related acts require that prevailing wage rates be paid to all employees working on a construction contract of \$2,000 or more.

5. Acquisition/Relocation:

Regulations for acquisition and relocation emphasize anti-displacement and should be discussed with the Department Uniform Relocation and Real Properties Acquisition Act (URA) representative at the beginning of the project. URA applies to all federally assisted activities that involve the acquisition of real property or the displacement of persons. If CDBG funds are used in any part of the project, the URA would govern the acquisition of real property, including easements, and any resulting displacement, even if local funds are used to pay the acquisition costs. The URA requirement may include formal notification of the affected property owner(s), preparation of an appraisal to determine fair market value, and a written purchase offer based on an amount determined to be fair market value. The only exception is a voluntary transaction that meets certain criteria.

Regulations emphasize anti-displacement. However, if displacement is necessary, relocation assistance must be provided to persons displaced by rehabilitation, acquisition, demolition, or the conversion of units for use other than low- and moderate-income dwelling units. Subrecipient will be required to replace every occupied unit that is demolished or converted with CDBG funds on a one-for-one basis within a three-year period.

6. Regulations Emphasize Anti-Displacement

However, if displacement is necessary, relocation assistance must be provided to persons displaced by rehabilitation, acquisition, demolition, or the conversion of units for use other than low- and moderate-income dwelling units. Subrecipient will be required to replace every occupied unit that is demolished or converted with CDBG funds on a one-for-one basis within a three-year period.

7. Procurement

Open and free competition on solicitation of professional services bidding is also required in most cases. If the applicant intends to use CDBG funds to pay all or a portion of fees, or intends to claim fees as match, then CDBG procurement guidelines must be followed. Subrecipient must establish and maintain effective internal controls over the CDBG award, providing reasonable assurance that all parties involved are compliant with federal, state, and local statutes, regulations, and the terms and conditions of the CDBG award. For more information refer to the CDBG Administration Manual and CDBG Policy Memo 21-02 Procurement and Conflict of Interest effective October 1, 2021.

8. Environmental Review

Subrecipients are required to obtain appropriate environmental clearance for their projects and to maintain an Environmental Review record for each project. Depending on the determination of level of review, the review process may involve consultation with various agencies, groups and individuals regarding: historic properties, floodplain management, wetland protection, noise control, air quality, explosive and flammable operations, airport hazards, water quality, threatened and endangered species, wild and scenic rivers, farmland protection, environmental justice, contamination and toxic substances. The environmental review and Request for Release of Funds/Certification, if required, must be completed before the subrecipient, or any participant in the development process, incur costs against the project.

9. Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act, and Regulations at 24 C.F.R. Part 35.

10. Section 3 (24 CFR Part 75)

Section 3 is a provision of the Housing and Urban Development Act of 1968 that helps foster local economic development, job opportunities, and self-sufficiency. Section 3 ensures employment and other economic opportunities generated by certain HUD assistance goes to the “greatest extent feasible” to low- and very low-income persons and businesses. Section 3 goals are applicable pursuant to [24 CFR Part 75](#) as dictated by HUD. As a recipient of HUD funding, Nebraska tracks and reports on how its programs benefit low-and very low-income individuals. Section 3 projects are defined as housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000.

11. Special Assessments

Special Assessments are not allowed.

12. Equal Opportunity, Fair Housing, and Accessibility

Laws require that CDBG subrecipients administer their projects in a manner that affirmatively furthers fair housing and equal opportunity. All subrecipients will be required to undertake specific activities to further fair housing. Subrecipients must also assure that all activities and services are accessible to those with disabilities.

13. International Energy Conservation Code

Most new construction or substantial rehabilitation of buildings must meet the 2018 International Energy Conservation Code (IECC), effective July 1, 2022 as the Nebraska Energy Code specifications for meeting the standards enforced by the Nebraska Department of Environment & Energy for municipalities or counties that have not adopted an approved energy code. This applies to lighting, heating, cooling, ventilating, or water heating equipment or controls, as well as building envelopes. Contact NDEE Air, Land & Energy, Energy & Assistance Division for further information about the program requirements at (402) 471-2186 or <https://neo.ne.gov/>.

As an alternate compliance method when a licensed architect and/or engineer have designed a subject building, a Designer Certification may be submitted to NEO instead of building plans and specifications. The certification form, which will be provided by the NEO, will attest that the building design complies and provide summary information about the design.

14. Continued Use

All community facilities assisted with CDBG funds must remain in the same use for five years after closeout. For more information, see 24 CFR §570.489.

Part III. CDBG-CV Application Opportunities

This area further elaborates to the applicants how applications can be submitted.

Section 1: Economic Development (ED)

CDBG-CV funds can be utilized for economic development projects. The objective of the Economic Development (ED) Opportunity is to assist businesses which expand the state's economic base and which create quality jobs primarily benefiting employees in the low- and moderate-income levels.

CDBG-CV funds will be utilized within the Economic Development Priority Need by a local unit of government for providing communities and counties with resources to assist businesses which expand the state's economic base, and which create quality jobs principally benefiting LMI employees and made available under the LMI CDBG National Objective criteria.

CDBG-CV funding can be used to assist local units of government with situations related to addressing the covid-19 pandemic. Local governments are required to use all CDBG-CV funds for CDBG-eligible activities that are carried out to prevent, prepare for, and respond to coronavirus.

All activities proposed in applications for CDBG-CV funding in the ED Opportunity must meet the national objective of benefitting low- and moderate-income persons (through the subcategory LMI Jobs and LMI Area Benefit).

1.01 | Eligible Applicants

Refer to *Part II. Section 1.01*.

1.02 | Type of Applicants

Refer to *Part II. Section 1.02*.

1.03 | Special Policies for Applicants

As allowed within *Part II. Section 1.03 (4) and (5)*, this funding opportunity allows the eligible applicant, as identified in *Part II. Section 1.01*, to collaborate with eligible businesses and the Nonprofit Development Organization (NDO) to receive funding.

Part II. Section 1.03 (4) Clarification

For a business to be an eligible entity, it must either: **1)** be eligible for the **Nebraska Advantage Act** (unless updated by the Nebraska legislature) as described below **or 2)** be a for-profit business that provides **essential goods or services** to local governments' residents of which at least 51% of the benefitting residents qualify as low- and moderate-income (LMI).

1) Eligible Businesses

- a) Qualified businesses include those engaged in any one (or combination) of the following:
 - i) Research and development
 - ii) Manufacturing
 - iii) Data processing
 - iv) Telecommunications
 - v) Insurance
 - vi) Financial Services
 - vii) Distribution
 - viii) Storage/Warehousing
 - ix) Transportation

- x) Headquarters (administrative)
- xi) Data Centers
- xii) Scientific Testing
- xiii) Targeted export services (75% of sales outside Nebraska or to the U.S. Government: software development; computer systems design; product testing services, guidance, or surveillance systems; technology licensing)

- b) **Essential Goods or Services Business:** For profit businesses that provide essential goods or services needed by, affordable to, and benefitting low- and moderate-income residents.

It is the responsibility of the applicant to demonstrate how the proposed project fulfills the “essential goods or services” standard, as well as how the proposed project meets LMA and the public benefits standard. HUD provides guidance in this area. In general, this is unlikely to include retail and/or businesses that provide specialty goods and/or services (e.g., gift shops, insurance agencies, hair salons, barbershops, spas, recreation or sporting goods, entertainment, etc.).

2) **Ineligible Businesses**

- a) Non-profit businesses/organizations are ineligible.
- b) Businesses that derive any revenues from gaming establishments and/or operations are ineligible.
- c) Production agriculture enterprises are ineligible. These are excluded because they lack the necessary requirement that there must exist extra levels of substantial and separately identifiable value-added processing being performed by employees of the production agriculture enterprise—beyond those tasks and activities of production, harvesting, and marketing normally associated with traditional agricultural production commodities. Examples of such ineligible enterprises (when they lack the extra value-added component) include: grain farming, livestock raising, raising of poultry or the production of eggs, the production of milk, fruit or nut orchards, vegetable farming including hydroponics vegetable production, and aquaculture facilities.
- d) Trucking enterprises, which lack the requisite storage, warehousing, or distribution extra components which would distinguish them from the usual so-called "rolling stock" enterprises, are ineligible.
- e) Businesses that conduct retail establishments and/or operations are ineligible.

Part II. Section 1.03 (5) Clarification

Nonprofit Development Organizations are generally involved when the CDBG funds are used to make a loan. If CDBG funds are used for infrastructure development activity to assist a business (defined in *Part II. Section 3.02*), NDOs are generally not involved.

For more information regarding NDOs refer to Chapter 8 of the CDBG Administration Manual.

Include the following documentation within the application:

- 1) Proof of Secretary of State Registration
- 2) System for Awards Management (SAM), <https://www.sam.gov/SAM/>
- 3) Memorandum of Understanding

2.01 | National Objectives

Applicants must document that the proposed activity(ies) comply with a national objective. For each project activity proposed within this funding opportunity, the national objective met is benefit to low- and moderate-income persons through the subcategory Jobs (LMJ) or Area Benefit (LMA).

2.02 | Public Benefit Standards

Refer to *Part II. Section 2.02*.

2.03 | Compliance with the State's Consolidated Plan

Refer to *Part II. Section 2.03*.

3.01 | Eligible Activities

Refer to *Part II. Section 3.01*.

3.02 | Priority Activities

1) Economic Development

- a) Economic Development Direct Financial Assistance to For-Profit Business (18A): Financial assistance to private for-profit businesses to (for example) acquire property, clear structures, build, expand, or rehabilitate a building, purchase equipment, or provide operating capital. Forms of assistance include loans, and grants.
- b) Infrastructure Development (17B): Street, sewer, water, parking, or other improvements to businesses and/or commercial/industrial sites. This activity also includes the installation of public improvements, such as the construction of streets to and through commercial/industrial areas.
- c) Construction Management: Costs related to compliance with Davis-Bacon and Related Acts (DBRA).

2) Administration

- a) General Administration

3.03 | Ineligible Activities

Refer to *Part II. Section 3.03*.

3.04 | Special Polices for Activities

Refer to *Part II. Section 3.04*.

4.01 | CDBG Grant Amount and Matching Funds

Economic Development – Key Minimums, Maximums, and Requirements	
Maximum CDBG Project Costs	\$1,000,000
Minimum CDBG Project Costs	\$125,000
General Administration	10% of Project Costs, not to exceed \$10,000* Refer to NOTE.
Construction Management	\$10,000
Local Matching Funds	Not Required
CDBG-CV: Public Benefit Standards per FTE - Max	\$85,000
CDBG-CV: Public Benefit Standards for goods/services	\$1,700 per LMI person
Minimum Hourly Rate	\$12.50

NOTE: Projects awarded with CDBG-CV funds prior to November 30, 2022, will have the opportunity to amend their current agreement to increase their award amount (supplemental). Additional funds may be available to address the increase cost based on inflation and other situations as deemed allowable by the Department. The original and supplemental CDBG project costs will not exceed the total maximum amount of \$1,000,000. General administration costs cannot exceed \$15,000 for amended grants.

4.02 | Program Income

Refer to *Part II. Section 4.02*.

4.03 | Budget

Refer to *Part II. Section 4.03*.

5.01 | Application Development and Use of Consultants

Refer to *Part II. Section 5.01*.

5.02 | Application Submission

Refer to *Part II. Section 5.02*.

5.03 | Application Due Dates

This funding opportunity accepts applications throughout July 1, 2020 – April 30, 2023. An applicant can receive more than one award under this funding opportunity during the program year. A separate application is required.

5.04 | Application Thresholds

In addition to the application thresholds identified in *Part II. Section 5.04*, the following items apply.

Business and Financial Analysis Documentation

- Business plan-Business Strategy
- Resumes of key business personnel Business financials: balance sheet, income statement, and cash flow statements (3 years historical/2 year pro forma)
- Guarantors' financial statements Project cost documentation, including vendor quotes or engineering estimates for equipment purchases

- Borrowing resolution authorizing business representative to borrow funds from the local government System Awards Management (SAM) Documentation for Business
- Environmental Review Record

5.05 | Application Exhibits

The following exhibits apply to this opportunity:

Exhibit A: Notice of Public Hearing

Exhibit B: Authorizing Resolution

Exhibit C1: Statement of Assurances and Certification

Exhibit C2: Citizen Participation Plan

Exhibit D: Residential Anti-Displacement and Relocation Assistance Plan

Exhibit E: Low-and Moderate-Income (LMI) on an Area Basis: ACS Data

Exhibit E1: Low-and Moderate-Income (LMI) on an Area Basis: Census Survey

Exhibit E2: Low-and Moderate-Income (LMI) on an Area Basis: Random Sample Survey

Exhibit E4: Low-and Moderate-Income (LMI) Jobs

Exhibit K1: Waiver of Procurement Process, if applicable

Exhibit K2: Waiver of Procurement Process, if applicable

Exhibit M: Map of Proposed Project Area

Exhibit N: System for Awards Management Documentation

Exhibit O: Four Factor Analysis Assessing Limited English Proficiency

Exhibit Q: Budget and Local Cost-Share Documentation

5.06 | Application Criteria

There are **two** types of scoring criteria: **1) for Nebraska Advantage Qualified Business** (unless updated by the Nebraska Legislature) and **2) for Essential Goods or Service Business**, but both follow the parameters of the selection criteria matrix below. The Matrix below describes each selection criteria as a numerical score for the Economic Development application. The maximum number of points available within any application is 110 points. A minimum score of 25 points is required.

Given the unique conditions of the covid-19 pandemic and its impact on the state, projects meeting the conditions for CDBG-CV funding are prioritized where projects involve one of the following activities:

1. Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project, involving:
 - a. Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.
 - b. Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.

The scoring criteria includes: CDBG Funds Utilization; Community Impact and Investment; Business Factors; and Economic Development Certified Community. The Department’s Project Review Committee considers the following criteria, and uses the following scoring spectrum, when evaluating whether an application meets the minimum threshold requirement. A project scoring less than 25 points does not

meet the minimum threshold for further consideration by the Project Review Committee. Scoring 25 points is a necessary condition for further consideration; the minimum threshold is not the only determinate for a favorable recommendation submission by the Project Review Committee.

Selection Criteria	Maximum	Threshold Minimum
1. CDBG Funding Utilization	35	-
2. Community Impact and Investment	30	-
3. Business Factors	40	-
4. Economic Development or Leadership Certified Communities	5	-
Total	110 points	25 points

1) Nebraska Advantage Qualified Business (unless updated by the Nebraska Legislature)

CDBG Funding Utilization **Maximum, 35 Points**

CDBG Funds Per Job Created/Retained

- \$35,000 or more = 0 points
- \$30,000 to <\$35,000 = 4 points
- \$25,000 to <\$30,000 = 8 points
- \$20,000 to <\$25,000 = 12 points
- \$15,000 to <\$20,000 = 16 points
- <\$15,000 = 20 points

CDBG Funding Compared to Total Project Funding (As %)

- 50% = 0 points
- 33% to <50% = 2 points
- 20% to <33% = 6 points
- <20% = 10 points

Aggregate Wages (And Benefits) Paid to Employees in Created Jobs within One Year Compared To CDBG Funds (As %)

- 100% or less = 0 points
- >100% to <125% = 2 points
- 125% or more = 5 points

Is the need for the project directly or indirectly related to the covid-19 pandemic?

- Yes
- No
 - Provide Explanation

Community Impact and Investment**Maximum, 30 Points**

Location of community as more economically distressed than others, based on three broad location sectors:

- Larger Community/County Locations = 10 points
Include: Beatrice, Columbus, Fremont, Hall County, Hastings, Kearney, Norfolk, North Platte, Scottsbluff/Gering, South Sioux City, Douglas County, Lancaster County, and Sarpy County
- Not one of the Larger Community Locations, but in the Interstate 80 Corridor = 20 points
- Rural (Encompassing All Locations Not Within The Two Location Sectors Above) = 30 points

Business Factors**Maximum, 40 Points**

Owners' Equity in Project = 12 Points Possible

- 10% Or Less = 0 points
- >10% To 20% = 4 points
- >20% To 33% = 8 points
- >33% = 12 points

Loan Collateral and Loan Guarantees = 6 Points Possible

- Unsecured, Or a Junior Lien Position Offering Little Realizable Value = 0 points
- For the Spectrum In Between = 1-5 points
- Reasonably Secured as To Collateral Value And Liquidity, With Guarantees In Existence = 6 points

Established Business, Or Business Start-Up = 6 Points Possible

- Start-Up Business with All the Usual Risks of Failure = 0 Points
- Established Business with Negative Trends = 3 Points
- Established Business with Positive Trends = 6 Points

Documentation of Funds Commitments by All Other Project Funds Sources = 4 Points Possible

- Letters of Commitment from financial participants. Letters need to contain: amount of financial commitment, terms and conditions.

Duration of Commitment to Maintaining the Created/Retained Jobs = 2 Points Possible

- Committing to maintaining only for the minimum required by the Department's guidelines = 0 points
- Committing to substantially more than the minimum = 2 points
- Targeted Industry = 10 Points Possible

Points will be awarded in this section for applicants that are designated as:

- a) Economic Development Certified Community
<https://opportunity.nebraska.gov/programs/community/edcc/>
- b) DED Leadership Certified Community
<https://opportunity.nebraska.gov/programs/community/lcc/>

Underwriting & Decision-Making Criteria

The Housing and Community Development Act (HCDA) and HUD’s CDBG regulations outline basic project “underwriting” guidelines/standards so that state programs administering federal CDBG funds will achieve the federal objectives of the CDBG program. The underwriting standards—the decision-making criteria—used in the Nebraska CDBG ED Opportunity are designed to address these federal guidelines.

The federal CDBG guidelines, as applied by the Department, may be summarized as follows:

1. **Project costs must be reasonable**, not excessive, and must be supported by cost analyses. Transactions must be carried out through arms-length transactions, not insider arrangements.
2. All proposed **sources of financing necessary to carry out the project must be committed**. This ensures that time and effort is not wasted on assessing proposals, or awarding funds to projects, that are not in a position to proceed to project completion within a reasonable time. To fulfill this requirement, the Department requires a written verification affirming the various funding parties’ intentions to make funds available, and, depending on the nature of the funding party, a showing of their capacity to actually provide such funds.
3. To the extent practicable, **CDBG funds are not to be substituted for other funds**. This standard requires a financial underwriting analysis of the project. The level of analysis will vary with the nature and complexity of the project. Since projects in this Opportunity provide financing for for-profit businesses, appropriate levels of private source financing (e.g., bank loans) are expected to be present, and equity participation in the project must be sufficient given the financial capacity of those owning the enterprise.
4. The **financial feasibility of the project** includes a public benefit. The public benefit expected from the investment of CDBG funds is the creation and maintenance of LMI jobs. That benefit will not materialize if the project is not financially feasible.
5. Avoidance of providing an **unreasonable return on investment to the owner** of the project. The availability of non-interest bearing loans and forgivable loans to for-profit businesses presents a potential for this to occur which must be addressed in analyzing, and in judging the merits of, each project.
6. To the extent practicable, **CDBG funds should be disbursed on a pro rata basis** with other project funding sources. CDBG money cannot be the first money into a project, but rather should flow into a project in proportion to other project funding sources.

2). *Essential Goods and Services Business Scoring Criteria:*

CDBG Funding Utilization

Maximum, 35 Points

Describe the existing or imminent problem and/or an assessment of the identified community need for the business. The narrative should reflect the current need for the proposed project based on existing, identifiable problems and conditions. Identify past formal or informal community/ business efforts to resolve the problem. Demonstrate the capacity and commitment to successful completion of the project.

- a) Is the need for the project directly or indirectly related to the covid-19 pandemic?
- i) Yes, provide explanation.
 - ii) No.

Points in this section include:

- 0-10 points—inadequately defined, below average
- 11-25—reasonably defined, average compared to other applicants
- 26-35—well-defined, above average

Community Impact and Investment

Maximum, 30 Points

Describe the importance of business to the community and provide clarity on how the business benefits those identified according to the LMI CDBG National Objective for the customer service area. The significance of the project impact scored as compared to meeting the needs by the impact of the project. The application narrative shall be scored for clear and concise description of:

- a) Clearly defined goals and objectives to address the identified community problems;
- b) How the essential business will benefit the community, especially low- and moderate-income and special needs persons within the service area;
- c) The alternatives considered to address the need(s) and the rationale for selecting the proposed solution; and Indication of whether there has been a formal study/report completed that recommends the proposed solution, and if so, who completed it and when.
- d) Identify the nearest community business that provides similar goods or services that the applicant is providing. Include mileage.

Points in this section include:

- 0-9 points—inadequately defined, below average
- 10-20—reasonably defined, average compared to other applicants
- 21-30—well defined, above average

Business Factors

Maximum, 40 Points

A description of prior and concurrent efforts related to the business efforts/ strategy and/or work plan for meeting solutions to community needs. Identify the business factors in terms of readiness to proceed:

- a) Owner’s Equity within the project
- b) Loan collateral and loan guarantees. Indicate if the loan is secured or unsecured.

- c) Documentation of funding commitment.
- d) Business Plan

Points in this section include:

- 0-15 points—inadequately defined, below average
- 16-28—reasonably defined, average compared to other applicants
- 29-40—well-defined, above average

Economic Development/Leadership Certified Community

Maximum, 5 Points

Points will be awarded in this section for applicants that are designated as:

- c) Economic Development Certified Community
<https://opportunity.nebraska.gov/programs/community/edcc/>
- d) DED Leadership Certified Community
<https://opportunity.nebraska.gov/programs/community/lcc/>

Underwriting & Decision-Making Criteria

The Housing and Community Development Act (HCDA) and HUD's CDBG regulations outline basic project "underwriting" guidelines/standards so that state programs administering federal CDBG funds will achieve the federal objectives of the CDBG program. The underwriting standards—the decision-making criteria—used in the Nebraska CDBG ED category are designed to address these federal guidelines.

The federal CDBG guidelines, as applied by the Department, may be summarized as follows:

1. **Project costs must be reasonable**, not excessive, and must be supported by cost analyses. Transactions must be carried out through arms-length transactions, not insider arrangements.
2. All proposed **sources of financing necessary to carry out the project must be committed**. This ensures that time and effort is not wasted on assessing proposals, or awarding funds to projects, that are not in a position to proceed to project completion within a reasonable time. To fulfill this requirement, the Department requires a written verification affirming the various funding parties' intentions to make funds available, and, depending on the nature of the funding party, a showing of their capacity to actually provide such funds.
3. To the extent practicable, **CDBG funds are not to be substituted for other funds**. This standard requires a financial underwriting analysis of the project. The level of analysis will vary with the nature and complexity of the project. Since projects in this category provide financing for for-profit businesses, appropriate levels of private source financing (e.g., bank loans) are expected to be present, and equity participation in the project must be sufficient given the financial capacity of those owning the enterprise.
4. The **financial feasibility of the project** includes a public benefit. The public benefit expected from the investment of CDBG funds is the creation and maintenance of LMI jobs. That benefit will not materialize if the project is not financially feasible.
5. Avoidance of providing an **unreasonable return on investment to the owner** of the project. The availability of non-interest bearing loans and forgivable loans to for-profit businesses presents a potential for this to occur which must be addressed in analyzing, and in judging the merits of, each project.

6. To the extent practicable, **CDBG funds should be disbursed on a pro rata basis** with other project funding sources. CDBG money cannot be the first money into a project, but rather should flow into a project in proportion to other project funding sources.

5.07 | Application Review and Selection

Decisions on Economic Development applications will be reviewed by the Department Project Review Committee. This review is based on the individual and collective determination of Committee members, in consultation with other Department staff as necessary, applying analyses of objective criteria important in assessing whether to use federal CDBG dollars on a proposed project and in distinguishing among competing applications. A group/consensus decision is reached evaluating the merits of each application and deciding whether to fund, and at what level of funding.

6.00 | Post Award Requirements

Refer to *Part II. Section 6.00*.

Section 2: Emergent Threat (EM)

CDBG-CV funds can be utilized for emergent threat projects focused on benefiting public services and public facilities and infrastructure in the State. CDBG-CV can be used to assist local units of government with situations that pose a serious and immediate threat to public health, safety, or welfare. Priority is given to those projects that are meeting the Emergent Threat (EM) criteria.

All activities proposed in applications for CDBG funding in the EM Category must meet the national objective of benefitting low- and moderate- income persons (through the subcategories LMI Area Benefit, LMI Limited Clientele), aid in the prevention or elimination of slums or blight in either an area (SBA) or spot basis (SBS), and/or through urgent need (UN).

Projects funded with CDBG-CV are subject to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (the “Stafford Act”).

1.01 | Eligible Applicants

Refer to *Part II. Section 1.01.*

1.02 | Type of Applicants

Refer to *Part II. Section 1.02.*

1.03 | Special Policies for Applicants

Refer to *Part II. Section 1.03.*

2.01 | National Objectives

Applicants must document that the proposed activity(ies) comply with a national objective. For each project activity proposed within this funding opportunity, please select one of the below national objectives.

1. Benefit to low- and moderate-income persons
 - a. Area benefit
 - b. Limited Clientele
 - c. Jobs
 - d. Housing
2. Aid in prevention or elimination of slums and blight
 - a. On an Area Basis
 - b. On a Spot Basis
3. Urgent Need

2.02 | Public Benefit Standards

This does not apply to this CDBG opportunity.

2.03 | Compliance with the State’s Consolidated Plan

Refer to *Part II. Section 2.03.*

3.01 | Eligible Activities

Refer to *Part II. Section 3.01.*

3.02 | Priority Activities

5) Public Facilities and Improvements

- a) Senior Centers (03A)
- b) Facilities for Persons with Disabilities (03B)
- c) Facilities for Abused and Neglected Children (03Q)
- d) Facilities for AIDS Patients (not operating costs) (03S)
- e) Homeless Facilities (03C)
- f) Youth Centers (03D)
- g) Neighborhood Facilities (03E)
- h) Child Care Centers (03M)
- i) Health Facilities (03P)
- j) Other Public Improvements (03Z)
- k) Construction Management

6) Public Service, including but may not be limited to:

- a) Senior Services (05A)
- b) Services for Persons with Disabilities (05B)
- c) Youth Services (05D)
- d) Transportation Services (05E)
- e) Child Care Services (05L)
- f) Services for victims of domestic violence, dating violence, sexual assault or stalking (05G)
- g) Health Services (05M)
- h) Mental Health Services (05O)
- i) Food Banks (05W)
- j) Other Public Service (05Z)
- k) Public Services Management

1) Administration

General Administration

3.03 | Ineligible Activities

Refer to *Part II. Section 3.03*.

3.04 | Special Polices for Activities

Refer to *Part II. Section 3.04*.

4.01 | CDBG Grant Amount and Matching Funds

This funding opportunity does not have a match requirement.

Emergent Threat – Key Minimums, Maximums, and Requirements	
CDBG-CV: Minimum Project Costs	Public Service: \$10,000 Public Facilities and Infrastructure: \$50,000
CDBG-CV: Maximum Project Costs	Public Service: \$750,000 Public Facilities and Infrastructure: \$750,000
General Administration	Public Service: based on demonstrated need, not to exceed 10% of the CDBG Project Funds or \$25,000.

	Public Facilities and Infrastructure: 10% of CDBG Project Funds Requested (not including General Administration or Construction Management), not to exceed \$25,000 Refer to NOTE below.
Construction Management (maximum)	Public Service projects: \$0 Public Facilities and Infrastructure: \$10,000
Public Services Management	Public Service projects: based on demonstrated need, not to exceed 10% of the CDBG Project Funds. Public Facilities: \$0

NOTE: Projects awarded with CDBG-CV funds prior to November 30, 2022, will have the opportunity to amend their current agreement to increase their award amount (supplemental). Additional funds will be available to address the cost of inflation and other situation as deemed allowable by the Department. The original and supplemental project costs will not exceed \$750,000. General administration costs cannot exceed \$35,000.

4.02 | Program Income

Refer to *Part II. Section 4.02.*

4.03 | Budget

Refer to *Part II. Section 4.03.*

5.01 | Application Development and Use of Consultants

Refer to *Part II. Section 5.01.*

5.02 | Application Submission

Refer to *Part II. Section 5.02.*

5.03 | Application Due Dates

This funding opportunity accepts applications throughout July 1, 2020 – April 30, 2023. An applicant can receive more than one award under this funding opportunity during the program year. A separate application is required.

5.04 | Application Thresholds

Refer to *Part II. Section 5.04.*

5.05 | Application Exhibits

The following exhibits apply to this opportunity:

Exhibit A: Notice of Public Hearing
Exhibit B: Authorizing Resolution
Exhibit C1: Statement of Assurances and Certification
Exhibit C2: Citizen Participation Plan
Exhibit D: Residential Anti-Displacement and Relocation Assistance Plan
Exhibit E: Low-and Moderate-Income (LMI) on an Area Basis: ACS Data
Exhibit E1: Low-and Moderate-Income (LMI) on an Area Basis: Census Survey
Exhibit E2: Low-and Moderate-Income (LMI) on an Area Basis: Random Sample Survey
Exhibit E3: Low-and Moderate-Income (LMI) on Limited Clientele
Exhibit E4: Low-and Moderate-Income (LMI) Jobs
Exhibit F1: Slum and Blight Area Basis (SBA) Documentation
Exhibit F2: Slum and Blight Spot Basis (SBS) Documentation
Exhibit G: Urgent Need
Exhibit K1: Waiver of Procurement Process, if applicable
Exhibit K2: Waiver of Procurement Process, if applicable
Exhibit M: Map of Proposed Project Area
Exhibit N: System for Awards Management Documentation
Exhibit O: Four Factor Analysis Assessing Limited English Proficiency
Exhibit Q: Budget and Local Cost-Share Documentation

5.06 | Application Criteria

Pre-Application:

Pre-applications are required for a local government to receive an invitation to submit a full application for an award through the CDBG Emergent Threat (EM) Category. The pre-application determines eligibility prior to the submission of a Full Application, providing the Department with information about applicant's eligibility, the applicant's project activities, as well as national objective compliance.

The Pre-Application consists of:

- Project Description
- Documentation of National Objective Compliance
 - Low and Moderate Income
 - Exhibit E: ACS Documentation
 - Exhibit E1: Census Income Survey (project service area)
 - Exhibit E2: Random Sample Survey (project service area)
 - Exhibit E3: Limited Clientele
 - Exhibit E4: Jobs
 - Slum and Blight
 - Exhibit F1: Slum and Blight Area Basis Documentation
 - Exhibit F2: Slum and Blight Spot Basis Documentation
 - Urgent Need
 - Exhibit G: Urgent Need Certification and Documentation

Full Application:

The Matrix below describes each selection criteria as a numerical score within the EM Category. The maximum number of points available within any application is 100 points. A minimum score of 30 points is required overall.

Selection Criteria Detailed Matrix – EM Category	Maximum	Threshold Minimum
1. Project Need	40	10
2. Project Impact	30	10
3. Project Readiness	30	10
Total	100 points	30 points

Given the nature of public services projects vary from that of public facilities and infrastructure, there are two pathways within the application portal. The Applicant must complete the appropriate pathway based upon their selection of either:

- 1) Public Services
- 2) Public Facilities and Infrastructure
- 3) Both (if applicable)

All applications must directly relate to the prevention, preparation, and response to the Covid-19 pandemic.

Applications for Public Services

1. Project Need

- a) Describe the existing problem and/or an assessment of the identified local need for the project.
- b) Is the need for the project directly related to the prevention, preparation, and response to the Covid-19 pandemic?
 - i) If yes,
 - (1) Describe the need
 - (2) Upload documentation of direct impact from the declared disaster, this may include newspaper articles, quarterly or monthly reports, etc.
 - ii) If no, the project is not eligible to apply.

Points in this section include:

- 0 – 8 points: Inadequately defined, below average
- 9 – 25points: Reasonably defined, average compared to other applicants
- 26– 40 points: well-defined, above average

2. Project Impact

- a) To be eligible, the project must involve either a new service or an expansion of existing services.
 - i) Is the proposal for an expansion of services?
 - (1) If yes, describe how the proposed solutions expand services
 - ii) Is the proposal for new services?

- (1) If yes, describe the new service's impact on the service area.
- b) Describe proposed solution(s) the project activity(ies) address.
- c) Describe each major activity.
- d) Provide information and supporting documentation identifying the national objective to be met and proposed number of beneficiaries.

Proposed solutions will be evaluated for the degree to which they are long term; appropriate in terms of existing or emergent community need; and the technical, operational, and financial aspects of the project. Points in this section include:

- 0 – 8 points: Inadequately defined, below average
- 9 – 20 points: Reasonably defined, average compared to other applicants
- 21– 30 points: well-defined, above average

3. Project Readiness

To the greatest extent feasible, CDBG-CV funds are to be used as gap financing; this implies that other local, state, and federal funds will be invested in the project. Duplication of benefits is not allowable.

- a) Describe the implementation strategy. Demonstrate the capacity and commitment to successful completion of the project.
 - i) *Has the Applicant identified key collaborators?*
 - (1) If yes, provide a list of collaborators and their role(s).
 - (2) If no, provide explanation.
 - ii) **Upload.** Attach Project Schedule/Timeline for Completion. Limit 1-3 pages.
- b) List and describe all other sources of funding for proposed activities, include secured and unsecured funds. If other sources of uses of funds were not available, identify the funds consider and the reason why those funds were not available.
- c) Does project require additional review and approval from other agencies?
 - i) If yes, list agencies and indicate status of approval.
 - ii) If no, provide explanation.
- d) Does the project require permits?
 - i) If yes,
 - (1) Has the Applicant obtained all necessary permits?
 - (2) If yes, list permitting agency, name of permit, and date of receipt.
 - ii) If no, provide explanation.
- e) Has Applicant drafted a preliminary Environmental Review Record?
 - i) yes,
 - (1) what is the preliminary determination of level of review (DLR)?
 - (2) briefly describe where the applicant is in this process (e.g., DLR made and contacts identified for required documentation per the statutory checklist, DLR found project to be exempt, etc.)
 - ii) no

For a project to be considered, sufficient other local, state, or federal funds either are not available or cannot be obtained within the time frame necessary to address the problem. Points in this section include:

- 0 – 8 points: Inadequately defined, below average
- 9 – 20 points: Reasonably defined, average compared to other applicants
- 21– 30 points: Well-defined, above average

Applications for Public Facilities and Infrastructure

1. Project Need

- a) Describe the existing problem and/or an assessment of the identified local need for the project.
- b) Is the need for the project directly related to the prevention, preparation, and response to the Covid-19 pandemic?
 - i) Yes
 - (1) Describe the need
 - (2) Upload documentation of direct impact from the declared disaster, this may include newspaper articles, quarterly or monthly reports, etc.
 - ii) No

Points in this section include:

- 0 – 8 points: Inadequately defined, below average
- 9 – 25points: Reasonably defined, average compared to other applicants
- 26– 40 points: well-defined, above average

2. Project Impact

- a) Describe proposed solution(s) the project activity(ies) address.
- b) Describe each major activity.
- c) Will the Applicant own, operate and maintain the proposed improvements?
 - i) Yes
 - ii) No
 - (1) Who will own?
 - (2) Who will operate?
 - (3) Who will maintain?
- d) Provide information and supporting documentation identifying the national objective to be met and the proposed number of beneficiaries.

Proposed solutions will be evaluated for the degree to which they are long term; appropriate in terms of existing or emergent community need; and the technical, operational, and financial aspects of the project. Points in this section include:

- 0 – 8 points: Inadequately defined, below average
- 9 – 20 points: Reasonably defined, average compared to other applicants
- 21– 30 points: well-defined, above average

3. Project Readiness

To the greatest extent feasible, CDBG-CV funds are to be used as gap financing; this implies that other local, state, and federal funds will be invested in the project.

- a) Describe the implementation strategy. Demonstrate the capacity and commitment to successful completion of the project.
 - i) *Has the Applicant identified key collaborators?*
 - (1) If yes, provide a list of collaborators and their role(s).
 - (2) If no, provide explanation.
 - ii) **Upload.** Attach Project Schedule/Timeline for Completion.
- b) List and describe all other sources of funding for proposed activities, include secured and unsecured funds. If other sources of uses of funds were not available, identify the funds consider and the reason why those funds were not available.
- c) Does the Applicant own the property?
 - i) If no, provide explanation.
- d) Are easements required to complete the project?
 - i) If yes, are easement rights secured?
 - ii) If no, provide explanation.
- e) Has Applicant obtained complete final design plans?
- f) Has Applicant obtained bid specifications?
- g) Does project require additional review and approval from other agencies?
 - i) If yes, list agencies and indicate status of approval.
 - ii) If no, provide explanation.
- h) Does the project require permits?
 - i) If yes,
 - (1) Has the Applicant obtained all necessary permits?
 - (2) If yes, list permitting agency, name of permit, and date of receipt.
 - ii) If no, provide explanation.
- i) Has Applicant drafted a preliminary Environmental Review Record?
 - i) yes,
 - (1) what is the preliminary determination of level of review (DLR)?
 - (2) briefly describe where the applicant is in this process (e.g., DLR made and contacts identified for required documentation per the statutory checklist, DLR found project to be exempt, etc.)
 - ii) no

For a project to be considered, sufficient other local, state or federal funds either are not available or cannot be obtained within the time frame necessary to address the problem. Points in this section include:

- 0 – 8 points: Inadequately defined, below average
- 9 – 20 points: Reasonably defined, average compared to other applicants
- 21– 30 points: Well-defined, above average

5.07 | Application Review and Selection

Refer to *Part II. Section 5.07*.

6.00 | Post Award Requirements

Refer to *Part II. Section 6.00*.

Section 3: Coronavirus Related Emergency Payment

The CDBG-CV funds received will be used to assist the residents of Nebraska to address housing concerns created during the coronavirus pandemic. This funding is being made available to provide emergency payments to address housing concerns, including rental/mortgage payments and/or utility payments. Nebraska Department of Economic Development (DED) will provide services directly throughout the State of Nebraska. Emergency payments will be made available for up to 6 months of consecutive payments to the provider of such items or services on behalf of an individual or family, or as allowable under the federal register. An individual or family assisted must meet the criteria within the national objective of benefitting low-and moderate- income persons (through the subcategory LMI Limited Clientele).

This program is no longer active.

Part IV. Glossary of Terms

Annual Action Plan (AAP)

The Annual Action Plan updates the Nebraska Housing and Community Development Consolidated Plan, a five-year plan addressing the state's housing and community development needs.

Assessment Abatement

To pay fees levied against private property for the costs of public facilities activities (see special assessment). To maximize benefit to low- and moderate-income households, funds may be used to abate the assessments for these owner-occupied households.

Beneficiary

The ultimate consumer of HUD programs who receives benefits from a HUD Recipient or Sub-recipient.

CDBG Agreement

The legally binding agreement between the state and a subrecipient. It consists of the notice of award, special conditions to the contract, certifications to comply with applicable state and federal regulations, the project budget, and the application.

Closeout

The process by that the department determines that the subrecipient and the department have completed all applicable administrative actions and all required work.

Community Development Need

A demonstrated deficiency in housing stock, public facilities, economic opportunities, or other services that is necessary for developing or maintaining viable communities.

Comprehensive Strategic Approach

A comprehensive strategic approach is one that effectively utilizes community needs assessments, stakeholder participation, and planning processes. A comprehensive approach should include: significant needs identification, adopted or updated Comprehensive Plan, housing study, and capital improvement plan.

Consolidated Plan

The Nebraska Five-Year Consolidated Plan is a comprehensive planning document identifying the state's needs in housing, homelessness, community and economic development. The State is required by the U.S. Department of Housing and Urban Development (HUD) to complete a Consolidated Plan every five years to receive federal funds for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), National Housing Trust Fund (HTF), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG) programs. Two other State funded programs are included in the plan, Homeless Shelter Assistance Trust Fund (HSATF) and Nebraska Affordable Housing Trust Fund (NAHTF). As stipulated by the Nebraska Affordable Housing Act (Neb. Rev. Stat. 58-701 through 58-711), the Nebraska Department of Economic Development (DED) is required to develop an annual Qualified Allocation Plan (QAP) concerning the distribution of NAHTF resources throughout the state. Further information and details can be found at <https://opportunity.nebraska.gov/reports>.

Department or DED

Nebraska Department of Economic Development. The state agency that administers the federal Community Development Block Grant State Program for communities under 50,000 population with funds allocated to the US Department of Housing and Urban Development.

Disability

Any condition or characteristic that renders a person an "individual with disabilities" as defined in 24 CFR §8.3 (Code of Federal Regulations). An "individual with disabilities" means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Elderly

For purposes of this program and qualifying a project as meeting the low- and moderate-income national objective by principally benefitting seniors, a senior citizen is a person aged 62 or older.

Eligible Activity

Those activities authorized in Section 105(a) of the amended 1974 Housing and Community Development Act. However, the State and local participants have developed priorities, listed in *Part II, Section 3.04*, that best serve their interests and increase the likelihood of being funded.

Family

A family is defined as all persons living in the same household who are related by birth, marriage, or adoption. An individual living in a housing unit that contains no other person(s) related to him/her is considered to be a one-person for this purpose. A dependent child who is living outside of the home (e.g. students living in a dormitory or other student housing), is considered for these purposes to be part of the family upon which he/she is dependent, even though he/she is living in another housing unit.

Firm Public or Private Commitment

An agreement by a private or public party to take part in a local community development project. The party must demonstrate the capacity to carry out the activity specified in the CDBG application. The agreement may take the form of a city council or county board resolution, letter from a governmental agency, or a letter of credit from a private lending institution.

Flood and Drainage

Facilities designed to influence or affect the flow in a natural water course (such as a river, stream, lake, or intermittent stream) and excludes storm sewers.

Household

All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing and Community Development Needs Assessment

A statement by the applicant that lists the community's development needs, including housing needs and needs of low- and moderate-income persons and strategies to address the needs. Required of all applicants to be eligible for CDBG funding under Title I of the Housing and Community Development Act.

Income

The total gross income (before taxes) of all members of a family who are age 15 or older. Income includes all monies received by all members of the family such as gross wages and salaries, bonuses, tips, interest, dividends, social security, other retirement, supplemental security income, welfare, disability, VA payments, unemployment, alimony, other. A family that is involved in a business where the finances are interrelated with the family budget (such as a farmer) should consider their income as net after expenses, as reported to the Internal Revenue Service.

Language Assistance Plan (LAP)

A written implementation plan that addresses identified needs of the LEP persons served.

Limited English Proficient Person (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

Low- and Moderate-Income

For CDBG, a person is considered to be of **low income** only if he or she is a member of a household whose income would qualify as "very low income" under the Section 8 Housing Assistance Payments program. Generally, these Section 8 limits are based on 50% of area median. Similarly, CDBG **moderate income** relies on Section 8 "lower income" limits, which are generally tied to 80% of area median.

Low- and Moderate-Income Person

A member of a family having an income as described under the Low- and Moderate-Income definition.

Lower-Income Person

A member of a family having an income equal or less than the Section 8 "lower income" limit established by HUD (80% or less of the area median). Unrelated individuals shall be considered as one-person families for this purpose.

Neighborhood

A geographic location with the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation; or the entire jurisdiction of a unit of general local government that is under 25,000 population.

Neighborhood-based nonprofit organization

An association or corporation duly organized to promote and undertake community development activities on a not-for-profit basis within a neighborhood. To be considered neighborhood-based, the majority of the organization's membership, clientele, or governing body are residents of the neighborhood where activities assisted with CDBG funds are to be carried out.

Project Cost

Costs to complete the project and not associated with general administration (i.e., General Administration) or supporting project costs (i.e., Construction Management).

Service Area

Area within the community designated to benefit from the project.

Single Purpose Project

One or more activities designed to meet a specific community development need.

Special Assessment

A fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement or a onetime charge made as a condition of access to the improvement. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefitting properties. For additional information see, *Part II. Section 3.02 (3). Special Assessments are not allowed in 2022.*

Supporting Project Costs

Costs that support project costs include Construction Management. In regard to reporting purposes, beneficiaries are not reported separately rather they are associated with the most appropriate activity. Supporting project costs do not include grant administration, General Administration.

Target Area

A defined geographic area within which an applicant has determined that, based on community plans or other studies, a need for community development activities exists. A target area may be a neighborhood of 100 or more families in a community or an entire community. The target area must encompass the entire area served by the project.

Threshold

The minimum that an applicant must score to be considered for funding. For example, *“A project scoring less than 25 points does not meet the minimum threshold for further consideration by the Project Review Committee* means that if the application does not score at least 25 points, the application will not be funded.

Units of Accomplishment

Awarded projects must report on accomplishments specific to project outcomes. There are seven accomplishment types, the number of accomplishments will depend on the project activities to be undertaken. These types include People, Households, Businesses, Organizations, Housing Units, Public Facilities, and Jobs. For reporting purposes, at the time of application, the number of accomplishments is considered “proposed” and upon completion of project activities, the accomplishments are considered “actual”.

Vital Document

Any document that is critical for ensuring meaningful access to the Recipient’s major activities and programs by beneficiaries generally and LEP persons specifically.