

New York State **COMMUNITY DEVELOPMENT** **BLOCK GRANT (CDBG) PROGRAM**

2020 HOUSING ACTIVITIES **REQUEST FOR APPLICATIONS**



**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

OFFICE OF COMMUNITY RENEWAL

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Table of Contents

I. Funds Available	2
II. Funding Limits	2
III. Eligible applicants	2
IV. Eligible Activities	2
A. Housing Rehabilitation	3
B. Homebuyer Down Payment Assistance	3
C. Private Water/Wastewater System Assistance.....	3
D. Manufactured Housing Replacement	3
V. Application Process & submission	3
A. How to apply	3
B. Public Hearing Pre-application Requirement.....	3
C. Technical Assistance	4
D. Application Submission	4
VI. Application Review	5
A. Application Threshold Review Requirements	5
B. Application Review Criteria.....	5
VII. Program Administration Requirements	5
B. Procurement	6
C. Environmental Review	6
D. Smart Growth.....	6
E. Lead Based Paint Regulations	6
F. Davis Bacon Related Acts.....	7
G. Section 3 Requirements.....	7
H. Equal Employment and Minority And Women Owned Business Participation ...	7
I. Non-Discrimination.....	7
J. National Objective.....	7
K. Affirmatively Furthering Fair Housing Checklist.....	9

I. FUNDS AVAILABLE

The Housing Trust Fund Corporation (HTFC) will make available approximately \$10 million in Federal Fiscal Year (FFY) 2020 NYS CDBG Program funds through this Request for Applications (RFA).

II. FUNDING LIMITS

	Maximum
<i>Towns, Cities and Villages:</i>	\$ 500,000
<i>Counties:</i>	\$1,000,000

These limits are provided as guidelines for expected award limits.

III. ELIGIBLE APPLICANTS

Eligible applicants are non-entitlement units of general local government (County, Town, City, or Village), excluding metropolitan cities, urban counties, and Indian Tribes that are designated Entitlement Communities. Non-entitlement areas are defined as cities, towns, and villages with populations of less than 50,000 except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000. A list of eligible communities is available at on the OCR website under [Program Guidelines](#).

Counties may apply on behalf of units of general local government located within their jurisdiction when the unit of general local government has authorized the County to apply. The unit of general local government will be considered the Applicant for determining grant limits, and its statistics will be used for purposes of the selection factors. A cooperation agreement between the County and the local government, an authorizing resolution issued by the local government, and an explanation as to why the arrangement is needed must be included as an attachment to the application.

When a joint effort is required to solve a common water or sewer problem faced by two or more eligible local governments, a joint application may be submitted. Local governments, however, must not only share a common problem that crosses their municipal boundaries but must also be able to demonstrate that a joint effort is required to solve the problem. A cooperation agreement between the local governments must be included as an attachment to the application. Joint applications submitted only for administrative convenience are not eligible and will not be considered for funding. Note that each Applicant individually must adhere to citizen participation requirements. Each participating municipality must hold a public hearing prior to application. Consultation with OCR is strongly encouraged.

IV. ELIGIBLE ACTIVITIES

CDBG funding may be used for eligible activities as outlined below. This is not intended to be an exhaustive list of eligible activities and applicants are encouraged to develop projects in response to local need that may not fit neatly in any one category. In these cases, applicants are encouraged to contact the Office of Community Renewal (OCR) for additional guidance prior to submitting an application.

A. Housing Rehabilitation

Funds may be requested for the repair or rehabilitation of a single-family or multi-unit dwelling (1 unit, two to three unit, or 4 or more units). All CDBG assisted units must meet NYS and/or Local Code upon completion of construction activities.

B. Homebuyer Down Payment Assistance

Funds may be requested to assist homebuyers with down payment assistance and/or closing costs to purchase an owner-occupied single family (1 unit), existing home or newly constructed home.

Funds may also be requested in conjunction with homeownership assistance to assist with housing rehabilitation for the obligations, budgeting, and overhead cost, and minor rehabilitation of certain houses that are otherwise structurally sound.

C. Private Water/Wastewater System Assistance

Funds may be requested for the replacement or new installation of on-site sanitary septic system and or on-site drinking water (private) well for a single-family or multi-unit dwelling (one unit, two to three unit, or four or more units). All CDBG assisted units must meet NYS and/or Local Code upon completion of construction activities.

Funds may be requested for the replacement of or new installation of lateral connections to public drinking water and/or sanitary sewer systems. If proposed activity is a new connection to a public drinking water and/or sanitary system, improvement must also include the elimination of potable water from a well source and/or the decommissioning of existing on-site septic systems. Modifications to internal plumbing must be included.

D. Manufactured Housing Replacement

Funds may be requested to demolish and dispose of a sub-standard owner-occupied manufactured or mobile home and replace it with a new manufactured home, stick built or modular single-family home. Manufactured home replacement is considered reconstruction for the purposes of the CDBG program. The replacement unit must be constructed on the same lot.

Utility upgrades and replacement of or upgrades to existing on-site drinking water wells and septic systems should be included.

V. APPLICATION PROCESS & SUBMISSION

A. How to apply

Funding round materials will be available on the [Funding Opportunities](#) of the Homes and Community website beginning Wednesday, February 10, 2021.

Applications will be accepted through the [Community Development Online](#) (CDOL) system.

B. Public Hearing Pre-application Requirement

Applicant communities must conduct a public hearing before a quorum of the full legislative body in compliance with NYS Citizen Participation requirements, prior to submitting an application for funding. A public hearing template is available online with the funding round materials.

C. Technical Assistance

OCR will provide technical assistance regarding the application, proposed projects, and program regulations to applicants upon request and will continue to be available to answer questions regarding the application and/or the NYS CDBG Program until the application is submitted or the submission date and time has expired, whichever occurs first. Applicants can contact OCR staff at OCRINFO@nyshcr.org or 518-474-2057 for assistance.

D. Application Submission

Application Open Date: Wednesday, February 10, 2021
Application Submission Ends: Friday, April 9, 2021, 4:00 PM

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all applicants, applications received after the specified date and time will be deemed ineligible and will **not** be considered for funding. Applicants should submit applications as soon as the proposal and required materials are ready to avoid risks of ineligibility resulting from unanticipated delays or problems.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL system. Requests for approval to submit a paper application must be sent to: Crystal Loffler, Deputy Commissioner, NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

E. Administrative Funds and Project Delivery

Applicants may apply for up to 5% of the total award for administrative costs and up to 13% of the total award for project delivery costs.

F. Applicant Capacity and Prior Experience

Applicants for NYS CDBG Program funds, as with all competitive OCR Program funds, are subject to an evaluation of prior program funding history, prior program administration performance and organizational capacity. Factors such as the rate of expenditure during the term of the contract, the number of contract extensions requested, if funds were de-obligated and compliance with all terms will be used to determine satisfactory performance for all applicants. Applicants may be negatively impacted by unsatisfactory performance or may be determined to be ineligible for a grant when prior performance evidences significant lack of capacity to carry out the proposed project or program as required and according to the applicable laws, regulations, policies and procedures governing the program.

Applicants must resolve any and all outstanding monitoring and/or non-compliance issues that involve a violation of Federal, State or local regulations, and/or program and OCR requirements prior to the submission of an application for funding. Applicants that do not resolve monitoring and/or non-compliance issues will be deemed ineligible and the application will not be accepted or reviewed. The OCR will provide, upon request, status information related to the above items for any potential applicants.

Prior to submitting an application, applicants should evaluate the progress of their open grant portfolio to determine if additional funds are warranted at this time. Interested parties are discouraged from

applying for NYS CDBG Program funds if the program activities cannot be completed within the 2-year term or the amount of funding requested cannot be expended within the 2-year term.

The HTFC and the OCR reserve the right not to fund any application if it has been determined that the applicant is not in compliance with existing State and/or Federal contracts and has not taken satisfactory steps to remedy such non-compliance. The HTFC and OCR reserve the right to reduce funds requested based on a review of applicant capacity.

VI. APPLICATION REVIEW

A. APPLICATION THRESHOLD REVIEW REQUIREMENTS

CDBG applications must present projects that:

- Meet a CDBG National Objective
- Demonstrate compliance with NYS Citizen Participation
- Request funding within the limits outlined above
- Can be completed within 24 months of award
- Do not provide assistance to a for-profit business in the form of lobbying or other political activities
- Do not exceed 18% overall soft costs (administration, program delivery, engineering). Of the 18% no more than 5% of the total request for grant administration.
- Does not request reimbursement of costs prior to award and approval of release of funds. Grantees must document compliance with the environmental review requirements at 24 CFR Part 58 following the application to HCR and prior to reimbursement of any costs.

B. APPLICATION REVIEW CRITERIA

In addition to meeting the above threshold requirements, applications will be evaluated and scored based on the following criteria:

- **Need (25%)** – Demonstrated need for the project, overall severity of need, and LMI households interested in participating;
- **Impact (25%)** – Measurable impact of proposed activities, relevance to demonstrated need;
- **Capacity (25%)** - Organizational capacity and project design that demonstrates ability to complete project within contract term, strong plan/strategy for administration;
- **Feasibility (25%)** – Clear budget, all sources identified, project financially viable.

VII. PROGRAM ADMINISTRATION REQUIREMENTS

The following is a listing, not all inclusive, of regulations and other program requirements that apply to the NYS CDBG Program. Applicants receiving awards will be expected to be familiar with and understand these governing regulations and will be periodically monitored throughout the administration of an

awarded program or project to ensure continued compliance with these and other rules and regulations. The Federal regulations set forth at 24 CFR Part 92 govern of the NYS CDBG Program. For a full review of requirements see applicable [Administrative Plan](#).

For general program guidelines, applicants may reference the [NYS CDBG Grant Administration Manual](#).

A. Contract Term

Due to HUD CDBG Program deadlines for commitment and expenditure, if awarded, the contract term shall not exceed two (2) years.

Requests for extensions to complete program activities will be limited or not approved.

B. Procurement

An applicant may choose to use a third-party consultant and/or non-profit subrecipient to help administer the project. For professional service contracts, federal procurement rules will apply. For more information on both procurement and subrecipient relationships, please see Chapter 1 and 4 of the NYS CDBG Administration Manual, [Getting Started](#) and [Procurement Standards](#), respectively.

C. Environmental Review

All CDBG projects are required to undergo a National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) review. The length of time for the NEPA review varies based on the type of activities that are undertaken. Any non-exempt costs incurred prior to approval of NEPA Review would not be eligible for CDBG reimbursement. Please contact OCR to determine applicability. For more information, please see Chapter 2 of the NYS CDBG Grant Administration Manual, [Environmental and Historic Review](#).

D. Smart Growth

The Housing Trust Fund Corporation is subject to the New York State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and must, to the extent applicable, make funding decisions consistent with the provisions of the Act.

E. Lead Based Paint Regulations

Applicants must comply with the lead-based paint requirements implemented at 24 CFR Part 35 if proposing activities involving residential properties purchased or rehabilitated in whole or part with CDBG funds.

The lead-based paint regulation defines work practices that must be followed when dealing with lead-based paint in older structures and expands requirements to protect occupants and workers from lead-based paint hazards until lead hazard reduction work is completed.

Lead hazard evaluation and reduction activities for rehabilitation projects are determined by the level of federal assistance received by the project and the per unit evaluation of hard costs. Interim controls are required for projects assisted with less than \$25,000 in Federal Funds. Projects assisted in excess of \$25,000 in Federal funds are subject to the completion of Part 3 of 24 CFR Part 35. The Lead Based Paint Applicability Worksheet must be completed to document compliance.

Under no circumstances will the HTFC approve the release of funds for a project or activity where lead safe practices and lead safe clearance were not conducted in accordance with all [applicable lead based paint rules and regulations](#).

F. Davis Bacon Related Acts

Applicants preparing to undertake construction or rehabilitation activities on 8 or more units within the same construction contract must comply with the Federal Labor Standards requirements ([Davis Bacon Related Acts](#)) as outlined in 40 USC 276. This regulation requires that workers receive no less than the prevailing wages being paid for similar work in their locality.

G. Section 3 Requirements

All awards made under the CDBG Program are subject to the requirements of Section 3 of the Housing Act of 1937, which specifies that to the greatest extent feasible, and consistent with existing federal, state and local laws and regulations, job training, employment, contracting and other economic opportunities be made available to low- and very low-income persons and locally owned enterprises within the proposed service area.

Recipients of CDBG program funds in excess of \$200,000 must comply with the provisions set forth at 24 CFR Part 135. In addition, if an applicant enters into a rehabilitation or construction contract in excess of \$100,000, the contractor and its subcontractor are also subject to the provisions. Please see additional guidance Administrative Plan, [Section 3 Policy](#) available on the HCR Program website.

H. Equal Employment and Minority And Women Owned Business Participation

Refer to the [Minority and/or Women Business Enterprises \(MWBE\) Policy](#).

Applicants are subject to the EEO requirements related to nondiscrimination and equal access. The applicant shall comply with the following, as applicable. Executive Orders 11246, 11625, 12432, and 12168 as amended require States receiving CDBG funds to establish procedures for compliance with EEO and MWBE outreach. To comply with these Executive Orders, NYS HCR and the HTFC have elected to follow the State requirements under Article 15A of New York State Executive Law ***if state funds are used in the proposed program as leverage for CDBG funds***. This requires that all contractors and awardees make affirmative efforts to ensure that New York State Certified MWBE's are afforded opportunities for meaningful participation in projects funded by the HTFC pursuant to Section 313 of the Article.

For federal reporting purposes, applicants are also asked to report on all non-State certified MWBE's (that meet the federal definition of business enterprises that are 51% minority or women owned) that have been hired to provide services for the NYS CDBG Program contract. Please see additional guidance on MWBE requirements as referred to in the Administrative Plans.

I. Non-Discrimination

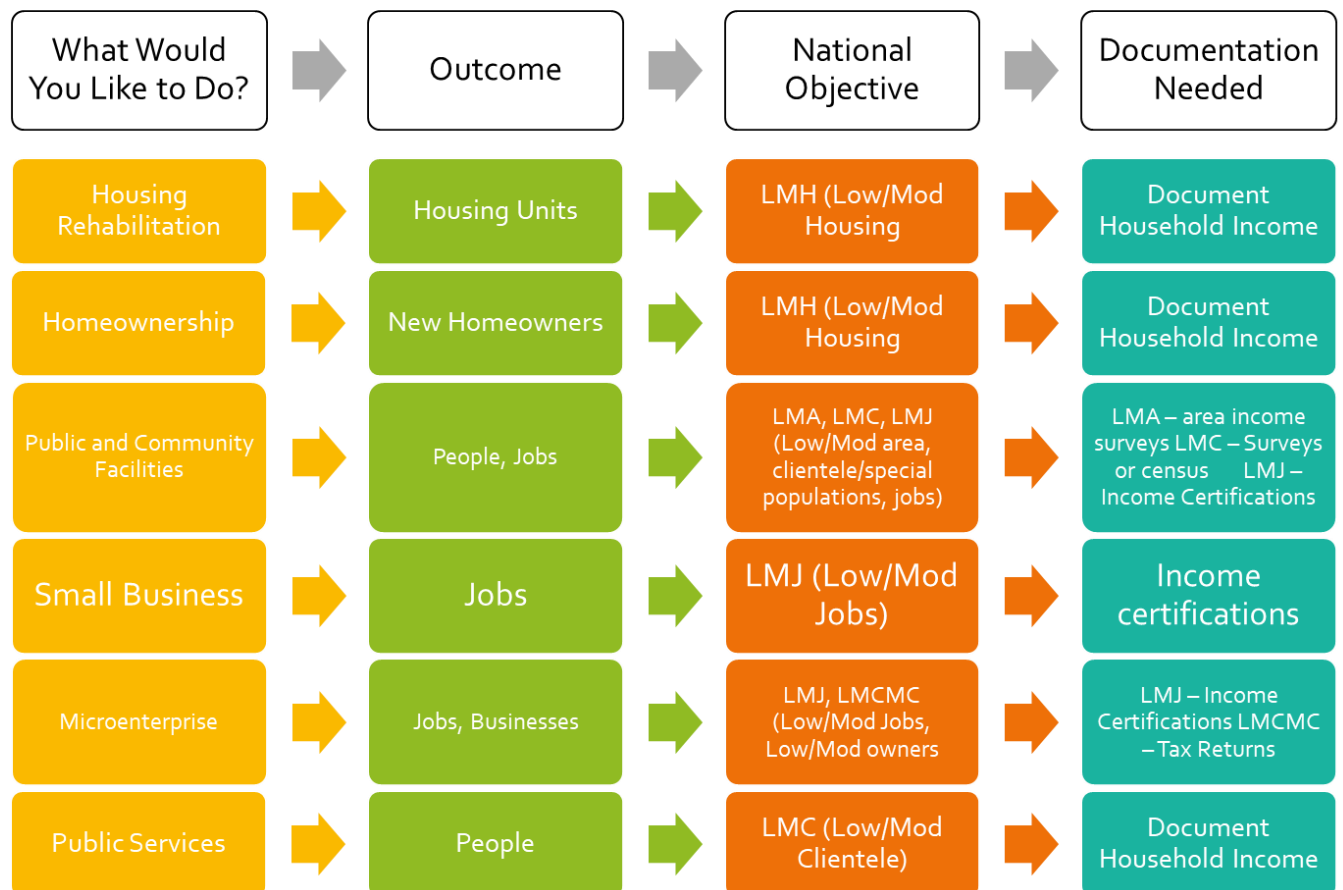
No person in the United States shall, on the grounds of race, color, national origin, religion, or sex be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part by NYS CDBG Program funds. Applicants are subject to all federal and State fair housing and equal opportunity laws and orders, as referenced in 24 CFR Parts 92.350 and 92.351 to include: Title V of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), The Fair Housing Act (42 U.S.C. 3601-3620.), Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259), Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107). Refer to [FEHO](#) for more guidance on non-discrimination in the Administrative Plans.

J. National Objective

Each project proposed for CDBG Assistance must meet a National Objective (NO) as defined by

HUD. For a majority of projects. This objective can be met by ensuring that beneficiaries assisted are low-to-moderate income households and/or must describe how this standard will be met, and any relevant supporting information must be attached to the application. Below is a general guide to meet NO by activity type. Applicants are strongly encouraged to consult with OCR staff to address any questions about these requirements.

1. *Benefit to low-moderate Income (LMI) persons*



National Objective Documentation for LMI Persons

- Household Income (LMH, LMCMC) – For all housing activities, the household occupying the assisted unit must be determined to be low/moderate income at the time of assistance. This is most frequently accomplished by gathering all income sources and projecting future income over the next year. HUD provides an [online income calculator](#). For multi-family properties, 51% of the assisted units must be occupied by low/moderate income households.

2. *Urgent Community Development Needs*

Certain projects may include activities that meet the conditions for the Urgent Need National Objective. Urgent Need projects are defined narrowly by HUD and generally cover certain emergency situations that present immediate public health threats, such as those that come about from natural disasters. OCR will strive in every case to qualify projects and their activities under the LMI National

Objective before considering Urgent Need. Projects meeting the Urgent Need National Objective must demonstrate that:

- The condition resulting in the need for the proposed activity is of recent origin or recently became urgent (e.g. a condition that developed, or became critical, within 18 months of application).
- The nature and immediacy of conditions pose a serious threat to the health and or welfare of the community.
- The Applicant is unable to finance the proposed activity on its own and other resources are not available to fund the proposed activity.

3. *Prevention or Elimination of Slums and Blight*

In certain cases, National Objective may be met by demonstrating the proposed activities will be undertaken in an area characterized by slums and blight, or that the activity will address a specific instance of blight at a particular location. OCR will strive in every case to qualify projects and their activities under the LMI National Objective before considering Slums and Blight. Documentation officially designating areas of slums and blight, include

- The year of official blight designation;
- A map of designated area;
- Provide the number of structures in area and the total number of structures that are dilapidated
- Describe the conditions that lead to a determination of slums and blight;
- Describe the Applicant's plan to eliminate the conditions that led to a determination of slums and blight.

Additional information on National Objective Compliance can be found [here](#).

If satisfactory demonstration of compliance with a National Objective is not provided, the proposed activity will be considered ineligible and will not be considered for funding.

K. Affirmatively Furthering Fair Housing Checklist

Recipients of federal funds have a duty to affirmatively further fair housing (AFFH) pursuant to the Fair Housing Act. New York State will monitor the efforts of local government grantees to satisfy and certify their own duty to AFFH. In general, activities that AFFH should promote non-discrimination and ensure fair and equal access to housing opportunities for all. The CDBG Grant Administration Manual, Chapter 7, provides additional information regarding fair housing obligations. To ensure compliance with the AFFH requirements Recipients **are required to:**

- Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, US Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate professionals and lenders;
- Pass a fair housing resolution that demonstrates a "good faith effort" in complying with fair housing requirements. The fair housing resolution adopted by the Recipient must also be publicized and promoted within the community; and

- Designate a fair housing officer who is familiar with the fair housing regulation, have him or her trained on their duties and responsibilities as a fair housing officer, and, through means reasonably calculated to reach the community, publicize the existence of the fair housing officer as the primary point of contact for all fair housing related issues.

The Recipient must carry out the AFFH actions within one (1) year of the award of funds and provide to HCR's Office of Community Renewal proof of the activities undertaken as a record of the municipality's activities to satisfy its AFFH requirements. Recipients must be prepared to report on efforts to Affirmatively Further Fair Housing on an annual basis. Reporting will occur on an annual basis through the OCR Annual Performance Report that is due in January of every year.

In addition to the above-mentioned required activities, the Recipient's AFFH Checklist should identify which of the below activities will also be undertaken. The below checklist does not include every fair housing activity that a municipality could or should undertake. It is however a good starting point of increasing community awareness, ensuring that clear procedures exist for addressing fair housing complaints, expanding the types of housing choice within the municipality, and generally providing all people with the opportunity to live in a community of their choice without discrimination.

If a Recipient intends to complete an action not included in the AFFH Checklist to satisfy one of the categories from the AFFH Checklist, it must apply to Fair and Equitable Housing Office (FEHO) for permission to do so. Questions related to fair housing obligations and/or the AFFH Checklist must be addressed to HCR's Fair and Equitable Housing Office at (518) 473-3089 or FEHO@nyshcr.org.

Encourage community input on fair housing matters

- Hold an annual public meeting on fair housing. Provide to HCR an agenda, meeting notes, and reports concerning the steps that will be taken to address fair housing issues raised at these meetings. Include list of attendees/sign-in sheet, location and date.

Ensure public policy affirmatively furthers fair housing

- Sponsor, or work with a community development/planning organization, rural/neighborhood preservation, or fair housing organization to conduct a survey to assess the community's housing needs, including barriers to fair housing choice.
- Survey special housing needs of minorities and women to determine possible effects of discrimination.

Promote fair housing education

- Elected officials, municipality staff in charge of planning, zoning, building, housing, community and economic development, and their third-party consultants attend a fair housing training program.
- Expert provides a fair housing education and training program for real estate professionals, including developers, sales and rental agents, lenders, and property managers.
- Conduct a meeting with financial institutions that serve the community to discuss the importance of providing financial assistance for housing in all geographic areas and to all residents in the community.

Recipients will have a continuing obligation through the contract period to disclose within thirty (30) days to HCR's Fair and Equitable Housing Office if the municipality becomes the subject of any fair housing proceeding before a federal, state and/or local adjudicatory body, or if it receives a final disposition in a proceeding involving fair housing law claims.

Please note that the actions listed above represent the commitment of the Office of Community Renewal (OCR) to Affirmatively Further Fair Housing (AFFH), and supplement, but do not replace the responsibility of each grantee to AFFH as described in the CDBG Grant Administration Manual.