

# CDBG-MIT Applicants' Manual



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## Manual Edits

DCA reserves the right to edit this manual when necessary. DCA will mark all changes and will label the version of the Manual. All versions of the manual will be posted online at the following link: <https://www.dca.ga.gov/node/6044/documents/6631>. DCA will use the following formatting to mark all changes:

Additions: Font color red, underline

Deletions: ~~Font color red, strike-through text~~

## Introduction

This Applicants' Manual represents one of the key elements by which the Georgia Department of Community Affairs (DCA) addresses its administrative responsibilities for the Community Development Block Grant Mitigation (CDBG-MIT) funding. Every effort has been made to balance the need for sufficient information upon which to make rational decisions between competing proposals and to ensure compliance with Federal law with the desire to eliminate all unnecessary paperwork and reduce the administrative burden on local governments.

It is essential that units of local government complete applications in accordance with the instructions contained herein and as outlined at the Applicants' Webinar sessions. Applications submitted through the grants management system, eCivis, should be clear, thorough, and sufficiently detailed to provide all information required. The local government is considered the responsible entity, whether the application is prepared by the local government or by a representative, agent, or designee. Applicants are responsible for understanding the contents of the entire manual.

## Overview of CDBG-MIT Funding

On February 9, 2018, the Department of Housing and Urban Development (HUD) appropriated \$26,961,000 in CDBG-MIT Funds to the State of Georgia in response to two tornadoes occurring in January 2017 (DR-4294 and DR-4297) and Hurricane Irma (DR-4338). These funds will be used for mitigation projects within the fifteen counties declared eligible for FEMA's Individual and Public Assistance (IA and PA). Federal Register Notice 84 FR 45838 primarily governs the use of these funds along with preceding Federal Register Notices, Public Law 115-123, and the State of Georgia's Mitigation Action Plan. The official Method of Distribution is outlined in the Mitigation Action Plan.

DCA solicited ~~Pre-Applications~~ pre-applications from eligible local governments to inform the Action Plan. Submission of pre-applications were not mandatory. A local government that did not submit a pre-application can apply for CDBG-MIT funding. Further, if a local government submitted projects during the pre-application process, the local government may choose to submit these projects for consideration of funding or they can choose a new project to submit. However, local governments must submit a full application to be considered for funding. Pre-applications were not scored.

## Important Dates

Date	Task
11/30/2020	MIT - Infrastructure Application Relunched on DCA Website
12/09/2020	MIT - Infrastructure Grant Application Webinar
02/10/2021	MIT - Infrastructure Grant Application Deadline

## Online Applications

DCA will on receive applications for the CDBG-MIT Infrastructure allocation online. Paper applications will not be accepted. Online applications can be accessed using the following link: [CDBG-MIT 2017](#)

~~<https://dca.360works.com/fmi/webd/HSONlineDisasterRecovery>~~

~~DCA will issue eligible local governments a username and password. To request a username and password please contact Monique Guilford, Georgia Department of Community Affairs, CDBG-DR Project Specialist, [Monique.Guilford@dca.ga.gov](mailto:Monique.Guilford@dca.ga.gov), and 470-597-5275.~~

## Technical Assistance, Resources, and Other DCA Rulings

DCA understands with online applications, technical difficulties may arise. If you experience any issues, or if you are unable to complete the online application please contact DCA as soon as possible to allow DCA sufficient time to address all technical issues. Please submit all requests by ~~December 1, 2020~~ December 18, 2020.

DCA has created a comprehensive website which contains necessary forms, detailed guidance documents, and additional resources to supplement this Manual.

Please see <https://www.dca.ga.gov/node/6044/documents/6631> for more information.

Applicants are encouraged to contact DCA if questions exist regarding eligibility of applications and this applicant's manual does not clearly provide an answer to the question. Information is provided below:

Monique Guilford, CDBG-DR Project Specialist  
Georgia Department of Community Affairs  
470-597-5275  
[monique.guilford@dca.ga.gov](mailto:monique.guilford@dca.ga.gov)

## Application Status

DCA will accept applications from local governments for infrastructure projects. Under this allocation, DCA will not make awards to residents. Local governments can inquire about the status of their application through emailing the [CDBG-DR@dca.ga.gov](mailto:CDBG-DR@dca.ga.gov) email address, calling the CDBG - DR Project Specialist at

470 - 597-5275, or accessing the CDBG-MIT public website: <https://www.dca.ga.gov/community-economic-development/funding-programs/communitydevelopment-block-grant-disaster-3>.

The Department will use a competitive application process for CDBG-MIT grants. All CDBG-MIT applicants will be notified via email and letter of the status of their application on or immediately following the date of selection, which is tentatively scheduled for **mid-June 2021**. The Department will maintain documentation that supports each application decision, both funded and unfunded.

## Eligible Activities

CDBG-MIT appropriations require funds to be used for: “Activities that result in measurable and verifiable reductions in the risk of loss of life and property from future disasters and yield community development benefits”. Given this is a CDBG-MIT Infrastructure Program, activities must be infrastructure-related. Additionally, applicants will not be required to demonstrate a tie back to the storm since these are funds designed to mitigate against future losses of life or property.

Each activity must:

- Be CDBG eligible (or allowed via a waiver);
- Be located in a Presidentially-declared county;
- Meet the mitigation objective listed above; and
- Meet a national objective.

For more information related to eligibility of CDBG activities, please refer to 24 CFR Subpart C.

## Ineligible Activities

Any activity not authorized under the State of Georgia’s Action Plan, CDBG-DR, or CDBG-MIT statute and/or regulations, as noted in the applicable Federal Register Notices, is ineligible to be assisted with CDBG-MIT Funds. In addition, an activity is ineligible if it meets any one of the following criteria:

- Is not located in a Presidentially-declared county;
- Is explicitly prohibited by the appropriation law;
- Does not meet the mitigation definition;
- Is ineligible under the applicable CDBG regulations (and a waiver has not been granted); or
- Fails to meet a national objective

Additionally, purchasing equipment is typically considered ineligible. The following equipment is ineligible under CDBG-DR: mobile command centers, radios, or portable lights. Some equipment may be eligible, including fire protection equipment considered to be an integral part of a public facility, equipment that constitutes all or part of a public service, or equipment that is attached to a structure and becomes an integral fixture.

If there are questions related to eligibility please contact DCA in writing as soon as possible. Eligibility questions should be emailed to Monique Guilford, DCA CDBG-DR Program Specialist at [Monique.Guilford@dca.ga.gov](mailto:Monique.Guilford@dca.ga.gov).

## Eligible Program Applicants

The following counties and the jurisdictions within are eligible to apply for assistance: Berrien, Camden, Charlton, Chatham, Coffee, Cook, Crisp, Dougherty, Glynn, Liberty, McIntosh, Thomas, Turner, Wilcox, and Worth.

## Joint Applications

Joint applications are generally required when less than 51 percent of the beneficiaries are located within the jurisdiction of the applicant. Activities may serve beneficiaries outside the jurisdiction of the applicant, provided the unit of general-purpose local government has identified such a need and 51 percent or more of the beneficiaries are located within the applicant's jurisdiction. Exceptions may be made in writing by DCA on a case-by-case basis using guidance provided by law and regulation, the applicable local service delivery strategy, and written support for the exception from the county government. Please consult with DCA for guidance concerning the need for joint applications. Requests for exceptions should be made to DCA as early as possible, but no later than November 20, 2020.

Joint Applications must include:

- A copy of the Cooperating Agreement entered into by the cooperating units of government. This agreement should designate the unit of government that will serve as lead applicant. A sample cooperating agreement is included as Form DCA-11 of the online application.
- Separate "Certified Assurances" (Form DCA-10) for each jurisdiction.

## Regional Applications

Regional applications are intended to allow an applicant to address problems and apply for a project benefiting a multi-county region where multi-county cooperation and agreements are required (e.g., purchase and sale agreements, management agreements, memorandums of understand, etc.). Regional applications must meet the requirements for joint applications outlined in the preceding section. In addition, regional applications should include a letter(s) from the appropriate Regional Commission (RC) certifying that the project is consistent with any local and regional plans that exist and has multi-county benefits. Please contact DCA prior to submission for guidance.

## Activity Limits

DCA is required to expend 50% of the allocation within the Most Impacted and Distressed (MID) Zip Codes (31520, 3148, 31701, 31705, and 31707). In order to achieve this objective, DCA is allowing jurisdictions located within the MID Zip Codes to submit a single or multi-activity application. Multi-Activity applications shall not exceed three (3) activities. However, multi-activity applications must consist of at least one project that is located within a MID Zip code or affects the MID Zip Code.

Jurisdictions **NOT** located within the MID Zip Codes are limited to one (1) single-activity application.

These limits apply to jurisdictions individually. It is allowable for a city and the county it is located within to submit individual separate applications for assistance (i.e. the city can submit an application and the county can submit an application).

If a jurisdiction enters into a joint application, it counts toward the application activity limits. For example, if a community is located outside of the MID area and puts in a joint application with another community for a communications project, the community will not be allowed to submit a single-activity application, too.

## Compliance with State Planning and Financial Reporting Laws

Under State statutes, applicants must comply with State planning and financial reporting laws. These laws include, but are not limited to:

- The Georgia Planning Act (O.C.G.A. 45-12-200 et seq. and 50-8-1 et seq.),
- The Service Delivery Act (O.C.G.A. 36-70-20 et seq.)
- Government Management Indicators Survey (O.C.G.A. 36-81-8)
- DCA Local Government Finance Report requirements (O.C.G.A. 36-81-8), and
- Local Government Audit Act (36-81-1 et seq.). In certain instances of non-compliance, these laws prohibit the Department of Community Affairs from providing grant assistance.

For information on a community’s Qualified Local Government Status (QLG), i.e., the status of a community’s compliance with the first four requirements listed above, please go to the following web site: <http://www.georgiaplanning.com/planners/planreview/default.asp>. For information on a community’s compliance with the Local Government Audit Act, please contact Jacqueline E. Neubert at the Georgia Department of Audits at (404) 651-8938 or [neubertj@audits.ga.gov](mailto:neubertj@audits.ga.gov) or see the following link: [http://www.audits.ga.gov/NALGAD/Local\\_Government\\_Audits.html](http://www.audits.ga.gov/NALGAD/Local_Government_Audits.html).

## Deadlines

Date	Task
02/10/2021	MIT – Infrastructure Application Deadline
02/10/2021	Completion of Tribal Consultation
02/10/2021	Proposed project included in Service Delivery Strategy
02/10/2021	Service Delivery Act (HB 489) Compliance*
02/10/2021	QLG/Comprehensive Planning Compliance
02/10/2021	DCA Local Government Finance Report requirements
02/10/2021	Local Government Audit Act Compliance
02/10/2021	CDBG Revolving Loan Fund (RLF) Compliance**
03/12/2021	Deadline for Submission of Readiness to Proceed Documentation
03/12/2021	Deadline for Submission of Leverage Documentation

\*Service Delivery Strategy (O.C.G.A. §36-70-20): State law requires that all projects funded be consistent with the community’s adopted Service Delivery Strategy (O.C.G.A. §36-70-20). The appropriate citation of the Strategy along with attachments and service area maps should be included in the application, along with a signed certification that the project is consistent with the Strategy. Maps should include the project

area, or facility, in relation to the approved service area for that activity. If the project is not covered by the adopted Strategy by 2/10/2021, it will not be eligible for funding unless any deficiencies are cured within 60 days after notification by DCA. Note that certain types of applications, such as those involving limited clientele, are not routinely included in Service Delivery Strategies. In these cases, an update of the Service Delivery Strategy to include these services will be necessary.

\*\*RLF Compliance: If the applicant has an open EIP/RDF Local Revolving Loan Fund, the RLF must comply by 2/10/2021 for the application to be eligible. RLFs can be out of compliance by:

- 1) Semi-Annual report is not up to date, i.e. submitted within 30 days of the end of the reporting period;
- 2) The Fund has more cash on hand than the greater of \$125,000 or 30% of total assets;
- 3) The Fund has not made a loan or grant within the past five (5) years.

Applications are required to be complete at the time of submission on **February 10, 2021** except that additional documentation may be submitted for leverage or bonus point documentation until **March 12, 2021**. **Local government applicants that are not in compliance with deadline requirements will not be reviewed and will not be eligible to receive funding.** DCA will perform a completeness check of all applications submitted and require the applicant to submit any missing or incomplete forms or certifications within five business days of notification by DCA. No additional documentation may be submitted after the **2/10/2021** deadline that could potentially alter scores including, but not limited to, photographs, maps, narrative, letters, tests, etc. Applicants must comply with QLG/Comprehensive Planning requirements, the Local Government Finance Report requirements, the Government Management Indicators Survey requirements, and the Local Government Audit Act as of **2/10/2021**.

## Period of Performance

All CDBG-MIT recipients are required to expend one hundred percent (100%) of all funds within thirty-six (36) months from the date of the grant award, unless the project is extended by DCA. The Department of Community Affairs reserves the right to recapture all non-obligated funds after the thirty-six-month period. The applicant is advised to consult with DCA prior to application submission if difficulties meeting this requirement are anticipated.

## Activity Delivery Costs

Activity Delivery Costs (ADC) are those allowable costs incurred for implementing and carrying out eligible CDBG-MIT activities. All ADCs are allocable to a CDBG-MIT activity, including direct and indirect costs integral to the delivery of the final MIT-assisted activity.

Typical costs include, but are not limited to:

- Preparation of environmental reviews; and/or
- Labor monitoring; and/or
- Ensuring compliance with all federal cross-cutting requirements; and/or
- Preparation of drawdown requests, quarterly reports, correspondence, etc.; and/or
- Facilitation of the close out process.

## Limits on Professional Fees

DCA reserves the right to reduce the overall level of professional fees depending on the scope of the proposed project. Use the following limits for professional costs paid for with CDBG-MIT funds.

Project Type	Activity Delivery Costs (ADC)	Architectural/Engineering
Single Activity	6% of grant (minimum \$25,000) Maximum: \$90,000	12% of CDBG-MIT Construction Amount* Maximum: \$180,000
Multi Activity	7% of grant Maximum: \$90,000	12% of CDBG-MIT Construction Amount* Maximum: \$180,000
*Under certain circumstances DCA may approve engineering/architectural costs that exceed 12%. Please contact DCA for further guidance regarding this cap.		

## Matching Requirement

DCA is not requiring matching funds from the applicants for this allocation. However, DCA encourages applicants to leverage additional resources whenever possible.

## Leveraging of Additional Resources

Leverage includes additional resources committed to and directly related to the project, the purchase with non-CDBG-MIT funds of new equipment and furnishings for buildings proposed to be constructed with CDBG-MIT funds (used equipment is not counted toward leverage), the cost of conducting housing surveys in conjunction with the Programmatic Agreement on Historic Preservation, the costs of preliminary engineering and architectural reports, the costs of CDBG-MIT application preparation, and additional grants and loans from other sources that address the applicants identified community development needs. Up to \$1,000 may be counted toward ~~for~~ paying for required audits. This commitment must be in writing and the amount committed must be specified. Only items that would not otherwise have been provided and that are directly related to the proposed CDBG-MIT project will be counted.

A "reasonable" value must be assigned to donated and "in-kind" items and the basis for the value assigned or claimed must be fully described and documented. Land currently acquired by an applicant for the project may be counted as leverage provided the value of the land is well documented (appraisal, tax value, etc.) and the documentation is included in the application. Land donated to the project that exceeds project needs will not be counted in full. The labor of volunteers may be counted towards leverage provided the applicant provides reasonable documentation for labor hours and the value of labor per hour. Activity Delivery costs and architectural/engineering services may be also be donated as "in-kind" resources, and the basis for the value assigned or claimed must be fully described and documented.

Leverage amounts will only be assigned when firm commitments from all claimed funding sources are included in the application.

Non-CDBG-MIT costs related to the proposed construction of new items which serve CDBG-MIT target area needs as well serving a larger service area (such as a new water storage facility) will be counted

proportionally with the CDBG-MIT target area population serving as the numerator and the population of the service area serving as the denominator. DCA reserves the right to use a different method in calculating proportionality if required by the circumstances of an applicant's proposal. Further details related to leverage calculations is provided in the CDBG-MIT Scoring Rubric, provided on the CDBG-MIT website.

Leverage must be for a CDBG-MIT eligible activity and the beneficiaries must be within the target area(s) unless otherwise provided in this manual (e.g., furnishings and equipment may be counted as leverage). In addition, leverage must be related to the CDBG-MIT project proposed in DCA-5 and the needs described in DCA-4.

DCA will allow up to \$5,000 each toward the cost of grant writing services or the cost of preliminary engineering/architectural reports provided that adequate documentation is included in the application.

All leveraged funds must be related and timely. All leveraged funds must be shown on DCA-8 in order to be considered by DCA for leverage points. Applicants should use item 7 on Form DCA-8 to explain and support the values identified. Applicants are advised to justify all leverage claims.

What is not leverage? (This is not an all-inclusive list)

- On-going operation and maintenance costs
- Costs not clearly related in terms of location or benefit to the proposed project beneficiaries
- Costs of CDBG-MIT audits above \$1,000
- Contingencies
- The value of existing structures completed in previous phases of the project

## Flood Mitigation Infrastructure Projects

Local governments undertaking flood mitigation infrastructure projects must consider high wind and continued sea level rise and ensure responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency and intensity of precipitation events. Flood Mitigation Infrastructure Projects shall be prioritized for those projects that show the highest protection elevation not to below the 50-year event (or higher, 75 year+).

## Tornado Mitigation Infrastructure Projects

The Department encourages the construction and use of safe rooms or storm shelters and encourages local governments to incorporate wind engineering measures and construction techniques into the local building codes. Shelters must be built to "FEMA 361 Safe Rooms for Tornadoes and Hurricanes Guidance for Community and Residential Safe" Rooms standards

## Construction Standards

Inspections and code compliance inspections are required for all projects. All facilities (otherwise known as "building") projects shall be built to 2018 I-Codes and ASCE 24 standards when in a flood zone, as applicable unless other infrastructure codes and standards apply. Site inspections will be required on all projects to ensure quality and compliance with building codes. CDBG-MIT applicants must seek activities that reduce the risk of loss of life and property from future disasters and yield community development

benefits. Applicants are encouraged, to the extent practicable, to implement green building practices that emphasize quality, durability, energy efficiency, sustainability, and mold resistance, as applicable. Applicants must also comply, to the extent applicable, with guidelines specified in the HUD CPD Green Building Retrofit Checklist. Applicants are encouraged to incorporate recommendations from FEMA P-798 Natural Hazards and Sustainability for Residential Buildings into infrastructure projects, when possible. Applicants are also encouraged to incorporate recommendations from FEMA P-2077, Mitigation Assessment Team (MAT) Report: Hurricane Michael in Florida, <https://www.fema.gov/media-library/assets/documents/186057>. Specific recommendations from this report include:

- Recommendation #FL-8c. Building owners outside the WBDR but within the hurricane-prone region should consider protecting the glazed openings on their buildings.
- Recommendation #FL-9. Communities should consider more stringent building requirements for development or reconstruction in the unshaded Zone X (area of minimal flood hazard) and shaded Zone X (area of moderate flood hazard).
- Recommendation #FL-12. Local floodplain administrators, design professionals, and building owners should incorporate more freeboard than the minimum required in ASCE 24 based on Flood Design Class whenever possible.
- Recommendation #FL-18a. Designers and building owners should conduct a comprehensive vulnerability assessment as described in Hurricane Michael in Florida Recovery Advisory 1 before beginning a wind retrofit project.
- Recommendation #FL-18c. Designers, building owners, and operators of critical facilities should refer to FEMA 543, FEMA 577, and FEMA P-424 for additional guidance and best practices for protecting critical facilities from flooding and high winds.
- Recommendation #FL-19b. Owners and authorities having jurisdiction with facilities that present a life-safety threat to occupants during a high-wind event or that need “near absolute protection” or life safety protection should consider designing and constructing a FEMA P-361–compliant safe room or ICC 500–compliant storm shelter for people to take shelter in during a storm.
- Recommendation #FL-23a. Designers should properly design rooftop equipment anchorage per the recommendations in Hurricanes Irma and Maria in the U.S. Virgin Islands Recovery Advisory 2 and contractors should properly implement the anchorage design to prevent blow-off.
- Recommendation #FL-23b. Copings and edge flashings should comply with ANSI/ SPRI/FM 4435/ES1 to prevent blow-off.
- Recommendation #FL-23c. In high-wind regions, designers should provide an enhanced closure detail for hip and ridge closures on metal panel roofs, and contractors should take special care in properly installing them.
- Recommendation #FL-23d. Designers, contractors, and inspectors should place more emphasis on proper soffit installation to limit wind-driven rain.
- Recommendation #FL-24b. Existing glazing assemblies that have inadequate wind pressure or wind-driven rain resistance should be replaced with new assemblies rather than being retrofitted with shutters.
- Recommendation #FL-25a. Designers should specify, and contractors should properly install, standing seam metal panel systems that have been tested in accordance with ASTM E1592.

- Recommendation #FL-25b. Designers should specify, and contractors should install, a roof deck with a secondary roof membrane for critical facilities designed with structural standing seam metal roof panels.
- Recommendation #FL-28b. Design professionals and contractors should improve installation of brick veneer in high-wind regions for new construction by ensuring it is properly attached.
- Recommendation #FL-29. Designers should consider specifying a more robust wall assembly than EIFS for new critical facilities.

## Elevation Standards

Infrastructure projects must incorporate appropriate flood resilience approaches and follow applicable state/local codes and standards for floodplain management. Nonresidential structures must be elevated to the standards described in this paragraph or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 100-year (or 1 percent annual chance) floodplain. All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or 3 feet above the 100-year floodplain elevation. If the 500-year floodplain or elevation is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least 3 feet above the 100-year floodplain elevation. Critical Actions are defined as an “activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons or damage to property.” For example, Critical Actions include hospitals, nursing homes, police stations, fire stations and principal utility lines.

## Dam and Levee Requirements

As stated in the Federal Register notice, 84 FR 45838 (August 30, 2019), CDBG-MIT funds are prohibited from being used to enlarge a dam or levee beyond the original footprint of the structure that existed prior to the disaster event. If applicants seek to use CDBG-MIT funds for levees and dams, the applicant must (1) register and maintain entries regarding such structures with the U.S. Army Corps of Engineers (USACE) National Levee Database or National Inventory of Dams, (2) ensure that the structure is admitted in the USACE PL 84–99 Program (Levee Rehabilitation and Improvement Program), and (3) ensure the structure is accredited under the FEMA NFIP. High Hazard and Significant Hazard Dam inundation areas shall be taken into account for all projects funded with CDBG-MIT monies.

## Public Service Activities

Public service activities may be needed to complement mitigation activities. Public service activities may include but are not limited to implementing and enforcing the most recent modern, resilient, building codes and training, post disaster damage assessment training, and education for construction tradespeople, supervisors, and inspectors.

## Water and Sewer Hookups

Water and Sewer Hookups on private property cannot be paid for with CDBG-MIT funds unless the household served is low- to moderate-income. Therefore, DCA requires adherence to the following policies regarding water and sewer hookups:

- In accordance with HUD requirements, the Department will not allow CDBG-MIT funds to be used on private property unless the household served is low- to moderate-income.
- Applicants should discuss how water and sewer hookups, water and sewer service line replacements, and septic tank closures on non-low- to moderate-income private property will be paid for to increase the likelihood of a maximum score. Note that water and sewer laterals from the street to the private property line are eligible CDBG-MIT expenses regardless of income.
- Applicants should indicate that all target area occupied households will be connected to the CDBG-MIT-proposed improvements (and all septic tanks properly closed, if applicable) to increase the likelihood of a maximum score.
- Applicants may decide whether to use their own funds to pay for non-low- and moderate-income hookups or to require property owners to pay for their non-low- and moderate-income hookups.
- Note that if local funds are used to pay for non-low- and moderate-income hookups, these funds, if properly documented and committed, will be counted as leverage. Local governments opting to pay for non-low- and moderate-income hookups may wish to check with their local attorney prior to proceeding.

## Duplication of Benefits (DOB)

Many federal and state agencies are involved in responding to Presidentially-declared disasters under the Stafford Act. Applicants should be aware that the Supplemental Appropriations Act authorizing CDBG-DR and/or CDBG-MIT funding may include restrictions on using those program funds to aid when insurance providers or other federal or state agencies have already funded all or a portion of a disaster relief activity. Certain Supplemental Appropriations Acts also include restrictions against use of those program funds as a matching requirement, share or contribution for any other federal program.

The Stafford Act contains eligibility requirements for applicants who have received prior disaster funding based upon whether they follow requirements associated with receipt of those funds. Where applicable, applicants must follow these restrictions or individual funding will be denied. If you have any questions on use, compliance, determining and/or calculating duplication of benefits, please contact DCA. Form DR-C was designed to capture DOB information. Further guidance is provided in the Form Guidance section of this Manual.

## Procurement:

Applicants are required to comply with the CDBG-DR/MIT Procurement Policy, please see this policy at <https://www.dca.ga.gov/node/6044/documents/6631>. All professional procurements must be completed prior to CDBG-MIT application preparation and submission. For example, prior to CDBG-MIT application submission, both grant application services and grant management services should be solicited using the same Request for Proposal (RFP). This avoids the appearance of a conflict of interest that can be created when a grant writer in a later procurement process submits and receives an award for grant management services. This approach is also applicable for engineering/architectural services. In other words, preliminary reports and design and construction services should all be procured upfront using the appropriate RFP or Request for Qualification (RFQ) process. Pre-Funding procurement requires Section 3 compliance.

Local governments often rely on grant writers and engineers/architects to assist them in navigating complex federal and state requirements; however, having a grant writer or engineer/architect assist in the procurement process (e.g., developing an RFP or RFQ) can also create the appearance of a conflict of interest.

The Department is also reminding local governments that DCA's procurement policies for professional services should be followed regardless of the source of payment for those services. In other words, even if local funds pay all or part of the cost of professional services related to a CDBG-MIT project, DCA's CDBG-DR/MIT procurement policies should be followed.

Newly enacted requirements (effective April 28, 2019) based on the passage of House Bill 322, which amends Code Section 36-80-27 and reads as follows: If a bid or proposal opportunity is extended by a county, municipal corporation, or local board of education for goods and services, or both, valued at \$100,000.00 or more, such bid or proposal opportunity shall be advertised by such respective local governmental entity in the Georgia Procurement Registry, as established in Subsection B of Code Section 50-5-69, at no cost to the local governmental entity. Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid opportunity. The Georgia Procurement Registry can be found at the following web site: <http://doas.ga.gov/statepurchasing/georgia-procurement-registry-for-local-governments>

The Department will also assist local governments with the procurement process by providing technical assistance as needed. Contact information is provided below:

Kathleen Vaughn, Compliance Manager  
Georgia Department of Community Affairs  
(404) 679-0594  
[kathleen.vaughn@dca.ga.gov](mailto:kathleen.vaughn@dca.ga.gov)

### Pre-Agreement Cost Approval (PACA)

Projects often run on schedules that are time-sensitive, CDBG regulations and DCA policy allow potential applicants to request pre-agreement cost approval (PACA) from DCA that authorizes the potential applicant to commence project activities and maintain project timetables while applying for CDBG- MIT assistance. Upon DCA's issuance of a pre-agreement cost approval, a project may move forward prior to submission of an application or award of funds while maintaining the eligibility of the activities that take place prior to submission of an application and receipt of a grant award.

DCA strongly recommends that potential applicants contact DCA to discuss pre-agreement cost approval prior to submission of a written request for pre-agreement cost approval.

DCA will only grant pre-agreement cost approvals that are in compliance with 24 CFR §570.489(b) and 24 CFR Part 58. Upon approval of pre-agreement costs, the applicant is eligible for reimbursement of eligible expenses if a CDBG-MIT award is granted. Eligible expenses in compliance with DCA's written pre-agreement cost approval may be counted as leverage.

IN NO EVENT WILL PRE-AGREEMENT COST APPROVALS ISSUED BY DCA ENSURE DCA FUNDING FOR THE REQUESTED PROJECTS. ALL COSTS INCURRED BY APPLICANTS PRIOR TO THE AWARD DATE ARE AT THE APPLICANTS' OWN RISK.

## National Objectives

All CDBG-MIT funded activities must be eligible under the Housing and Community Development Act of 1974 and must meet a National Objective. The National Objective is not considered met until project funds have been expended and final monitoring documentation is complete. Please note, the National Objective, "aid in the prevention or elimination of slums or blight", may not be used without prior approval from HUD. This national objective generally is not appropriate in the context of mitigation activities. Eligible National Objectives for the CDBG-MIT Program are listed below:

### Low-and Moderate-Income Benefit

Proposed mitigation applications must prioritize activities that principally benefit low-and moderate-income individuals. Each CDBG-MIT activity must principally benefit at least **51%** Low- and Moderate-Income Persons. Applicants are not allowed to round numbers to meet this 51% requirement.

Applicable regulations specify the maximum income of program beneficiaries as summarized below:

- The CDBG-MIT Income Limits (same as Adjusted HOME Income Limits, but not the same as Section 8 Income Limits) are available for each county and are based on 80 percent of the county's median income or 80 percent of the statewide non-metropolitan median income, whichever is greater, with adjustments for family size. The current income limits can be found on DCA's CDBG-MIT Website using the following link: <https://www.dca.ga.gov/node/6044/documents/6631>.
- A low- and moderate-income (LMI income) person is defined as a member of a household having an income equal to or less than the Section 8 Housing Assistance Program low income limit established by the U.S. Department of Housing and Urban Development (HUD).
- A household includes, but is not limited to: a person who lives alone or intends to live alone, or two or more persons sharing residency whose income and resources are available to meet the household's needs and who are either related by blood, marriage, or operation of law, or who have a stable family relationship.
- Family income is defined as follows: "the anticipated gross income from all sources (except those specifically excluded by HUD) received by all family members 18 years of age and older, including those who are temporarily absent from the unit.

### Determining LMI Percentage

DCA's CDBG-MIT Program requires applicants to document and report the beneficiaries of each proposed application activity. To do this, the applicant must first define a target area(s). Activity target areas should be reasonably delineated based on the intended beneficiaries of the low-to moderate income area benefit (LMA) activity. The service area shall not be drawn to include LMI persons that would not benefit, nor shall it be drawn to exclude non-LMI persons that would benefit. Once the applicant has identified the target area of a proposed activity, the applicant must then decide the method for determining the total

beneficiaries and total LMI beneficiaries. Two methods are outlined below. **Please note, the two methods cannot be combined.** Regardless of the method chosen, the applicants must detail the method used and a comprehensive summary of the data on Form DCA-6.

- **Local Surveying of households in the Target Area**

Applicants are required to use the local survey method for activities that have small benefit areas. This method is also preferred for applicants proposing project activities for target areas with boundaries that are not contiguous with standard census geographic areas (place, census tracts, block groups, or blocks).

CDBG regulations at 24 CFR 570.483(b)(1)(i) require that applicants conduct surveys that are methodologically sound to determine the percentage of LMI persons in the service area of a CDBG-funded activity. DCA has developed the *Guide to Acceptable Survey Methodology* to assist applicants with the local survey process. This guide is provided on DCA's CDBG-MIT website at <https://www.dca.ga.gov/node/6044/documents/6631>. For further guidance please refer to 24 CFR 570.483(b)(1)(i) or CPD 14-013.

- **American Community Survey (ACS)**

If the service area of the proposed activity will benefit a significant number of persons within a census geographic area, applicants should first determine if the most current Low-to Moderate Income Survey Data (LMISD) information may be used to document the beneficiaries and to qualify the activity as principally benefiting LMI persons. Once the target area has been reasonably delineated, the most-corresponding LMISD geography should be chosen. If the available LMISD geographies provided do not reasonably correspond to the target area, it is not considered to be appropriate to use the LMISD to qualify an LMA activity. In this case an applicant would need to conduct a methodologically-sound local income survey to determine LMA compliance for the specific target area.

The Department of Housing and Urban Development (HUD) issued CPD-19-02 to provide guidance related to using geographic datasets for compliance purposes with CDBG-DR grant requirements. Section three of this notice discusses how to use the Low to Moderate Income Survey Data. The FY 2020 ACS 5-Year 2011-2015 Low and Moderate Income Summary Data can be viewed using the following link: [https://www.hudexchange.info/programs/acs-low-mod-summary-data/?utm\\_source=HUD+Exchange+Mailing+List&utm\\_campaign=7ed4fc3a75-FY+2020+CDBG+Low+Mod+Income+Summary+Data&utm\\_medium=email&utm\\_term=0\\_f32b935a5f-7ed4fc3a75-19357445](https://www.hudexchange.info/programs/acs-low-mod-summary-data/?utm_source=HUD+Exchange+Mailing+List&utm_campaign=7ed4fc3a75-FY+2020+CDBG+Low+Mod+Income+Summary+Data&utm_medium=email&utm_term=0_f32b935a5f-7ed4fc3a75-19357445)

Applicant methodology must be consistent with CPD-19-02 and LMA guidance provided at: 24 CFR 570.208(a)(1) and 570.483(b)(1).

Applications that do not have sound methodology for determining the LMI beneficiaries will not be awarded CDBG-MIT assistance. Applicants that are unsure if LMISD data is acceptable for determining LMI beneficiaries are encouraged to contact DCA staff for guidance.

## Urgent Need Mitigation

As defined in Federal Register Notice 84 FR 45838, the newly created Urgent Need Mitigation (UNM) National Objective requires activities to result in measurable and verifiable reductions in the risk of loss of life and property from future disasters and yield community development benefits.

As mentioned in the previous section, DCA requires applicants to undertake activities that primarily benefit low-to moderate income persons. However, DCA may consider, on a case-by-case basis, a waiver from the 51% LMI requirement and the use of the UNM National Objective. Please contact DCA prior to November 20, 2020 for waiver consideration.

## Acquisition of Property for Public Facility Projects

The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (URA), as amended, and as implemented by DOT regulations 49 CFR Part 24, applies whenever a local government recipient of CDBG-MIT assistance needs to acquire property, such as land for a building, easements, Right-of-Way (ROW) for public infrastructure such as water or sewer lines, street paving, or drainage improvements.

The basic requirements are:

- The property owner must be offered the Fair Market Value (FMV) of the property based on an appraisal;
- Prior to the purchase offer, owners must be provided with information concerning their rights under the law; and
- Donations are possible but only after the owner has been informed of the government's obligation to pay FMV and executes a waiver. URA procedures must be followed for CDBG-MIT projects even if the local government recipient is using other federal funds, its own non-federal funds, or other non-federal funds to pay for the property. Applicants must address the status of any property needed for the project using Form DCA-5.

URA procedures must be followed for CDBG-MIT projects even if the local government recipient is using other federal funds, its own non-federal funds, or other non-federal funds to pay for the property.

## Environmental Review Requirement/Tribal Consultation/Section 106

There are many federal and state environmental protection laws and regulations to consider when planning and implementing CDBG-MIT funded projects. It is important to note that compliance is often required for all funding sources, public and private, and for all components of the entire project. Applicants must comply with the National Environmental Policies Act of 1969 (NEPA) and HUD regulations implementing NEPA titled, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities" (24 CFR Part 58).

All CDBG-MIT projects must take certain actions to comply with this regulation before committing funds for acquisition or construction. This generally includes the completion of an environmental impact assessment, documenting actions taken to comply with other environmental laws.

A copy of the Notice and revised RROF/Certification can be found via the following web links:

The HUD Notice (CPD-12-006) may be acquired through the following web-link:  
[http://portal.hud.gov/hudportal/documents/huddoc?id=env\\_notice\\_tribe\\_con.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=env_notice_tribe_con.pdf)

The revised Request for Release of Funds and Certification (form HUD 7015.15) may be acquired through the following web-link:  
<https://www.hud.gov/sites/documents/7015.15.PDF>

The revised Request for Release of Funds and Certification (form HUD 7015.15) may be acquired through the following web-link:  
<https://www.hud.gov/sites/documents/7015.15.PDF>

#### Requirement to Consult with Native Americans

This is a threshold requirement for applicants. On June 15, 2012, HUD published a Notice that stated CDBG recipients “must consult with tribes to determine whether a project may adversely affect historic properties of religious and cultural significance, and if so, how the adverse effect could be avoided, minimized or mitigated.” ~~This is applicable to projects on and off tribal lands and to many of Georgia’s CDBG-MIT Applicants.~~ The HUD Notice (CPD-12-006) describes in detail the required protocol. Please use the Tribal Directory Assessment Tool (TDAT) for current information on tribal contacts. The tool is available at: <https://egis.hud.gov/tdat/>.

Print the results of the search for your local Environmental Review Record (ERR) to document the search and the tribes listed at the time the search was conducted. In contacting tribes, please keep in mind that the initiative must come from the applicant and can be made by mail or e-mail.

#### Historic Preservation Compliance Requirements

Section 106 of the National Historic Preservation Act and the implementing regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) require all CDBG-MIT applicants and recipients, in consultation with the State Historic Preservation Office (SHPO), to determine if any buildings, neighborhoods or archeological sites and resources listed or eligible for listing on the National Register of Historic Places are in the “Area of Potential Effect” (APE), and to determine the effect of the project on the APE. If the effect is adverse, the regulation requires the negotiation of ways to minimize or mitigate the effect.

Use Form DCA-9 and its attachment from HPD to identify eligible and potentially eligible areas and buildings. Photographs keyed to a map (not the same photographs used to document the “severity of need” for the project) should be included with this form. The instructions for this form have more information on the photographic and data needs. Note that there is an attachment to the form with additional information that HPD needs to review your project in a timely manner. If possible, applicants should consider seeking comments from SHPO prior to submitting an application to DCA.

The additional cost of negotiated mitigation measures is an eligible CDBG-MIT cost.

DCA will release separate guidance on Environmental Review Compliance. This guidance will be provided on the following page: <https://www.dca.ga.gov/node/6044/documents/6631>.

## Residential Anti-displacement and Relocation Assistance Plan

A unit of general local government receiving funds from the State must certify to the State that it has in effect and is following a residential anti-displacement and relocation assistance plan, and that it will minimize displacement of persons as a result of assisted activities. Relocation activities are subject to The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (46 U.S.C. 4601) and regulations at 49 CFR, Part 24. Additionally, Section 104(D) of the Housing and Community Development Act, as amended, has two major requirements (see 24 CFR Part 42): (1) the one-for-one replacement of certain housing units demolished or converted to non-low-/moderate income status as a direct result of a CDBG project, and (2) the expanded relocation assistance benefit payment for certain displaced occupants. This requirement will affect certain program design strategies of any applicant proposing housing demolition and/or relocation activities. This requirement is discussed in the certified assurances on form DCA-10.

## Instructions for Completing Application Forms

### Form DCA-1: Application Summary

Please complete DCA 1 in the following manner:

Items 1 - 6: Enter name of applicant, Block Group ID, DUNS number, Activity Longitude, Activity Latitude, activity address, e-mail, and telephone number and area code of the city or county. Applicants must provide the following geographic identifiers for the Target Area on DCA 1: Block Group ID (12- digit code including State Code, County Code, Census Tract and Block Group), Target Area Address (with city, and zip), and the Target Area Longitude and Latitude. (Note: List all Block Group IDs in the project target area. Do not specify block groups when the entire census tract is covered. If specifying block groups for a project covering more than one census tract, please indicate which tract includes the given block groups.)

Items 7 - 12: Enter name, job title, agency, mailing address, e-mail, and telephone number and area code of the grant writer/contact person regarding the application. This person may be contacted during the review process to answer direct questions or to provide additional information regarding the application.

Items 13 - 18: Enter name, job title, agency, mailing address, e-mail, and telephone number and area code of the grant administrator (if known).

Item 19: Briefly title the program (e.g., "Target Area Water Improvements") and provide a brief description of project activities. Please include all activities and briefly quantify the described activities. A needs description is not necessary for this item. An example of a brief title and description might be:

"Provide new water lines and service connections for the Eastside Neighborhood to benefit 53 persons, all of whom are members of low-income households."

**Items 20a & 20b: Please select the appropriate application type and description.**

**Items 21-22: 24: An unscheduled visit to the project site will be conducted by DCA staff on top-ranking applications that identify specific site(s) or targeted neighborhoods. Maps should be designed clearly and accurately so that the site visit team can locate the proposed target area, the existing conditions and all activities. Indicate the anticipated start and end date of the proposed activity.**

~~Items 25 & 26:~~ **Item 23:** Enter the number of months that you anticipate implementation will require, together with beginning and ending dates for the program. A start date of August 1, 2021 should be anticipated. Note that CDBG-MIT program requirements expect completion of all projects within 36 months.

~~Item 27: Enter amount of CDBG-MIT funds requested. This amount must match the amounts on forms DCA-7 and DCA-8.~~

~~Item 28: Application must be executed by chief elected official or other person authorized by resolution to submit the application. This process will be completed at the end of the online application. After the application is completed, the grant writer will enter the email address of the Chief Elected Official for electronic signature.~~

### **Form DCA-3: Description of Jurisdiction and Target Area Needs and Project Selection Justification**

DCA-3: DCA-3 must be prepared and submitted with the CDBG-MIT application. The form is used to:

Summarize the applicant's community development needs at the level of the jurisdiction (i.e., the needs described will encompass needs within the incorporated boundaries of the city or county applicant). DCA-3 is also for evaluating alternative target areas, discussing DCA's concentration maps, providing the justification for the target area chosen, and describing the community development needs of the target area chosen and the plans/strategies for addressing those needs. Target areas outside of an area of concentration should be justified by discussing on DCA-3 why a target area inside of an area of concentration was not chosen. Applicants must also describe how the proposed infrastructure activities may affect members of protected classes under Fair Housing and Civil Rights Laws, racially and ethnically concentrated areas, as well as concentrated areas of poverty and vulnerable communities.

This form asks you to describe the jurisdiction's overall community development needs, the alternative target areas considered within the jurisdiction, and the rationale for the target area selected. Finally, the form should address the overall community development needs of the chosen target area and vulnerable communities.

The next form, DCA-4, is where you describe the project needs that will be addressed through the activities funded by the grant and through other local efforts. Please keep this distinction in mind when filling out these two forms.

For all applicants, describe the community development needs including, but not limited to, the following categories: Demographics, Buildings/Housing/Infrastructure Analysis, Areas of Concentration, Target Area Selection, and Consistency with Community Development Efforts.

For all applicants, describe the alternative target areas considered and the rationale for the CDBG-MIT target area(s) selected.

For all applicants, describe the community development needs (i.e., housing, infrastructure, public buildings, and economic development) of the target area selected. In order to be competitive, all existing conditions of the proposed target area should be described, including, but not limited to housing conditions, street, drainage, water system, sewer system, etc. Identified needs not met under the program (if any) should be explained.

In preparing DCA-3, as well as DCA-4 and DCA-5, it is important to keep in mind the following terms:

**Jurisdiction**—means the incorporated boundaries of the applicant, "i.e., city or county boundaries".

**Areas of Need**—means a subarea of the jurisdiction. When providing a rationale for the applicant's choice of target area(s) as the focus of the application, it is important to review multiple potential target areas within the jurisdiction to demonstrate to DCA a thorough review has been conducted at the local level that assesses areas of greatest need throughout the jurisdiction. At this stage of assessment, target areas can be relatively large and regional in nature but should be consistent with logical planning districts within the jurisdiction. For example, target areas could be at the neighborhood level, or even at a larger level of analysis, such as districts that have common needs and opportunities. An example of this would be a section of a county that has a similar residential character with a common commercial center. After the local assessment is complete and a target area(s) is chosen, it must meet the characteristics required by the CDBG-MIT program, i.e., be at least 51 percent low- to moderate-income and have boundaries that are consistent with the area of benefit of the CDBG-MIT activities that are proposed (including those activities funded by leverage dollars).

**CDBG-MIT Target Area**—this will be the target area or target areas that will be the focus of the application. As noted above, the target area must be at least 51 percent low- to moderate-income and have boundaries that are consistent with the area of benefit of the CDBG-MIT activities that are proposed (including those activities funded by leverage dollars). Multiple CDBG-MIT Target Areas may be chosen as the focus of an application. The applicant is cautioned, however, to avoid diluting the impact of a project over multiple target areas. Similarly, large target areas may also dilute the impact of the proposed project and reduce the applicant's score under the Impact criterion.

**Activity Need**—means the activities within the chosen target area that will be addressed by the application. Project needs will not necessarily include all CDBG-MIT Target Area needs. Often, other local efforts will be ongoing or planned that will impact all the needs described for the Target Area, leading to a potentially higher scoring application. For example, an applicant may be addressing the Target Area's sewer needs via a Capital Improvements Plan for wastewater treatment improvements downstream, and limit the project needs to be addressed by the CDBG-MIT application to the Target Area's water needs. Project needs should be described in detail on Form DCA-4.

City-wide or County-wide applications are also eligible. These will primarily be building projects that impact low-to moderate-income people across a jurisdiction. In planning for this kind of application, it is still important to review all community development needs within a jurisdiction and to review potential target areas as a way of assuring a thorough review of the existing community development needs of low-to moderate-income people before selecting a jurisdiction-wide CDBG-MIT proposal.

#### **Form DCA-4: Description of Needs to be addressed**

This form asks applicants to describe the community development needs to be addressed by applicants' grant request, i.e., the project need(s). The next form, DCA-5, is where applicants describe how those needs will be addressed through the activities funded by the grant and through other local efforts. Please keep this distinction in mind when filling out these two forms.

For all applicants, describe measurable and verifiable reductions in the risk of loss of life and property from future disasters and yield community development benefits.

## **Form DCA-5: Description of Activities**

Header: Indicate the name of the jurisdiction for which the application has been prepared. Check whether this is an Original Application form or an Amended form. Include date of amendment, if applicable. DCA will write in the project number if funded. This number should be included on any amended forms.

Do not repeat information included on form DCA-4. Describe in detail each activity, identifying each activity by name and activity number, to be undertaken with CDBG-MIT funds. This description should be specific and provide sufficient detail concerning the nature, scope, location, the purpose of activities and how they are designed in accordance with applicable laws, regulations in relation to each other.

Note: When preparing cost estimates keep in mind that the work under the program, if it is funded, may occur several months and possibly more than a year after submission of the grant application.

Applicants are instructed to list Activity Delivery Costs (ADC) as the last activity. Architectural design or engineering, and related activities should be considered as a component of each activity and not as a part of the program's ADC costs. Please refer to the eligible activities section in this Manual, the Activity Delivery Costs Section on Page 7, and/or contact DCA staff for further guidance.

The Department will consider activity line item budget requests for “extraordinary compliance measures” when the applicant can demonstrate that the ADC allowances are insufficient to adequately compensate for costs such as archaeological surveys, archival photographs or other unforeseen costs of complying with the Programmatic Agreement on Historic Preservation, environmental impact statements, etc., or other compliance measures necessary due to a high number of complex and complicated cases relative to property that must be acquired in order for the project to proceed. DCA will consider such requests as outlined above on a case-by-case basis and may deny or amend the request. DCA recommends that such requests be discussed with DCA prior to application submission.

Applicants should be aware that DCA may request reviewing comments from state, federal, and other agencies involved financially or with any other interest in the proposed project. Any comment with significant adverse impact upon project feasibility or strategy may reduce the score. Applicants may choose, therefore, to solicit reviewing agency comments at the outset, and, as necessary, incorporate reviewing comments into application narratives, engineering reports, etc., prior to application submission.

Applicants are further advised to discuss the impact proposed activities will have upon the needs identified in DCA-4. Applicants are encouraged to address most or all of the project needs identified in Form DCA-4, whether through proposed CDBG-MIT activities or other local efforts. All applicants should also describe how activities will interrelate with each other to address the identified project community development needs.

Applications must include a project implementation schedule with Form DCA-5. The following is an example project implementation schedule. Please customize it to fit the proposed activity.

<b>Activity</b>	<b>Initiation Date</b>	<b>Completion Date</b>
Award	N/A	April 2020
Clearance of Grant Award Conditions	April 2020	July 2020
Completion of environmental requirements (floodplain, and historic assessment, receive release of funds, etc.)	April 2020	July 2020
Design water system	July 2020	December 2020
Acquisition titles and plats for easements	December 2020	July 2021
Design approvals	December 2020	February 2021
Bidding and Award	April 2021	June 2021
Construction	June 2021	May 2022
Initiate and Complete closeout	June 2022	September 2022

### **Operations and Maintenance**

Communities are required to communicate how they intend to fund, with local dollars, the long-term operations and maintenance of the infrastructure projects. Applications that do not fulfill this requirement will not be considered for funding. If the local government is reliant on proposed changes to existing taxation policies or tax collection practices to fund operations and maintenance costs, DCA must be notified before the application is submitted.

### **Conformance with the Georgia Planning Act**

Applicants must discuss on Form DCA-5 how the proposal conforms to the local government’s Comprehensive Plan, including citations or quotes from pertinent pages of the Plan. The applicant can attach images or screenshots of the citations from the Plan into the online application.

In this form, the applicant must also demonstrate the proposed project is not inconsistent with the community’s adopted Service Delivery Strategy (SDS) (O.C.G.A. §36-70-20). The appropriate citation of the Strategy, along with any attachments and service area map, should be included in the application with a signed Certification that the activity is not inconsistent with the Strategy.

### **Form DCA-6: Low/Moderate Income Benefit and Civil Rights Data Calculation**

Under the CDBG-MIT program, applications are required to have at least a 51% benefit to low- and moderate- income persons for each activity (ADC costs are excluded). Income limits and the Guide to Acceptable Survey Methodology are provided on the website for reference. In addition, data must be provided to demonstrate compliance with applicable civil rights statutes.

Each step of the calculation is described below:

In column 1, list each CDBG-MIT funded activity type. Do not include Activity Delivery Costs in Form 6.

In column 2, show the total number of persons that the activity will serve.

In column 3, provide the total number of minorities who will be served by the activity. "Minority" is defined as any non-white (including Hispanic) person.

In column 4, provide the total number of non-minority persons who will be served by the activity. A "non-minority" is defined as a white person. The sum of columns 3 and 4 should equal column 2.

In column 5, show the number of low- and moderate-income persons that the activity will serve.

In column 6, divide column 5 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.

In column 7, show the amount of CDBG-MIT funds requested for the activity.

In column 8, multiply column 7 by column 6 to show the amount of the funds for the activity that will be used to benefit low- and moderate-income persons.

At the bottom of column 7, show the total amount of funds requested by adding up the amounts for each activity. At the bottom of column 8 show the total amount of funds that will benefit low- and moderate- income persons by adding up the amount of funds to benefit low- and moderate-income persons for each activity.

In box 9, determine the overall benefit to low- and moderate-income persons by dividing the total of column 8 by the total of column 7 and enter the percent in the "Total Benefit".

In the case of public buildings in which a service is provided, list the current total number of persons using the facility and the number who are low- and moderate-income. Do not provide the number of visits to the facility. If applicable, also list the projected number of persons to be served and the number of these who are low- and moderate-income. Also, for public buildings, provide the source of the information and indicate how low- and moderate- income status is documented. Note that for certain "limited clientele" buildings, L/M income status is generally presumed to be 100%. This includes elderly persons, handicapped persons, abused children and certain other groups. Contact DCA for guidance if needed.

For certain other public buildings, including health centers, information on family size and income of center users must be available to document low- and moderate-income benefit.

Describe the methodology used to determine the number of minorities/ non-minorities and the number of low and moderate-income persons to be served by each activity. Applications may be considered ineligible for competition without a complete, appropriate and acceptable description of the method used. When a survey is used to determine the number of persons benefiting and their income status, the following information at a minimum must also be provided in the methodology section of DCA-6:

- # of households in the target area (geographic area of benefit)
- # of households interviewed (vacant housing is not counted as households)
- # of persons living in the households interviewed, detailing whether they are minority or non-minority.
- # of low- and moderate-income households interviewed
- # of persons living in the low- and moderate-income households interviewed
- # of households interviewed in which the income was above the low- and moderate- income levels

- # of persons living in the households in which the income was above the low- and moderate-income levels
- Description of how the sample (if any) was selected and how the total number of households in the target area was determined. To be a valid sample survey the sample must be a "random sample" chosen using an acceptable methodology. Please use DCA's Acceptable Survey Methodology Survey Guide located on the CDBG-MIT webpage.
- Description of how the survey was completed, including who did the interviews, when they were completed time, day, and other details.

The applicant must upload: a copy of the sample survey form and the table of survey results in the uploads section of the application. The table should include the summary of the survey by street (see sample in Appendix E), whether vacant or occupied, if occupied, the number of people in the household, the low-to moderate-income status of the household, and the racial and ethnic status of the household. The table should summarize each category so that totals are easily reviewed by DCA.

### **Form DCA-7: Budget Summary**

Part A of this form should include an assessment of CDBG-MIT funds budgeted for the project. Enter the total costs on the line of the appropriate activity description. It is important that each activity budget on Form DCA-7 be consistent with activity and cost summaries outlined on forms DCA-5 (activities summary) and DCA-8 (budget analysis).

Activity Delivery Cost (ADC) (line 50) - Enter the eligible CDBG-MIT Activity Delivery Costs.

Part B of this form is used to identify the total funds available (including in-kind contributions) to complete the program.

Line 1: Enter the amount of program income expected to be received (if any) and apply to program activity costs. This would include any income received from previous CDBG projects that is not reserved, by DCA approved local policy, for economic development activities.

Line 2: Enter and identify other federal funds to be used in support of the program. Federal funds may consist of, but are not limited to, federal grants or loans, such as USDA Rural Development, Economic Development Administration that will be used in support of the program. Provide documentation of commitment from the federal agency whenever possible to enhance competitiveness and for calculation of the leverage score.

Line 3: Enter the amount of local funds to be provided by the applicant in support of the program. Provide documentation of commitment.

Line 4: Enter the amount of state funds to be provided in support of the program. Provide documentation of commitment from the state agency, whenever possible, to enhance competitiveness and for calculation of the leverage score.

Line 5: Enter the amount of private lender funds to be used in support of the project. Provide documentation of private commitment to enhance competitiveness and for calculation of the leverage score.

Line 6: Enter the amount of other funds to be used in support of the project, such as private commitments

### **Form DCA-8: Budget Analysis**

The purpose of this form is to allow applicants to describe, in detail, the resources available or to be made available, for each activity. Applicants must provide sufficient quantifiable data and describe supporting efforts for the proposed program. Form DCA-8 should be backed-up by credible estimates of program costs prepared by individuals and agencies qualified to provide them.

DCA will assign "leveraging" points for other funds and resources provided for the project. All leverage claims must be listed on this form. Leverage will also include documented fees/in-kind donations for planning and preliminary engineering services specific to the CDBG-MIT project paid, invoiced, or otherwise documented prior to application submission. A separate letter must be included, documenting any funds/services to be included as leverage. Please see the section on Leverage of Additional Resources in this manual for more complete instructions on what may be counted as leverage.

In accordance with applicable regulations, preliminary costs such as engineering estimates or fees for preparation of applications spent prior to a formal award are ineligible costs and may not be reimbursed or recovered if a grant award is made. However, the portion of these costs directly attributable to the submitted project may be counted as leverage. DCA will count up to \$5,000 each toward the cost of grant writing services or the cost of preliminary engineering/architectural reports provided that adequate documentation is included in the application.

#### **Line item instructions**

In column 1, list the activity type.

In column 2, briefly itemize each activity, consistent with Section A of the Budget Summary (Form DCA-7). These brief summaries can reference additional detail that may be included in architectural or engineering reports and attached to the application. The purpose of this form is to allow a review panel to compare unit costs. Be sure to provide units and costs (i.e., "construct 5,000 SF health center @ \$75 SF -- total cost: \$375,000).

Total engineering and architectural costs must be itemized here.

Sufficient detail should be provided in this column to support proposed engineering and inspection fees. Such data should include detail on proposed services, as well as estimated fees for design services, conferences, travel, resident and periodic inspections, tests, surveys, printing and reproduction, additional services, etc. Please refer the section Limitations on Professional Fees for further information.

Preliminary (pre-award) fees are not reimbursable. CDBG-MIT funds may not be allowed for total proposed engineering fees if sufficient justification is not provided. Documented pre-award fees paid for planning and legitimate preliminary engineering services (in- depth and well-documented studies, etc.) specific to the CDBG-MIT project may be shown as leverage in column 4a. Fees paid and donated services for the preparation of an application may also be eligible as leverage.

In column 3 reference the CDBG-MIT cost for each item shown in column 2. If the item in column 2 will not be paid for with CDBG-MIT funds, indicate by placing a -0- in column 3.

In column 4a show the amount of leveraged funds (non CDBG-MIT funds) that will be used to pay for itemized costs. The source of these funds should be identified on column 4b.

For competitive reasons, applicants are encouraged to obtain credible estimates for all costs.

In column 5, enter the total amount of funds available to carry out the proposed activity.

For an explanation of leverage contributions or other actions in support of the project, please use block

7 (the space at the bottom of Form DCA-8). Be specific. Clear commitments from the appropriate agencies must be uploaded at the end of the application.

IN ORDER TO BE CONSIDERED FOR CREDIT FOR LEVERAGE CONTRIBUTIONS, A VALUE MUST BE PLACED ON THESE CONTRIBUTIONS IN COLUMN 4a.

### **Form DCA-9: Environmental Review Checklist**

Note: This form is self-explanatory.

### **Form DCA-10: Certified Assurances**

Note: This form is self-explanatory. Be sure to upload a description of any possible conflict of interest situation and a copy of the resolution authorizing submittal of the application.

NOTE: ENSURE CHIEF ELECTED OFFICIALS THOROUGHLY REVIEW THIS DOCUMENT PRIOR TO SIGNING.

### **Form DCA-11: Cooperating Agreement**

Note: This form is self-explanatory.

### **Form DCA-12: Maps**

The map requirements are detailed on the online application. No action is required in the actual form. Applicants must upload all maps in the uploads section.

Applicants must submit map(s) that are clearly legible and will enable DCA staff to find the proposed activity site(s) without local assistance during a site visit.

All map(s) must include a scale, north arrow, and legend to indicate what is represented by different colors and patterns. More than one scale of map may be used to show detail, but all scale(s) must be indicated on the respective maps. A larger community-wide map should indicate the boundary of the area represented by more detailed maps. More than one type of requested information can be included on a map if it is clearly legible. In addition, applicants should provide complete source information for all data provided on their submitted maps.

Maps must, at a minimum, include the following information:

Project activity location(s). All project activity maps should include existing land-use information, i.e., lot lines, commercial, and industrial units, and if possible, whether units are owner or renter occupied. Maps must include identifiers for ALL major structures (sheds, or similar appurtenances may be excluded) in the Target Area(s) with a map key identifying occupancy, condition, type of construction, and activity proposed for the unit (where applicable).

All project activity maps should include existing land use information, i.e., lot lines, housing, commercial, and industrial units. Maps must include identifiers for ALL major structures (sheds, or similar appurtenances may be excluded) in the Target Area(s) with a map key identifying occupancy and L/M income status.

For public facility activities, show the locations of facilities proposed, together with the location(s) of facilities to be replaced. For centers, show existing and proposed locations;

Project activity service area(s);

For the applicant's jurisdiction, the location of areas of concentration of low- and moderate-

income persons, use DCA's online mapping tool at <http://georgia-dca.maps.arcgis.com/home/>.

For the applicant's jurisdiction, the location of areas of concentrations of minorities, use DCA's online mapping tool at <http://georgia-dca.maps.arcgis.com/home/>; and

For the applicant's jurisdiction, the location of areas of concentration of housing deficiencies, use DCA's online mapping tool at <http://georgia-dca.maps.arcgis.com/home/>.

A MAP OF THE PROJECT AREA, OR FACILITY, IN RELATION TO THE APPROVED SERVICE AREA FOR THAT ACTIVITY MUST BE INCLUDED WITH THE APPLICATION.

Note: In cases when low- and moderate-income persons, substandard housing units, and/or minority people are dispersed throughout the community, indicate this on the map's legend; and 1) display the location of the proposed activity(s) and its service area; 2) indicate the numbers and percent of L/M income families, minorities, and substandard housing located within the jurisdiction making application; and 3) provide the same data for the CDBG-MIT service area(s). Any required information excluded from required maps may lead to a reduction in the strategy score.

In order for review panels to assess feasibility, strategy, and compliance with floodplain and wetland requirements, applicants are encouraged to submit with their applications USGS topographic maps from the 7.5 minute, 1:24,000-scale quadrangle series.

### **Form DCA-13: CDBG-MIT Disclosure Report**

All applicants must complete and submit Parts I and II of the Disclosure Report. At the completion of Part II of the report, some applicants will find that they must complete Parts III, IV, V and VI of the Report.

Part I requires the applicant's name, address, phone number; indication as to whether this is an initial report or an update; the amount of CDBG-MIT funds being requested; the amount of any CDBG program income that will be used with the CDBG-MIT grant; and the total amount of CDBG-MIT assistance.

Part II asks two questions. If the answer to both questions is "no," the applicant must provide the certification at the end of Part II but is not required to complete the remainder of the report. If the answer to either question is "yes", then the applicant must complete the remainder of the Disclosure Report.

Part III requires information on any other federal, state and/or local assistance that is to be used in conjunction with the CDBG-MIT project.

Part IV requires the identification of interested parties. Interested parties are persons and entities with a reportable financial interest in the project. If an entity (such as a corporation, partnership, etc.) is being disclosed, the disclosure in Part IV must include an identification of each officer, director, principal stockholder, or other official of the entity. Please indicate if the person or entity is a "sole proprietorship." All consultants, developers and contractors involved in the application for CDBG-MIT assistance, or in the planning, development, or implementation of the project, must be identified as an interested party. Also, any other person or entity that has a pecuniary interest in the project that exceeds \$50,000 or 10 percent of the CDBG-MIT assistance whichever is lower, must be listed as an interested party. Pecuniary interest means any financial involvement in the project, including (but not limited to) situations in which a person or entity has an equity interest in the project, shares in any profit on resale or any distribution of surplus cash or other assets of the project or receives compensation for any goods or services provided in connection with the project. (The following are not considered interested parties: local CDBG-MIT administrative staff, recipients of housing assistance, and

rehabilitation contractors as long as the rehabilitation agreement is between the property owner and the contractor.)

Part V requires applicants to identify the sources and uses of all funds to be used in conjunction with the CDBG-MIT funded project. The sources and uses must include all the other assistance identified in Part III as well as the CDBG-MIT funds identified in Part I, items 3a, and 3b.

Part VI requires the certification of the Chief Elected Official.

### **Form DR-A**

Line 1: Describe the hazard to be mitigated against. Please select all that apply.

Line 2: Critical Facilities: self-explanatory

Line 3: Community Lifelines: please click all that apply.

### **Form DR-B**

The project must satisfy a national object. Please indicate which objective applies to the project. The applicant must provide a narrative justifying the use of the Urgent Need Mitigation (UNM) National Objective.

### **Form DR-C**

Per Federal Register Notice 84 FR 28836, a duplication of benefit occurs when a person, household, business, or other entity receives disaster assistance from multiple sources for the same recovery purpose, and the total assistance received for that purpose is more than the total need. The amount of the DOB is the amount received in excess of the total need for the same purpose.

Individuals, businesses, governments, and other entities are all subject to DOB requirements.
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## Uploads

### **Civil Rights Certification, System for Award Management, and Language Access Plan Requirements**

The following forms are part of a complete CDBG-MIT application and must be prepared and submitted with the CDBG-MIT application.

1. Civil Rights Compliance Certification— All applicants must complete the form and submit a signed certification with the application.
2. Evidence of Compliance with System for Award Management (SAM) — all applicants must ensure they have a current SAM account and must submit documentation of the account with the application. See sample provided and upload with application;
3. Acknowledgement and Certification of Subrecipient Language Access Plan Requirements— Prepare and upload. The Language Access Plan Threshold Certification form is designed to determine whether an applicant’s pre-award public hearing must be advertised in English and another language (most often Spanish).

Please review and prepare the forms and upload the document with the application. Each of these forms have a different upload sections. The image below shows a portion of the upload menu. A copy of these forms is located on the following webpage: <https://www.dca.ga.gov/node/6044/documents/6631>.

# UPLOADS SECTION

## A. Threshold & Compliance Documentation

Other uploads are listed below:

### **Threshold and Compliance Documentation**

When to Consult with Tribes Form

Summary of Tribal Consultation

Report Service Delivery Strategy Forms and Map

Signed Certification stating the project is not inconsistent with SDS

Local Government Compliance Status

Conflict of Interest Documentation (Optional)

Section 504 Accessibility Checklist\*

Resolution to Submit Grant Application

Sample Survey Form

Table of Survey Results

LMI and Minority Calculation Worksheets

Documentation of Leverage

### **Architectural/Engineering Procurement Documentation:**

Copy of Advertisement (Tear Sheet)

Georgia Procurement Registry Evidence

Summary of all Request for Qualification/Proposal Responses

Minutes from the local meeting approving selection

### **Grant Management Procurement Documentation:**

Copy of Advertisement (Tear Sheet)

Georgia Procurement Registry Evidence

Summary of all Request for Qualification/Proposal Responses

Minutes from the local meeting approving selection

**Documentation of Need:**

Letters of Support Documenting Need

Additional Documentation of Need (optional)

Additional Photo Documentation of Need (optional)

**Operation and Maintenance Plan**

**Preliminary Engineering or Architectural Report**

**Environmental Review (Optional)**

~~Photos of Area of Potential Effect~~

~~DCA-9 Photo Key Map~~

~~State Historic Preservation Office Findings~~

Concurrent Notice and Request for Release of Funds

~~Section 106 Review Form~~

**Maps:**

~~Concentration Map Requirement\*\*~~

~~Target Area Map~~

~~Topographic Map~~

~~Wetlands Map~~

\*\*DCA requires concentration maps from the applicant jurisdiction that show concentrations of minorities, low- and moderate-income, and housing deficiencies. All applicants must create these maps using DCA's online tool or an approved equivalent, and keeping their concentrations in mind, should include on DCA-3 a narrative that indicates how and why the applicants' target areas were chosen. Target areas outside of an area of concentration must be justified by discussing on DCA-3 why a target area inside of an area of concentration was not chosen. The project target area must be included on the concentration maps. This will generate consistent maps from applicants that will allow each applicant to respond to its jurisdiction's concentrations.

Please see this tool at: <http://georgia-dca.maps.arcgis.com/home/>.

Further map requirements are listed on Form 12 of the online application.

Note: All applicants, regardless of the type of application submitted, must submit a map (or maps) where the target area, or facility, is in relation to the jurisdiction's Service Delivery Strategy for that activity.

## Engineering and Architectural Reports

Preliminary Engineering Reports (PERs) and Preliminary Architectural Reports (PARs) are often the heart of the application. Note that historically many street and drainage PERs did not including preliminary hydrologic and hydraulic calculations. These calculations are critical for DCA's review of these projects. The calculations assist in determining the need for improvements and the appropriateness of the proposed solutions to those needs. Scores will be reduced if preliminary calculations are not provided. Also, in the past some PERs have not including maps that show existing and proposed infrastructure along with existing and proposed pipe sizes. These maps are critical to DCA's review of project proposals. Some Preliminary Architectural Reports (PARs) should include existing floor plans with overall and room-by-room dimensions along with current use by room. Scores will be reduced if the information in this paragraph is not provided. Because the quality of Preliminary Engineering Reports and Preliminary Architectural Reports vary by applicant, DCA has provided detailed guidance concerning what should be included in these reports.

### Contents of Preliminary Engineering Reports

Preliminary planning and engineering reports generally include, but are not limited to, the following:  
Executive Summary

- Brief description of project area needs, conclusions and recommendations

#### Introduction

- Purpose and Scope (project objectives and methodology of evaluation)
- Authorization
- Previous Studies

#### Background

- Target Area description
- Plans and photos of Target Area
- Population density
- Population projections (if available)
- Narrative describing existing conditions including description of needs to be addressed
- Map of existing conditions, particularly of existing conditions to be addressed with CDBG-MIT funds, including pipe sizes and other relevant measures of existing infrastructure

#### Evaluation of Alternatives

- Descriptions of alternatives considered, including cost estimates of each alternative (capital, operation and maintenance & user fees)
- Street and road projects should include the advantages and disadvantages of alternative typical sections (curb and gutter versus shoulder and ditch section)
- Assessment of impacts on Target Area residents & property owners (land, right-of-way and easement acquisition requirements)

#### Description of Proposed Project

- Identification of applicable federal, state and local design standards
- DOT standards identify a 25-year flood design standard for local road drainage improvements. Standards greater or less than 25 years must be explained and justified in the CDBG-MIT application.
- Drainage projects should include site specific preliminary hydrologic and hydraulic calculations for each drainage shed
- Drainage projects should include a description of project outfall(s) and consideration of downstream impacts
- Required Permits
- Operation and maintenance requirements, responsible party (Grantee, GDOT, other) and operation and maintenance capability (available staff, equipment and expertise)
- Narrative describing the proposed improvements including a description of the impact of the proposed improvements on the quality of life of target area residents
- Map of proposed improvements, including pipe sizes and other relevant measures of proposed infrastructure

#### Detailed Project Budget

- Construction and material costs
- Design and oversight fees
- Grant Management
- Funding sources
- Projected Operating Revenues and Expenses (if applicable)
- Projected User Fees (if applicable)

#### Project Schedule

#### **Contents of Preliminary Architectural Reports**

Preliminary Architectural Reports generally take the following format.

#### Executive Summary

- Brief description of Project Area needs, Conclusions and Recommendations

#### Introduction

- Purpose and Scope
- Authorization
- Previous Studies

#### Background

- Project Area conditions including description of needs to be addressed
- Description of existing facilities, if any, including existing floor plan with all dimensions and descriptive labels for all rooms.
- Projections of future needs

#### Evaluation of Alternatives

- Descriptions of alternative solutions considered (new construction, renovation, additions to existing structures), including cost estimates for each alternative
- Site selection criteria
- Location relative to population served
- Adequacy of infrastructure (access, water, fire protection, sanitary sewer, storm drainage)
- Soil conditions, and topographic constraints
- Assessment of impacts on existing residents & property owners, if any

#### Description of Proposed Project

- Identification of applicable federal, state and local design standards
- Preliminary Site Plan showing proposed ingress – egress, vehicle circulation on-site, drop-off area, regular parking and accessible parking, service access (dumpster location with truck access, mechanical room access), extensions of utilities (water, sanitary, electric, telephone), access road improvements, emergency vehicle access
- Description of storm drainage outfall(s) and consideration of downstream impacts
- Description of proposed/improved facilities, including preliminary floor plan with all dimensions and descriptive labels for all rooms
- Required permits

#### Detailed Project Budget

- Construction and material costs
- Design and oversight fees
- Grant Management
- Funding sources
- Projected Operating Revenues and Expenses (if applicable)

#### Project Schedule

## Civil Rights/Fair Housing/and Equal Opportunity Requirements (FHEO)

### A. General - Fair Housing Laws and Presidential Executive Orders

#### **Fair Housing Act**

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

#### **Title VI of the Civil Rights Act of 1964**

Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

#### **Section 504 of the Rehabilitation Act of 1973**

Section 504 prohibits discrimination based on disability in any program or activity receiving federal financial assistance.

#### **Section 109 of Title I of the Housing and Community Development Act of 1974**

Section 109 prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development and Block Grant

Program.

### **Title II of the Americans with Disabilities Act of 1990**

Title II prohibits discrimination based on disability in programs, services, and activities provided or made available by public entities. HUD enforces Title II when it relates to state and local public housing, housing assistance and housing referrals.

### **Architectural Barriers Act of 1968**

The Architectural Barriers Act requires that buildings and facilities designed, constructed, altered, or leased with certain federal funds after September 1969 must be accessible to and useable by handicapped persons.

### **Age Discrimination Act of 1975**

The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. Title IX of the Education Amendments Act of 1972 Title IX prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance.

### **Executive Order 11063**

Executive Order 11063 prohibits discrimination in the sale, leasing, rental, or other disposition of properties and facilities owned or operated by the federal government or provided with federal funds.

### **Executive Order 11246**

Executive Order 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin.

### **Executive Order 12892**

Executive Order 12892, as amended, requires federal agencies to affirmatively further fair housing in their programs and activities, and provides that the Secretary of HUD will be responsible for coordinating the effort. The Order also establishes the President's Fair Housing Council, which will be chaired by the Secretary of HUD.

### **Executive Order 12898**

Executive Order 12898 requires that each federal agency conduct its program, policies, and activities that substantially affect human health or the environment in a manner that does not exclude persons based on race, color, or national origin. Executive Order 13166 Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally assisted and federally conducted programs and activities.

### **Executive Order 13217**

Executive Order 13217 requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

## **B. Section 3**

Section 3 of the Housing and Development Act of 1968, as amended and as implemented by HUD regulations at 24 CFR Part 135. Section 3 provides that, to the greatest extent feasible, training and employment opportunities shall be made available to lower income residents of the project areas where applicable programs are being carried out and that contracts be awarded to businesses owned in substantial part by lower income residents. The "project area" is the county in which the grant is made. See DCA's adopted Section 3 Policy at <https://www.dca.ga.gov/node/6044/documents/6631>.

### C. Affirmatively Furthering Fair Housing

Local government officials, in agreeing to accept CDBG-MIT funds, certify that they will "affirmatively further fair housing". This section outlines various options available to local government in meeting this grant obligation.

While the law does not specify what type of action recipients must take, it is clear that by virtue of receipt of CDBG-MIT funds, local government recipients are obligated to take some sort of action to affirmatively further the national goal of fair housing.

DCA does not dictate what sort of action recipients must take. DCA must, however, monitor local government recipients to determine what sorts of actions are taken. In order to document what you have done to affirmatively further Fair Housing, it is important to keep records of actions taken. Copies of brochures provided to those relocated, minutes of meetings where fair housing is discussed, and any other records, must be available for review by DCA's DR Staff.

The following checklist of possible fair housing activities is not meant to be all inclusive. It is meant to suggest the range of activities which would satisfy your obligation. Technical assistance is available from DCA if you wish to implement any of these suggestions.

#### Possible Actions to Affirmatively Further Fair Housing

- Analyze issues affecting fair housing choice which may exist in your community. Contact HUD or DCA for an analysis of any fair housing complaints from your area.
- Review local zoning laws and procedures to determine whether they contribute to, or detract from, progress in fair housing. Establish a collection of zoning and land use planning material to have available for the use of local fair housing groups as well as recipient staff.
- Provide funding for local fair housing groups or provide financial or technical assistance to citizens wishing to organize such a group.
- Adopt a local Fair Housing Ordinance or a resolution supporting the state and/or federal law.
- Distribute brochures outlining fair housing law to persons attending community meetings or CDBG Public Hearings.
- Post a fair housing poster at City Hall or Courthouse.
- Develop an active public information and educational campaign to promote fair housing awareness in the community.
- Include a discussion of fair housing in public meeting agendas.
- Provide persons relocated to new housing with fair housing information and referrals.

### D. Section 504 Requirements

Local government recipients and subrecipients must comply with Section 504 of the Rehabilitation Act of 1973, as amended. This requirement is similar to the "Americans with Disability Act" (ADA) which is also applicable. HUD has published implementation regulations at 24 CFR Part 8.

The general requirement is that no otherwise qualified individual with a disability (physical or mental) shall, because a recipient's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, denied benefits, or otherwise be subjected to discrimination under any program or activity that receives CDBG-MIT assistance. The definition of disability includes physical and mental factors and also includes those who may be regarded as handicapped (such as the spouse or children of a person with AIDS). Both building accessibility and employment practices are covered by

## Section 504.

There are seven (7) specific requirements which have an immediate effect on CDBG-MIT Recipients:

1. CDBG-MIT recipients must file an assurance of compliance. The Certified Assurances in the CDBG-MIT Application include this assurance.
2. CDBG-MIT recipients must issue periodic public notices of non-discrimination.
3. Employment practices are also covered by Section 504. Any CDBG-MIT recipient employing 15 or more persons must: a. Designate at least one person to coordinate efforts to comply with the regulation (Section 504 Coordinator); and b. Adopt formal grievance procedures that incorporate due process standards and that provide for the prompt and equitable resolution of discrimination complaints.
4. Communications: When a recipient communicates with applicants and beneficiaries by telephone, a telecommunication device for deaf persons (TDD's) or an equally effective system is required. The Georgia Relay Service (voice at 1-800-255-0135 or TDD at 1-800- 255-0056 or at 711) is also available to provide this service. Georgia Relay makes it easy for Spanish-speaking TTY users and hearing callers to communicate by phone with Spanish Relay, which includes both Spanish-to-Spanish and Spanish-to-English service. To initiate a Spanish Relay call, dial 1-888-202-3972.
5. All meeting and public hearing spaces must be accessible and procedures should be in place to ensure that persons with impaired vision or hearing can notify the local government that assistance is required.
6. The regulations require each recipient to conduct a self-evaluation. The evaluation must be done in consultation with interested persons, including individuals with handicaps or organizations representing such people.
7. When the self-evaluation identifies structural changes as being required, a written transition plan must also be prepared. The transition plan sets forth the steps necessary to complete the changes, including a time schedule. The plan should identify the agency official responsible for implementation of the plan.

### E. Limited English Proficiency

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons).

LEP persons means those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit, or encounter. Note that for the purposes of gathering data for those with LEP, DCA used the U.S. Census definition as any individual who speaks a language at home other than English as their primary language, and who speaks or understands English "not well" or "not at all".

DCA has taken a number of steps to address the needs of its LEP population, including requiring all recipients of CDBG-MIT funds to prepare a Language Access Plan within 60 days of award. DCA also requires applicants to acknowledge this requirement by preparing and submitting the Acknowledgement of Subrecipient Language Access Plan with CDBG-MIT applications.

### F. For Further Information

Review these HUD websites for more information or for a listing of applicable Fair Housing Laws and Presidential Executive Orders:

HUD FHEO Library

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/library#Guidance](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/library#Guidance)

AFFH Resources and Training Material

<https://www.hudexchange.info/programs/affh/resources/>