



**GEORGIA DEPARTMENT**  
*of* **COMMUNITY AFFAIRS**

**CDBG-DR Infrastructure Applicant Policy Manual**

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## **1.0 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 Infrastructure Program funded through the Community Development Block Grant-Disaster Recovery (CDBG-DR). Every effort has been made to balance the need for sufficient information upon which to make rational decisions when evaluating activity 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 General Local Government (UGLG) within the Most Impacted and Distressed (MID) counties complete applications for their activity proposals in accordance with the instructions contained herein and as outlined at the Applicant Workshop sessions. Proposals will be submitted through the grants management system and 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. Subrecipients are responsible for understanding the contents of the entire manual.

### **1.1 Overview of Unmet Needs Infrastructure Funding**

The U.S. Department of Housing and Urban Development (HUD) allocates funds to the State of Georgia to address the extensive, unmet needs in the regions of the state impacted by a presidentially declared disaster.

DCA allocates a portion of HUD-awarded CDBG-DR funds to infrastructure-eligible projects, which are implemented following approval of the applicable CDBG-DR Action Plan. These funds will be eligible for use by the MID areas as referenced in the applicable Action Plan. To be awarded funding, local governments will be expected to submit proposed activities to DCA through the Grants Management System for evaluation based on criteria such as strategy, feasibility, demographic need, cost to implement, leverage of additional resources, and readiness to proceed.

### **1.2 Online Applications**

DCA will only receive online activity proposals for the Infrastructure Program. Paper applications will not be accepted. Online applications can be accessed using the following link: <https://webportalapp.com/sp/yk6jcp5q36i>.

### **1.3 Technical Assistance, Resources, and Other DCA Rulings**

DCA understands that with online applications, technical difficulties may arise. If you experience any issues or if you are unable to complete the online application, please email [CDBG-DRER@dca.ga.gov](mailto:CDBG-DRER@dca.ga.gov).

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

Please see <https://dca.georgia.gov/financing-tools/disaster-relief/community-development-block-grant-disaster-recovery-program-cdbg-12> for more information.

If applicants have questions regarding the eligibility of an activity after reviewing the applicant manual, they are encouraged to contact DCA for clarification at [CDBG-DRER@dca.ga.gov](mailto:CDBG-DRER@dca.ga.gov).

## 1.4 Activity Proposal Status

DCA will accept activity proposals **only** from local governments **located** within eligible MID counties for which the application is being submitted. Infrastructure project awards will be made to local governments and not directly to residents. Local governments can inquire about the status of their proposal by emailing [CDBG-DRER@dca.ga.gov](mailto:CDBG-DRER@dca.ga.gov) or contacting the project specialist.

**NOTE: THIS PROCESS IS COMPETITIVE. DCA will directly award funding only to the eligible MID areas following an eligibility review of the proposed infrastructure activities. All MID local governments submitting activity proposal(s) will be notified of their eligibility status via email and a letter upon completion of the review. The Department will maintain documentation that supports funding decisions.**

## 2.0 Activity Eligibility

### 2.1 Eligible Activities

The funding available through the Unmet Needs Infrastructure Program must be used for activities that rebuild or replace storm-impacted public facilities or improvements. Eligible activities may include, but are not limited to, water/sewer/stormwater systems, streets/bridges, drainage systems, and public facilities. Stormwater management activities in flood-impacted areas are strongly encouraged, and applicants are also encouraged to incorporate mitigation measures to reduce future risk to the jurisdictions. Professional engineers procured by the applicants are expected to utilize adaptable, reliable technologies to guard against premature obsolescence of infrastructure and ensure that the construction or rehabilitation of storm water management systems in flood-prone areas mitigates future flood risk.

All eligible activities must demonstrate a clear tie-back to the federally declared disaster(s) for which CDBG-DR funding was awarded. Tie-back may be direct, such as specific damage to infrastructure stemming from the storm, or indirect, such as a decrease in resident population due to inadequate infrastructure. Each activity must:

- Be CDBG eligible (or allowed via a HUD waiver);
- Be located in a MID county;
- Meet an LMI CDBG-DR national objective.

### 2.2 Ineligible Activities

Activities not authorized under the approved Action Plan (<https://dca.georgia.gov/financing-tools/disaster-relief/community-development-block-grant-disaster-recovery-program-cdbg-dr>),

Universal Notice (chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.hud.gov/sites/dfiles/CPD/documents/Universal-Notice-04032025.pdf), applicable CDBG-DR statutes, or federal regulations cited in the Federal Register (https://www.hud.gov/hud-partners/community-cdbg-dr-regulations) are not eligible for Infrastructure Program funding. An activity is considered ineligible if it meets any of the following criteria:

- Is not located in a Most Impacted and Distressed (MID) areas;
- Is explicitly prohibited by the applicable appropriations law;
- Is ineligible under the applicable CDBG regulations and no HUD waiver has not been granted; or
- Does not meet a CDBG-DR LMI or Urgent Need 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 [CDBG-DRER@dca.ga.gov](mailto:CDBG-DRER@dca.ga.gov).

### 2.3 Joint Activity Proposals

Joint activity proposals are generally required when less than 51 percent of the beneficiaries are located within the jurisdiction of the subrecipient. Activities may serve beneficiaries outside the jurisdiction of the subrecipient, 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 subrecipient'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 activity proposals. Requests for exceptions should be made to DCA as early as possible.**

Joint Activity Proposals 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 the lead applicant. A sample cooperating agreement is included as DCA FORM ELEVEN of the online application.
- Separate "Certified Assurances" (DCA FORM TEN) for each jurisdiction.
- Evidence of separate public hearings for each jurisdiction. A single public hearing, however, may serve the needs of each jurisdiction, provided that (a) each jurisdiction shares a central location and (b) the hearing is clearly publicized by both (or jointly publicized by each) jurisdictions. If a single hearing is proposed, please contact DCA for guidance. For further information, please refer to the **Citizen Participation Requirements** section further outlined in the CDBG-DR Recipients' Infrastructure Manual.

## 2.4 Activity Limits

**DCA is required to expend 80% of the allocation within the Most Impacted and Distressed (MID).** In order to achieve this objective, DCA is limiting activities to these areas.

**A city and the county in which it is located may submit separate applications for assistance (i.e., the city may submit one application and the county may submit another) or submit a joint application.**

## 2.5 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. Please contact the Project Specialist for more information if this applies.

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 website:

<https://dca.georgia.gov/community-assistance/coordinated-planning/local-planning>.

For information on a community's compliance with the Local Government Audit Act, please contact the Georgia Department of Audits at (404) 656-2180 or see the following link, <https://www.audits2.ga.gov/local-government-compliance/>.

## 2.6 Period of Performance

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

## 2.7 Activity Delivery Costs

Activity Delivery Costs (ADC) are those allowable costs incurred for implementing and carrying out eligible CDBG-DR activities. All ADCs are allocable to a CDBG-DR activity, including direct and indirect costs integral to the delivery of the final CDBG-DR-assisted activity. ADCs can act as administrative funds for grant administrators and/or local government staff time for administrative activities. Typical costs include, but are not limited to:

- Preparation of environmental reviews;

- Labor monitoring;
- Compliance oversight of all federal cross-cutting requirements;
- Preparation of drawdown requests, quarterly reports, correspondence, etc.; and
- Facilitation of the close-out process.

Examples of ADCs allocable to CDBG-DR activities include the following:

- Compensation of employees for the time devoted to the performance of implementing and carrying out a specific eligible CDBG-DR activity, such as carrying out a public service or implementing an ongoing housing rehabilitation program;
- Cost of materials acquired, consumed, or expended by staff in carrying out a specific eligible CDBG-DR activity, such as the paper for housing rehabilitation program applications or uniforms for code enforcement staff working in most impacted and distressed areas; and
- Travel costs incurred specifically for carrying out eligible activities, such as visits made to the job site of a housing rehabilitation activity to monitor progress before making progress payments.

## 2.8 Limits on Professional Fees

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

Activity Type	Activity Delivery Costs (ADC)	Architectural/Engineering Cost Limit
Single Activity	The maximum will be capped at \$90,000	<ul style="list-style-type: none"> <li>• Engineering @ 12% of CDBG-DR construction amount*</li> <li>• Architectural 10% of CDBG-DR construction amount</li> </ul>
Multi-Activity	The maximum will be capped at \$105,000	<ul style="list-style-type: none"> <li>• Engineering @ 12% of CDBG-DR construction amount*</li> <li>• Architectural 10% of CDBG-DR construction amount</li> </ul>
Under certain conditions, DCA may approve ADCs and/or Architectural/Engineering costs that exceed the maximum amount. Applicants who plan to exceed the limits on Professional Fees should contact DCA as soon as possible.		

\*Under limited circumstances, CDBG-DR may pay for more than 12% of the CDBG-DR construction amount when DOT funds are used as match or leverage because DOT will not pay the cost of engineering for its projects. In these instances, the applicant should provide justification for additional engineering funds. In no case will CDBG-DR pay more than 12% for engineering of the combined CDBG-DR and DOT construction costs. DOT projects that require little, if any, engineering (e.g., street resurfacing) will not receive any special consideration.

The limit for CDBG-DR engineering and/or architectural services cost is based on the construction cost paid for with CDBG-DR funds. Contingency line items included in Preliminary Engineering and Architectural Reports are not considered construction costs and may not be included in the calculation of maximum engineering and architectural fees.

*Note: Up to \$1,000 for financial audit costs is also an allowable CDBG-DR administrative expense, in addition to the percentages specified above.*

## **2.9 Matching Requirement**

DCA does not require applicants to provide matching funds. However, DCA encourages applicants to leverage additional resources whenever possible.

## **2.10 Leveraging of Additional Resources**

DCA will verify that the leverage and activities proposed by the local government, have, in fact, been provided. Grants will not be closed, and final payments may not be made prior to this verification.

Leverage includes additional resources committed to and directly related to the activity, the purchase with non-CDBG-DR funds of new equipment and furnishings for buildings (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-DR Infrastructure activity proposal 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 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-DR activity 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 activity 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 activity that exceeds activity needs will not be counted in full. The labor of volunteers may be counted towards leverage, provided the Subrecipient provides reasonable documentation for labor hours and the value of labor per hour. Activity Delivery costs and architectural/engineering services may 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.**

DCA reserves the right to use a different method for calculating proportionality if warranted by the circumstances of a Subrecipient's proposal.

Leverage must support a CDBG-DR-eligible activity, and the beneficiaries must be within the target area(s), unless otherwise provided in this manual (for example, furnishings and equipment may be counted as leverage). Leverage must also be clearly related to the proposed CDBG-DR Infrastructure activity and the needs identified in the application.

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

All leveraged funds must be related and timely. In order to be considered for leverage points, all leveraged funds must be clearly identified and documented in the application. Applicants should provide explanations supporting the values identified, and Subrecipients are advised to justify all leverage claims.

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

- Ongoing operation and maintenance costs
- Costs not clearly tied to the proposed beneficiaries or project location
- Costs of audits above \$1,000
- Contingencies
- The value of existing structures completed in previous phases of the project

## **2.11 Flood Mitigation Infrastructure Activities**

Local governments undertaking flood mitigation infrastructure activities 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.

## **2.12 Tornado Mitigation Infrastructure Activities**

DCA 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.

## **2.13 Construction Standards**

Inspections and code compliance reviews are required for all activities. All facility (building) activities must be designed and constructed in accordance with applicable state and local building codes, relevant I-Codes, and any additional standards required for projects located in flood hazard areas, unless other infrastructure codes and standards apply. Site inspections will be conducted to ensure construction quality and compliance with codes and program requirements.

Activity proposals must demonstrate that they reduce the risk of loss of life and property from future disasters while also providing clear community development benefits.

### **2.13a Dam and Levee Requirements**

CDBG-DR 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, without obtaining pre-approval from HUD and any Federal agencies that HUD determines are necessary based on their involvement or potential involvement with the levee or dam. If applicants seek to use Infrastructure Program 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 Rehabilitation Program (Levee Rehabilitation and Inspection Program); (3) ensure the structure is accredited under the FEMA National Flood Insurance Program (NFIP); (4) enter the exact location of the structure and the area

served and protected by the structure into the DRGR system; and (5) maintain file documentation demonstrating that the grantee has conducted a risk assessment before funding the flood control structure and documentation that the investment includes risk reduction measures. High Hazard and Significant Hazard Dam inundation areas shall be taken into account for all activities funded with CDBG-DR monies.

## 2.14 Water and Sewer Hookups

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

- In accordance with HUD requirements, DCA will not allow CDBG-DR funds to be used on private property unless the household served is LMI.
- Applicants should discuss how water and sewer hookups, water and sewer service line replacements, and septic tank closures on non-LMI private property will be paid for. Note that water and sewer laterals from the street to the private property line are eligible CDBG-DR expenses regardless of income.
- Applicants should indicate that all target area occupied households will be connected to the CDBG-DR-proposed repairs (and all septic tanks properly closed, if applicable).
- Applicants may decide whether to use their own funds to pay for non-LMI hookups or to require property owners to pay for their non-LMI hookups.

**Note: If local funds are used to pay for non-LMI hookups, they will be counted as leverage if properly documented and committed. Local governments that opt to pay for non-LMI hookups may wish to consult their local attorney before proceeding.**

## 2.15 Pre-Agreement Cost Approval (PACA)

Because projects often operate 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 assistance. Upon DCA's issuance of 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 CDBG-DR (through its Community Finance Division, Office of Community Development in Atlanta) 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-DR award is made. Eligible expenses in compliance with DCA's written pre-agreement cost approval may also be counted as leverage.

**IN NO EVENT WILL PRE-AGREEMENT COST APPROVALS ISSUED BY DCA ENSURE DCA FUNDING FOR THE REQUESTED PROJECTS. PRE-AGREEMENT COST APPROVAL DOES NOT IN ANY WAY INCREASE AN APPLICANT'S COMPETITIVENESS. ALL COSTS INCURRED BY APPLICANTS PRIOR TO THE CDBG-DR AWARD DATE ARE AT THE APPLICANTS' OWN RISK.**

## **3.0 Program Requirements**

### **3.1 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 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 **Chapter 4: Instructions for Completing the Application Form of this Manual**.

#### **Not In the Best Interest of the Federal Government to Collect**

For grants subject to the Universal Notice, HUD is establishing these specific circumstances as situations when collection is not necessary. HUD's secretary has determined that it is not in the best interest of the Federal government to collect a DOB in the following circumstances:

- 1) The duplicative federal assistance was received by low- and moderate-income beneficiaries after the receipt of the CDBG-DR assistance (subject to a cap set by the Secretary); or
- 2) The duplicative assistance was received by beneficiaries that, after the receipt of the CDBG-DR assistance, are:
  - a) Deceased;
  - b) Subject to a foreclosure action on a property rehabilitated, constructed, or reconstructed with CDBG-DR funds; or
  - c) A debtor in a bankruptcy proceeding or who recently exited a bankruptcy proceeding (or similar proceeding for insolvent debtors under state law, such as an assignment for the benefit of creditors). Additionally, the grantee may refer to any relevant guidance or the debt collection procedures in place for the state or local government.

### **3.2 Procurement**

All professional procurements must be completed prior to CDBG-DR application preparation and submission. For example, prior to CDBG-DR application submission, both grant application services and grant administration 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 administration 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.

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. DCA's procurement guidance regarding grant writing/grant administration published at <https://dca.georgia.gov/document/document/instructions-grant-writing-administration-procurement/download> can assist by making the process easier for local governments by providing step-by-step instructions.

DCA will also assist local governments with the procurement process by providing technical assistance as needed via email: [CDBG-DRER@dca.ga.gov](mailto:CDBG-DRER@dca.ga.gov). DCA 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-DR project, DCA's CDBG-DR 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: <https://doas.ga.gov/state-purchasing/georgia-procurement-registry-localgovernments/gpr-overview>.

### **3.3 National Objective**

All CDBG-DR-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 activity funds have been expended and final monitoring documentation is complete.

#### **3.3a Low-and Moderate-Income Benefit**

Proposed infrastructure applications must prioritize activities that principally benefit low-and moderate-income individuals. Each infrastructure 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-DR Income Limits are available for each county and are based on 80 percent of the county's median income, with adjustments for family size. The current income limits can be

found on the HUD Exchange at the following link:  
<https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.

- 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 80 percent of the County's Median Income 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 Infrastructure 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 DCA FORM SIX.

- **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 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 in the **CDBG-DR Infrastructure Applicants Policy Manual Addendum**. 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 U.S. 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. Income Limits can be found at [Income Limits | HUD USER](#).

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).

### **LMA Alternative Requirement for Infrastructure Activities**

New guidance from the Universal Notice acknowledged how the far-reaching nature of infrastructure activities' service areas presents challenges for meeting the low- and moderate-income area benefit (LMA) national objective criteria at 24 CFR 570.208(a)(1) and 24 CFR 570.483(b)(1) and 24 CFR 570.483(b)(1). Large infrastructure activities with a broad service area may benefit a large population of LMI persons, but because the area that benefits is so large, the LMI population may be less than 51 percent. This may limit the implementation of innovative infrastructure activities that would otherwise have positive, compounding effects on LMI persons in the MID areas because the activity would not meet the standard LMA national objective criteria. As DCA is required to meet the overall benefit requirement that 70 percent of funds be used for activities that benefit LMI persons, this could be compromised if the infrastructure activities can only meet the urgent need national objective.

Therefore, HUD is waiving 24 CFR 570.484 and 24 CFR 570.200(a)(3) only to the extent necessary to add this alternative requirement: CDBG-DR grantees (i.e., DCA) funding infrastructure projects may count funds expended for infrastructure activities towards benefitting LMI persons and meeting the overall benefit requirement by multiplying the total cost (including CDBG-DR and non-CDBG-DR costs) of the infrastructure activity by the percent of LMI persons in the service area, except that the amount counted shall not exceed the amount of CDBG-DR funds provided.

As an example, if the total cost of an infrastructure activity is \$1,000,000, and the percent of LMI persons in the activity's service area is 40 percent, then \$400,000 would count towards benefitting LMI persons when calculating a grantee's overall benefit (assuming this project is only funded with CDBG-DR funds). Generally, this alternative requirement should not be pursued if doing so would come at the expense of pursuing an infrastructure project that meets the original LMA national objective criteria and thus can be counted towards the overall benefit requirement.

### **LMA Benefit Requirement "Exception Criteria" for Entitlement Communities**

The LMA benefit requirement is modified when communities have few, if any, areas within their jurisdiction that have 51 percent or more LMI residents. In such a community, activities must serve an area that contains a percentage of LMI residents that is within the upper quartile of all census-block groups within its jurisdiction in terms of the degree of concentration of LMI residents. HUD

determines the lowest proportion DCA may use to qualify an area for this purpose and advises DCA accordingly. The “exception criteria” (i.e., upper quartile) applies to CDBG-DR-funded activities in entitlement communities covered by such criteria, including entitlement communities that receive disaster recovery funds from a state. The “entitlement program” administered by HUD provides funding to metropolitan cities and urban counties, and the State “non-entitlement” program provides funding to smaller local governments. Each year, HUD publishes the most recent data here: [Income Limits | HUD USER](#).

### **3.4 Acquisition of Property for Public Facility Activities**

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 infrastructure 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 infrastructure activities 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 should address the status of any property needed for the activity using DCA FORM FIVE.

#### **Note on Eminent Domain**

The State of Georgia in 2006 passed legislation (HB 1313) restricting the use of eminent domain by the political subdivisions of the state. Please note these restrictions when planning your CDBG-DR Infrastructure activity. For further information, please review HB 1313. This legislation amended portions of Titles 8, 22, 23, and 36.

CDBG requirements may affect the limitation on the use of funds for eminent domain. CDBG-DR funds may not be used to support any Federal, state, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use, or a waiver has been provided. For purposes of this paragraph, public use does not include economic development that primarily benefits private entities or CDBG-DR-funded buyouts. The following is a public use for the purposes of eminent domain: any use of funds for (1) mass transit, railroad, airport, seaport, or highway projects; (2) utility projects that benefit or serve the general public, including energy related, communication-related, water related, and wastewater-related infrastructure; (3) other structures designated for use by the general public or which have other common-carrier or public-utility

functions that serve the general public and are subject to regulation and oversight by the government; and (4) projects for the removal of an immediate threat to public health and safety, including the removal of a brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107-118). HUD has also determined that the development of housing for LMI persons is a public use for the purposes of eminent domain.

All buyouts must be voluntary. Grantees are prohibited from using eminent domain to buyout properties. However, a grantee may request and HUD may approve a waiver of this limitation, if good cause for such a waiver exists.

Please reach out to [CDBG-DRER@dca.ga.gov](mailto:CDBG-DRER@dca.ga.gov) if proposed CDBG-DR Infrastructure activity plans involve the use of eminent domain.

### **3.5 Environmental Review**

There are many federal and state environmental protection laws and regulations to consider when planning and implementing infrastructure-funded activities. It is important to note that compliance is often required for all funding sources, public and private, and for all components of the entire activity. 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 infrastructure activities must take certain actions to comply with this regulation before committing funds for acquisition or construction. This generally includes completing an environmental impact assessment and documenting actions taken to comply with other environmental laws.

**The HUD Notice (CPD-12-006)** may be acquired through the following web-link: [Notice on Tribal Consultation](#)

**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/dfiles/OCHCO/documents/7015.15.pdf>.

Additional tools for compliance can be found at the HUD Environmental Assessment Tool at the following web site:

<https://www.hudexchange.info/programs/environmental-review/>

#### **3.5a Requirement to Consult with Native Americans:**

On June 15, 2012, HUD published a Notice stating that CDBG-DR 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 Recipients. The HUD Notice (CPD-12-006) and the HUD Assessment Tool describe in detail the required protocol. Note that the revised Request for Release of Funds and Certification (form HUD 7015.15) includes a certification that this protocol was followed. 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 Grantee and can be made by mail or e-mail. Additionally, the letters being mailed MUST be signed by the Local Elected Official. See the **CDBG-DR Infrastructure Applicants Policy Manual Addendum** for a copy of CPD Notice 12-006.

### **3.5b 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-DR 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 DCA FORM NINE and its attachment from SHPO 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 SHPO needs to review your project in a timely manner.

DCA will send projects under consideration for funding awards to their State Historic Preservation Office for review and comments. The results of this review will be included in funding awards as Special Conditions, which must be complied with as part of the required Environmental Review. To hasten the process, consider seeking comments from SHPO prior to submitting the application to DCA as part of your own planning and project development.

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

**Note that further details regarding Environmental Review requirements can be found in the most recent CDBG-DR Recipients’ Infrastructure Manual. Please see the following website link for additional information:**<https://dca.georgia.gov/20232024-infrastructure-documents-downloads>

### **3.6 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-DR 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.

## 4.0 Instructions for Completing Application Form

All required forms are available at the DCA website and the application solicitation link, which can be accessed from: <https://dca.georgia.gov/20232024-infrastructure-documents-downloads> or [https://gn.ecivis.com/GO/gn\\_redir/T/c60t5im4lcb](https://gn.ecivis.com/GO/gn_redir/T/c60t5im4lcb).

### 4.1 DCA FORM ONE: Application Summary

Please complete DCA ONE 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), (Note: List all Block Group IDs in the activity target area. Do not specify block groups when the entire census tract is covered. If specifying block groups for an activity 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 the activity. 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:** Indicate the anticipated start and end date of the proposed activity.

**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, 2022 should be anticipated. Note that CDBG-DR program requirements expect completion of all activities within 36 months.

### 4.2 DCA FORM THREE: Description of Jurisdiction and Target Area Needs and Activity Selection Justification

DCA-3 must be prepared and submitted with the CDBG-DR 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 FORM THREE 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 FORM THREE 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 the applicant 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 FORM FOUR is where you describe the activity 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-DR 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 FORM THREE, as well as DCA FORM FOUR and DCA FORM FIVE, 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-DR 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-DR activities that are proposed (including those activities funded by leverage dollars).

**CDBG-DR 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-DR activities that are proposed (including those activities funded by leverage dollars). Multiple CDBG-DR Target Areas may be chosen as the focus of an application. The applicant is cautioned, however, to avoid diluting the impact of an activity over multiple target areas. Similarly, large target areas may also dilute the impact of the proposed activity.

**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-DR 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-DR application to the Target Area’s water needs. Project needs should be described in detail on DCA FORM FOUR.

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-DR proposal.

#### **4.3 DCA FORM FOUR: 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 activity need(s). The next form, DCA FORM FIVE, 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.

#### **4.4 DCA FORM FIVE: Description of Activities**

Do not repeat information included on form DCA FORM FOUR. Describe in detail each activity, identifying each activity by name, to be undertaken with CDBG-DR 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 listed in section 2.7 of this Manual under Activity Delivery Costs, 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 activity 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 review comments from state, federal, and other agencies involved financially or with any other interest in the proposed activity. 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 said 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 FORM FOUR. Applicants are encouraged to address most or all of the activity needs identified in Form DCA FORM FOUR, whether through proposed CDBG-DR activities or other local efforts. All applicants should also describe how activities will interrelate with each other to address the identified community development needs.

Applications must include a project implementation schedule with DCA FORM FIVE. The following is an example activity implementation schedule (please customize it to fit the proposed activity):

Activity	Initiation Date	Completion Date
Award	N/A	April 2026
Clearance of Grant Award Conditions	April 2026	July 2026
Completion of environmental requirements (floodplain, and historic assessment, receive release of funds, etc.)	April 2026	July 2026

Design water system	July 2026	December 2026
Acquisition titles and plats for easements	December 2026	July 2027
Design approvals	December 2026	February 2027
Bidding and Award	April 2027	May 2027
Construction	June 2027	July 2027
Initiate and Complete closeout	August 2027	September 2027

**4.4a Operations and Maintenance**

Communities are required to detail how they intend to fund, with local dollars, the long-term operations and maintenance of the infrastructure activities. Activity Proposals 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.

**4.4b Conformance with the Georgia Planning Act**

Applicants must discuss on DCA FORM FIVE 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 activity 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.

**4.5 DCA FORM SIX: Low/Moderate Income Benefit and Civil Rights Data Calculation**

Under the CDBG-DR 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:

1. In column 1, list each CDBG-DR-funded activity type. Do not include Activity Delivery Costs in DCA FORM SIX.
2. In column 2, show the total number of persons that the activity will serve.
3. 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.
4. 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.
5. In column 5, show the number of low- and moderate-income persons that the activity will serve.
6. In column 6, divide column 5 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
7. In column 7, show the amount of CDBG-DR funds requested for the activity.
8. 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.
9. At the bottom of column 7, show the total amount of funds requested by adding up the amounts for each activity.
10. 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.
11. 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".

**Alternatively, as detailed in section 3.3a, funds expended for infrastructure activities may be counted towards benefitting LMI persons and meeting the overall benefit requirement by multiplying the total cost (including CDBG-DR and non-CDBG-DR costs) of the infrastructure activity by the percent of LMI persons in the service area, except that the amount counted shall not exceed the amount of CDBG-DR funds provided.**

**For example, if the total cost of an infrastructure activity is \$1,000,000, and the percent of LMI persons in the activity's service area is 40 percent, then \$400,000 would count towards benefitting LMI persons when calculating a grantee's overall benefit (assuming this project is only funded with CDBG-DR funds). Generally, grantees should not pursue this alternative requirement if doing so comes at the expense of pursuing an infrastructure project that can meet the original LMA national objective criteria and thus be counted towards the overall benefit requirement.**

12. 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.

13. 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 FORM SIX:

- # 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-DR 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:

1. a copy of the sample survey form; and
2. 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 **CDBG-DR Infrastructure Applicants Policy Manual Addendum**), 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.

#### **4.6 DCA FORM SEVEN: Budget Summary**

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

Activity Delivery Cost (ADC) (line 50) - Enter the eligible CDBG-DR 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 activities 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 activity. 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 activity, such as private commitments

#### **4.7 DCA FORM EIGHT: 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. DCA FORM EIGHT 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 activity. 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-DR activity 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 activity 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.

#### **4.7a 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 (DCA FORM SEVEN). 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-DR 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-DR activity 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-DR cost for each item shown in column 2. If the item in column 2 will not be paid for with CDBG-DR funds, indicate by placing a -0- in column 3.

In column 4a show the amount of leveraged funds (non CDBG-DR 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 activity, please use block 7 (the space at the bottom of DCA FORM EIGHT). 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.**

#### **4.8 DCA FORM NINE: Section 106 Form**

Note: This form is self-explanatory.

#### **4.9 DCA FORM TEN: 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. If a representative separate from the Chief Elected Official has been chosen to execute the 2017 CDBG-DR application on behalf of the local government, please submit supporting documentation attesting the authority to do so with the application.

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

#### **4.10 DCA FORM ELEVEN: Cooperating Agreement**

Note: This form is self-explanatory.

#### **4.11 DCA FORM TWELVE: 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 <https://georgia-dca.maps.arcgis.com/home/index.html>

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

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

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-DR 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.

#### **4.12 DCA FORM THIRTEEN: CDBG-DR 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-DR funds being requested; the amount of any CDBG program income that will be used with the CDBG-DR grant; and the total amount of CDBG-DR 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-DR activity.

Part IV requires the identification of interested parties. Interested parties are persons and entities with a reportable financial interest in the activity. 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-DR assistance, or in the planning, development, or implementation of the activity, must be identified as an interested party. Also, any other person or entity that has a pecuniary interest in the activity that exceeds \$50,000 or 10 percent of the CDBG-DR assistance whichever is lower, must be

listed as an interested party. Pecuniary interest means any financial involvement in the activity, including (but not limited to) situations in which a person or entity has an equity interest in the activity, shares in any profit on resale or any distribution of surplus cash or other assets of the activity or receives compensation for any goods or services provided in connection with the activity. (The following are not considered interested parties: local CDBG-DR 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-DR funded activity. The sources and uses must include all the other assistance identified in Part III as well as the CDBG-DR funds identified in Part I, items 3a, and 3b.

Part VI requires the certification of the Chief Elected Official.

#### **4.13 DCA DR FORM A**

Note: This form is self-explanatory.

#### **4.14 DCA DR FORM B**

Note: This form is self-explanatory.

#### **4.15 DCA DR FORM C**

Note: This form is self-explanatory.

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.**

#### **4.16 Uploads Section**

##### **4.16a Civil Rights Certification, System for Award Management, and Language Access Plan Requirements**

The following forms are part of a complete CDBG-DR Infrastructure application and must be prepared and submitted with the application:

- Civil Rights Compliance Certification— All applicants must complete the form and submit a signed certification with the application.
- 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;
- 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 has a different upload section. A copy of these forms can be found in the **CDBG-DR Infrastructure Applicants Policy Manual Addendum**.

#### **4.16b 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 activity 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

#### **4.16c 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

#### **4.16d 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

#### **4.16e Documentation of Need**

- Letters of Support Documenting Need
- Additional Documentation of Need (optional)
- Additional Photo Documentation of Need (optional)

#### **4.15f Operation and Maintenance Plan**

- Provide an analysis of the steps taken by the applicant to adopt practices, programs, policies or ordinances to prevent the reoccurrence of the identified problem (copies of these local practices, programs, policies or ordinances should be included in the application when

applicable to document local action on identified problems or for further explanation of the local strategies planned or underway to address the identified problems).

#### **Community Planning Documentation**

- Letters of Support Documenting Need
- Additional Documentation of Need (optional)
- Additional Photo Documentation of Need (optional)

#### **4.16g Environmental Review (Optional)**

- Concurrent Notice and Request for Release of Funds

**Note: 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 activity 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 DCA FORM TWELVE 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.**

#### **4.16h Engineering and Architectural Reports**

Preliminary Engineering Reports (PERs) and Preliminary Architectural Reports (PARs) are critical components of the application. Streets and drainage PERs must include preliminary hydrologic and hydraulic calculations, as these calculations are essential for DCA's review. They assist in determining the need for improvements and evaluating the appropriateness of the proposed solutions. Applications that do not include these calculations will receive reduced scores.

PERs must also include maps showing existing and proposed infrastructure, including existing and proposed pipe sizes. These maps are necessary for DCA's review of activity proposals, and scores will be reduced if this information is not provided.

When applicable, Preliminary Architectural Reports must include existing floor plans with overall and room-by-room dimensions, along with the current use of each room. Applications that do not include this information will receive reduced scores.

Because the quality of PERs and PARs may vary among applicants, DCA provides detailed guidance on the required contents of 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 – This includes activity objectives and methodology of the 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-DR funds, including pipe sizes and other relevant measures of existing infrastructure

#### **Evaluation of Alternatives**

- Description of alternatives considered, including cost estimates of each alternative (capital, operation, and maintenance and user fees).
- Street and road activities 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 and Property Owners - This should discuss land, right-of-way, and easement acquisition requirements.

#### **Description of Proposed Activity**

- 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-DR application.
- Drainage activities should include site specific preliminary hydrologic and hydraulic calculations for each drainage shed
- Drainage activities should include a description of activity outfall(s) and consideration of downstream impacts
- Required Permits

- Operation and maintenance requirements – Should provide an analysis of the steps taken by the applicant to adopt practices, programs, policies or ordinances to prevent the reoccurrence of the identified problem (**copies of these local practices, programs, policies or ordinances should be included in the application when applicable to document local action on identified problems or for further explanation of the local strategies planned or underway to address the identified problems**).
- Narrative – Describe the proposed improvements including a description of the impact of the proposed improvements on the quality of life of target area residents
- Maps – Should include proposed improvements, including pipe sizes and other relevant measures of proposed infrastructure
- Fire Coverage Maps (existing and proposed maps should be two separate maps as opposed to including two fire coverage color rings on one map), when applicable
- All projects inclusive of hydrants are required to hydrants to match Rule 120-3-3-.04 Georgia's Rules of Safety Fire Commissioner
- **Detailed Activity Budget** – This should include:
  - Construction and material costs
  - Design and oversight fees
  - Grant Management
  - Funding Sources
  - Projected operating revenues and expenses (if applicable)
  - Projected User Fees (if applicable)
- Activity Schedule

All Preliminary Engineering Reports should include an original signature and an engineering stamp. Points may be deducted for feasibility without these required features.

### **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 – Should include description of needs to be addressed
- Description of Existing Facilities (if applicable) – This should include existing floor plan with all dimensions and descriptive labels for all rooms.
- Projections of future needs

**Evaluation of Alternatives** – This should include a description of each of the alternative solutions considered (new construction, renovation, additions to existing structures, etc.) and the 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 Activity**

- Identification of applicable federal, state and local design standards
- Preliminary Site Plan – This should show 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, and emergency vehicle access
- Description of Storm Drainage Outfall(s) and consideration of downstream impacts
- Consideration of Downstream Impacts
- Description of Proposed/Improved Facilities – This should include the preliminary floor plan with all dimensions and descriptive labels for all rooms
- Required permits

**Detailed Activity Budget** – This should include:

- Construction and material costs (cost per square footage should be avoided)
- Design and oversight fees
- Grant Administration
- Funding sources
- Projected Operating Revenues and Expenses (if applicable)
- Activity Schedule

**All Preliminary Architectural Reports should include an original signature and an architectural stamp. Points may be deducted for feasibility without these required features.**

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

### **4.17a General - Fair Housing Laws and Presidential Executive Order**

- **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 usable 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 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 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.

Additionally, several sections of the Universal Notice were revised pursuant to the following executive orders, which are applicable to CDBG-DR funding:

- **Executive Order 14151** - Executive Order 14151 calls for the ending of radical and wasteful government DEI programs and preferencing.
- **Executive Order 14173** - Executive Order 14173 orders the ending of illegal discrimination and restoring merit-based opportunity. It also revoked Executive Orders 11246 and 12898.
- **Executive Order 14224** - Executive Order 14224 designates English as the official language of the United States.

- Added language to align with **Executive Order 14218** which states that grantees must administer their grant in accordance with all applicable 3 immigration restrictions and requirements, including the eligibility and verification requirements that apply under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended (8 U.S.C. 1601-1646) (PRWORA) and any applicable requirements that HUD, the Attorney General, or the U.S. Citizenship and Immigration Services may establish from time to time to comply with PRWORA.

#### **4.17b 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 activity 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://dca.georgia.gov/affordable-housing/housing-development/housing-tax-credit-program/qualified-allocation-plans-and-13>

#### **4.17c Affirmatively Furthering Fair Housing**

Local government officials, in agreeing to accept CDBG-DR 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-DR 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.

#### **4.17d 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-DR 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-DR Recipients:

1. CDBG-DR recipients must file an assurance of compliance. The Certified Assurances in the CDBG-MIT Application include this assurance.
2. CDBG-DR recipients must issue periodic public notices of non-discrimination.
3. Employment practices are also covered by Section 504. Any CDBG-DR 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.

#### **4.17e 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-DR 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-DR applications.

**Executive Order 13166 was revoked by Executive Order 14224; however, nothing in this order requires or directs any change in the services provided by any agency.**

#### **4.18 Resources on Civil Rights, Fair Housing, and Equal Opportunity**

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

- HUD FHEO Library:  
<https://www.hudexchange.info/programs/fair-housing/>
- AFFH Resources and Training Material:  
<https://www.hud.gov/news/hud-no-25-034>

***Note:** A locality’s certification that it has affirmatively furthered fair housing, in accordance with the Fair Housing Act, would be deemed sufficient.*