

# NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

CORONAVIRUS AID, RELIEF AND ECONOMIC  
SECURITY ACT (CARES)

**REQUEST FOR APPLICATIONS**



**Homes and  
Community Renewal**

Housing  
Trust Fund  
Corporation

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## I. SUMMARY OF AVAILABLE FUNDS

NYS Homes & Community Renewal (HCR) proposes to utilize approximately up to \$78 Million in Community Development Block Grant (CDBG) funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (CDBG-CV) to help communities throughout the state to safely reopen and restart local economies in the wake of COVID-19. HCR proposes funding for a series of activities to prevent the spread of the virus, respond to the impacts of the virus, safely reopen and prepare businesses and facilities for new safety protocols.

This Request for Applications and corresponding Notice of Funding Availability are intended as a continuance of the funding opportunity made available for CDBG CARES funding administered by NYS Homes & Community Renewal.

Awards will be made based on factors that may include, but are not limited to, need, impact, capacity, relationship to coronavirus, and geography.

All proposed activities must meet critical thresholds that include but are not limited to:

- Compliance with HUD's National Objectives
- Explicitly prevent, prepare for and respond to Coronavirus
- Can be completed within 12 months of award.

These requirements are more fully detailed below.

CDBG-CV applications will be accepted and evaluated on a rolling basis. Applicants are strongly encouraged to consider all of the potential eligible needs in the community before submitting a proposal.

## II. ELIGIBLE APPLICANTS

The Office of Community Renewal will accept applications from units of local governments statewide for CDBG-CV funds.

OCR will also accept applications from not-for-profit subrecipients if the proposed activity will:

- Improve efficiency, timeliness and consistency in the release of the funding to communities in need;
- Allow work across municipal borders or to serve larger geographic regions; or
- Allow for larger contract amounts covering multiple projects or activities, reducing the administrative burden of multiple smaller awards.

Not-for-profit subrecipients must:

- Demonstrate exceptional financial and administrative capacity including ability to meet Federal compliance requirements including but not limited to NEPA, Davis Bacon, URA etc.

- Demonstrate ability to meet federal requirements to qualify as a subrecipient.
- Detail unmet need, local government capacity concerns or other considerations that necessitate the use of a not-for-profit subrecipient.
- Demonstrate qualified not-for-profit status for at least two years prior to applying
- Demonstrate that there have been no single audit findings associated with the use of any and all federal and state grant funds.
- Document the support of participating units of local government through a municipal resolution(s), letters of support, or other evidence of support by the full legislative body.

Among not-for-profit applicants, HCR will prioritize funding projects that qualify under the CDBG Public Service activity. HCR will allow awards to not-for-profit subrecipients for capital projects only when the above conditions are met and may restrict or cease awards to not-for-profit subrecipients when internal administrative capacity is reached.

### III. FUNDING LIMITS

	<b>Minimum</b>	<b>Maximum</b>
<i>Towns, Cities and Villages:</i>	\$300,000	\$2,000,000
<i>Counties and New York City:</i>	\$300,000	\$3,000,000
<i>All Municipalities - Combined Activities</i>	\$300,000	\$5,000,000

These limits are provided as guidelines for expected award limits. The amount of CDBG assistance must be based on the need presented and must be supported by a well-planned project budget. Larger awards may be approved based on demonstrated need and capacity to complete proposed activities within 12-month term or to support regionally coordinated efforts and high impact activities. Funding limits for projects administered through qualifying not-for-profit subrecipients are based on the scope (size) and geographic distribution of the activities as described in the categories above.

Municipalities are encouraged to consider all COVID related needs in the community and request grant funds for multiple activities. Whenever possible, OCR will encourage larger contract amounts and the aggregation of eligible activities to achieve administrative efficiencies.

For economic development projects, public benefit standard (award amount per job retained/created) will be based on need but will generally follow the requirements of the regular CDBG funding rounds. More information can be found here: <https://hcr.ny.gov/community-development-block-grant-economic-development-program>.

HUD typically allows for \$35,000 in assistance per full-time equivalent job created under the business assistance activity. For CDBG-CV funded activities only, an alternative standard of up to \$85,000 per job is permissible. However, applicants must demonstrate the need for higher per-job assistance as a result of COVID-19.

Applicants may generally request up to 18% of the CDBG award in program delivery, administration, and engineering costs combined. Of the 18%, administration must not exceed more than 5% of the total CDBG award. For Small Business projects, OCR will allow 5% toward administration and up to 10% in program delivery, with total soft costs not to exceed 15%.

HTFC/HCR reserve the right to award all, a portion of, or none of an applicant's requested funds based upon funding availability, feasibility of the applications received, an applicant's ability to meet HTFC criteria for funding. HTFC also reserves the right to change or disallow aspects of the applications received and may make such modifications an expressed condition of its commitment to provide funding to a project.

HTFC/HCR reserve the right to end or extend the Notice of Funding Availability and Request for Applications at any time and subject to availability of funds. HTFC reserves the right to waive or modify any requirement contained in the Notice of Funding Availability or Request for Applications and applications received are subject to any applicable State and/or Federal laws and regulations.

## **IV. ELIGIBLE ACTIVITIES**

The approved uses of CDBG CARES funding granted to New York by HUD fall under four general categories: Small Business Assistance, Public Facilities/Infrastructure, Housing Improvements, and Public Services. Within these general categories, HCR is accepting applications for the eligible activities as outlined below. In all cases, applicants must submit a Project Consultation Form to the Office of Community Renewal (OCR) for additional guidance prior to submitting a full application. Projects that do not fall into these eligible categories may submit under the "special projects" category for consideration.

All applications must meet the HUD mandated nexus to COVID-19 and a CDBG National Objective to be considered for funding. Examples of the required tieback to COVID are available in this reference document: <https://www.hud.gov/sites/dfiles/CPD/documents/Quick-Guide-CDBG-CV-PPR-Tieback-Flexibilities-043020212.pdf> and guidance on CDBG National Objectives is available in this Request for Applications.

### **A. SUPPORTING SMALL BUSINESS**

Grant funds will be made available to support microenterprises as well as small businesses with fewer than 25 employees that have been impacted by the pandemic and that have been unable to access other state and federal resources. Assistance will be offered on a single-site or programmatic basis and will be deployed to address improvements that support customer and staff safety and improve business resiliency related to future occurrences of the virus or other disasters. Businesses will be required to demonstrate job retention or creation to access funds, as well as demonstrate how proposed use of funds will enable the business to recover from the impacts of COVID-19 or build resiliency for future pandemics.

The development of sound policies and procedures and the implementation of a well-designed program are critical to a successful CV small business assistance program. Applicants will need to submit a program design plan that describes how the proposed activities will be implemented.

Uses may include new equipment or fixtures to guide social distancing, technology to increase efficiency and implement post-COVID business practices or working capital to resume operations following the business closures. Applicant communities are encouraged to prioritize businesses unable to access other state or federal resources for support and conduct a

duplication of benefits review. Assistance to larger businesses (over 25 employees) will be subject to demonstration of need and impact on the remaining small businesses in the community not receiving assistance.

### Small Business Project Examples

- City requests \$1,000,000 in CV funds to assist at least 40 businesses with reopening expenses such as marketing to announce reopening/new hours and increase in payroll to bring staff back or increase hours, and an increase in inventory. This will help improve business resiliency and create or retain 30 jobs
- County requests \$250,000 in CV funds to provide grants to assist 12 businesses with costs related to accessing the services of a consultant to establish a digital marketing strategy. This will help prepare businesses for new pandemic realities and help to retain 15 jobs.
- The Town requests \$500,000 in CV funds to establish a Small Business Assistance Program to provide grants to eligible businesses to purchase point of sale equipment and provide on-line capability to decrease crowding, increase safety, and improve business efficiency.

### CDBG-CV Economic Development Quick Guide

<https://files.hudexchange.info/resources/documents/CDBG-CV-Economic-Development-Quick-Guide.pdf>

### CDBG-CV Rural Economic Development Quick Guide

<https://files.hudexchange.info/resources/documents/CDBG-CV-Rural-Economic-Development-Quick-Guide.pdf>

## **B. IMPROVING AIR QUALITY IN PUBLIC FACILITIES**

Grant funds will be available to assist municipal public facilities, nursing homes, homeless shelters, senior centers, supportive and public housing developments and other critical institutions with reconfiguration and physical adjustments to comply with social distancing, reduced occupancy and other requirements following the COVID pandemic. These investments will allow local governments to prepare for and prevent the spread of COVID-19 through thoughtful redesign. The improvements will increase environmental and structural safety in public facilities such as nursing homes, daycares, and public housing.

Uses may include physical redesign of existing facilities to encourage reduced density, redesign and improvement of air filtering or ventilation systems, acquisition/development of underutilized properties to expand public facilities and public space, redevelopment or design of a facility to serve a dual purpose such as a shelter for future disaster events.

Funds may not be used to support general operation expenses for local governments or improvements to buildings used for the general conduct of government.

All applicants undertaking public facility projects, including but not limited to senior centers, health care centers, and day care centers, must ensure that the facility will be used for the

purpose that was funded under CDBG-CV for a period until five years after the closeout of the grant from which the assistance to the property was provided. At a minimum, applicants must incorporate this 5-year compliance obligation into the program design and agreement with recipient.

#### Improving Air Quality Project Examples

- County requests \$800,000 in CV funds to upgrade the HVAC system and improve Wi-Fi connectivity at a senior center. The improvements will reduce transmission of air borne pathogens to vulnerable populations.
- Village requests \$500,000 in CV funds to remove and replace an emergency generator in addition to HVAC system improvements at the Police and Fire department building. These upgrades will protect emergency response providers and the community served from the spread of future viruses.

CDBG-CV Public Facilities Quick Guide

<https://files.hudexchange.info/resources/documents/CDBG-CV-Public-Facilities-Quick-Guide.pdf>

### **C. HOUSING FOR SAFE SHELTER**

Increased time in the home and prolonged exposure to environmental hazards may create new health and safety issues for families in NYS. The connection between health and quality housing is well established and addressing the availability, safety and quality of NY's housing stock has never been more critical given the recent crisis requiring sheltering in place and reducing density in both public and private spaces.

Grant funds will be made available to assist rental and single-family homeowners with repairs or upgrades critical to improving the overall availability, health and safety of the housing. This includes funding to update and modify basement apartments or accessory dwellings to create additional safe, affordable housing and to provide upgrades to improve living conditions that mitigate the spread of COVID-19 for farmworkers.

Examples of uses include lead remediation, ventilation and HVAC improvements related to indoor air quality, reconfiguration of communal spaces and other repairs that address emergencies or code violations and allow families to safely shelter at home. This assistance will help to prepare for and prevent future occurrences of the virus by making investments to reconfigure and update living spaces and physical systems for low/moderate income families.

Applicants are expected to prioritize assistance to vulnerable populations such as seniors and families that lost income as a result of COVID.

All applicants undertaking multi-unit housing, including farmworker housing, must ensure compliance with fair housing laws and that affordability and occupancy requirements are observed for a minimum five-year period from the date of project completion. HCR may mandate longer affordability terms for rental housing projects.

#### Housing for Safe Shelter Project Examples

- City requests \$1,000,000 in CV funds to make improvements to low-income rental housing units to remediate health hazards. The activities will improve substandard housing conditions that endanger tenants from sheltering in place during future pandemics.
- Town requests \$2,000,000 to replace 15 manufactured homes located on a local farm to provide 30 farmworkers with decent and suitable living conditions. This project will improve health and safety for farmworkers and mitigate the spread of COVID-19.
- County requests CV funds to rehabilitate single-family homeowner housing to remediate health hazards. These changes will improve substandard housing conditions that endanger tenants from in sheltering in place during future pandemics.

### **D. CONVERSION OF UNDERUTILIZED BUILDINGS FOR AFFORDABLE HOUSING**

The pandemic has both increased commercial vacancies and generated an increased need for affordable and supportive housing. CDBG funds can be a critical component for addressing the needs of families and individuals experiencing homelessness or housing challenges as a result of the COVID-19 pandemic.

HCR will therefore accept applications for the repair of residential building stock or for the acquisition and conversion of other vacant structures to create new opportunities for affordable housing or for the development of public facilities, e.g., shelters, senior centers, or recreation facilities.

All applicants undertaking multi-unit housing, including farmworker housing, must ensure compliance with fair housing laws and that affordability and occupancy requirements are observed for a minimum five-year period from the date of project completion. HCR may mandate longer affordability terms for rental housing projects.

### **E. PUBLIC SERVICES**

#### **1. Vaccine Outreach and Awareness**

Funds will be made available to support community-based outreach in low-and-moderate income areas or to HUD designated vulnerable or underserved populations to ensure they are able to locate and access the COVID-19 vaccines as they become available. HCR expects that this assistance is primarily coordinated through not-for-profit organizations that may provide services and programming to those communities.

Uses may also include working with target populations to educate residents about vaccine safety and post vaccine federal guideline recommendations.

#### Vaccine Outreach Project Example

County requests CV funds to purchase a vehicle and PPE equipment to conduct mobile vaccine outreach. This will ensure low to moderate income communities have access to critical resources and services in response to the pandemic.



## **2. Wi-Fi Connectivity for Underserved Communities**

Funds will be made available as a public service, public facilities, or housing activity to ensure that families in underserved communities have Wi-Fi access for remote education and telehealth services through new and expanded broadband. Applicants must identify connectivity projects that can be completed within 12 months.

Public and community service providers expanded existing services and developed new programs to support increased and new community needs during the pandemic. CDBG grant funds can be provided to directly support the cost of delivering these critical programs to New York's most vulnerable populations at a local level.

### Wi-Fi Connectivity Project examples

- Recipients can use CV funds to expand broadband access across low-to-moderate income eligible municipalities. CV funds will be used for broadband service payment, installation of wireless equipment, and providing Wi-Fi equipment. These activities will ensure communities have access to critical resources and services for future pandemics.
- Recipients can use \$400,000 in CV funds to assist with installing public broadband access points. CV funds will be used to for the system design costs, equipment purchase, and installation of antennae. Equipment is installed in the public right-of-way and will serve an entire area determined to be principally low to moderate income.
- Recipients can use \$800,000 in CV funds to provide and install broadband equipment for low-to-moderate income eligible households. Increasing Wi-Fi accessibility to low-to-moderate income persons will ensure those individuals have access to critical virtual services for future pandemics. Equipment is installed directly within low to moderate income households.

CDBG-CV Broadband Quick Guide –

<https://www.hudexchange.info/resource/6329/cdbq-cv-broadband-quick-guide/>

## **3. Support for Mental Health Services**

The need for mental health services has increased during the pandemic. Applicants may request CDBG funds to support new or expanded mental health services. Grant funds can cover program costs related to domestic violence/abuse services, substance abuse treatment and recovery services, suicide prevention and other general mental health services.

HCR expects that this assistance is primarily coordinated through not-for-profit organizations that may provide services and programming to those populations. Consideration should be given to projects that utilize public service dollars to complement other activities undertaken using CDBG-CV funds. Note that the public service activity must be for a new or expanded service and cannot support activities already funded by other parties.

### Mental Health Project examples

- Recipients can use funds to provide mental health services to elderly persons to ensure vulnerable populations have access to critical resources and services in response to future pandemics. Funds can be used for the costs to deliver services as staff time (payroll), supplies, and equipment.

- Recipients will use CDBG CV funds to construct a second-floor room in a community center that will include an adult mental health space (among other areas) to meet the increased need for mental health resources caused by the pandemic.

#### **4. Food Programs**

Recipients may request funds to develop or expand a program that provides healthy food to low-to moderate-income communities to improve health outcomes and secure those populations against Coronavirus and future pandemics. Eligible expenses would be similar to other public services projects

##### Food Program Project example

Recipient uses \$200,000 in CDBG-CV funds to purchase a delivery vehicle and pay for staff time to increase the reach of free meals deliveries to low- and moderate-income households.

#### **5. Special Projects**

NYS HCR intends to make CDBG-CV funds available to best serve needs created by the COVID-19 pandemic. Applicants that identify a critical need that falls outside of the above activities, but which are within the four categories approved by HUD, should contact HCR to discuss the proposal. Applications that meet the HUD mandated nexus to COVID and a CDBG National Objective may be considered for funding.

## **V. APPLICATION PROCESS & DEADLINES**

### **A. PROJECT CONSULTATION FORM**

Applicants must submit a Project Consultation Form to the Office of Community Renewal (OCR) to confirm activity eligibility and for technical assistance prior to submitting an application. This Form is available with the funding round materials on HCR's website and must be submitted to [CDBGCARES@hcr.ny.gov](mailto:CDBGCARES@hcr.ny.gov).

Upon review of a Project Consultation Form, OCR staff will contact the applicant to advise on activity eligibility, request additional information or provide approval to proceed to submit a full application.

### **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 a full application for funding. A public hearing template is available in the full application document and with the funding round materials on the website.

- (1) The municipality must provide a minimum seven (7) day period between the publication of the hearing notice and the hearing itself. Note that the date of publication is day "zero." Longer notice periods are encouraged to ensure compliance with all requirements.
- (2) The hearing notice must be conspicuously posted in one or more public locations at least seventy-two (72) hours prior to the actual hearing. This may also be accomplished by posting to the municipal website.

- (3) The hearing must be conducted by a quorum of the legislative body of the municipality only, not by a sub recipient, department or arm of the applicant.
- (4) Public hearings must be held in a location accessible to persons with disabilities and/or provide reasonable accommodations to allow all interested parties to participate.
- (5) The hearing notice, affidavit of publication, hearing minutes, and evidence of conspicuous public posting must be included as an attachment to the application
- (6) A copy of the application must be available for public inspection at the municipal office(s) prior to and during the hearing. Please reference the “Public Hearing One-Pager” for a list of items that must be disclosed to citizens during the hearing:  
<https://hcr.ny.gov/system/files/documents/2021/12/public-hearing-one-pager.pdf>. Templates for both public hearings can be found in Chapter 8 of the NYS CDBG Grant Administration Manual (GAM) here:  
<https://hcr.ny.gov/cdbg-grant-administration-manual-chapter-8-file-maintenance>

### **C. SUBMITTING APPLICATION**

Once an applicant has received approval to submit a full application, applicants must submit an electronic copy of the application to OCR at:

[CDBGCARES@hcr.ny.gov](mailto:CDBGCARES@hcr.ny.gov)

Subject: Application – Town/Village/City/Not-for-Profit Applicant Name

A complete copy of the signed application must be retained by the applicant.

### **D. TECHNICAL ASSISTANCE**

OCR will provide technical assistance regarding the application, proposed projects, and program regulations to applicants upon receipt of the initial Project Consultation Form but will continue to be available to answer questions regarding the application and/or the NYS CDBG Program. Applicants should contact OCR staff at [CDBGCARES@hcr.ny.gov](mailto:CDBGCARES@hcr.ny.gov) or 518-474-2057 for assistance.

### **E. APPLICATION DEADLINE**

Funding round materials are available on the [NYS CDBG web site on Wednesday December 29, 2021](#). Applications will be accepted on an open round basis with rolling awards. The application period will close **4:00 pm Thursday, June 30<sup>th</sup>, 2022 or earlier if all funding has been exhausted**.

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 provided email inbox. Requests for approval to submit a paper application must

be sent to: Office of Community Renewal, CDBG CARES, NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4<sup>th</sup> Floor South, Albany, NY 12207.

HTFC/HCR reserve the right to award all, a portion of, or none of an applicant's requested funds based upon funding availability, feasibility of the applications received, an applicant's ability to meet HTFC criteria for funding. HTFC also reserves the right to change or disallow aspects of the applications received and may make such modifications an expressed condition of its commitment to provide funding to a project.

HTFC/HCR reserve the right to end or extend the Notice of Funding Availability and Request for Applications at any time and subject to availability of funds. HTFC reserves the right to waive or modify any requirement contained in the Notice of Funding Availability or Request for Applications and applications received are subject to any applicable State and/or Federal laws and regulations.

## **VI. APPLICATION REVIEW**

### **A. APPLICATION THRESHOLD REVIEW REQUIREMENTS**

CDBG-CV applications must present project proposals that:

- Prepare, prevent, or respond to impacts of COVID-19 and potential variants or, future pandemics.
- Meet a CDBG National Objective
- Address one or more of the specified activities:
  - Supporting Small Business
  - Improving Air Quality in Public Facilities
  - Environmental Improvements for Housing in Safe Shelter
  - Conversion of Underutilized Buildings for Affordable Housing
  - Vaccine Outreach and Awareness
  - Wi-Fi Connectivity for Underserved Communities
  - Support for Mental Health Services
  - Special Projects
- Request funding within the limits outlined above
- Can be completed within 12 months of award
- Do not provide assistance to a for-profit business in the form of lobbying or other political activities
- Applicants may generally request up to 18% of the CDBG award in program delivery, administration, and engineering costs combined. Of the 18%, administration must not exceed more than 5% of the total CDBG award. \*Please note that these limits may vary by activity.
- Do not request reimbursement of costs prior to January 21, 2020. (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, including eligible pre-award 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, strength of connection to Coronavirus response, leveraging of other sources.
- **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.

Applications will be evaluated out of 20 points, with a threshold of 15 points to be considered for funding. The OCR will make every effort to advance projects to the HTFC board that reach the minimum score and that meet all of the thresholds and requirements described above, pending funding availability

## VII. PROGRAM ADMINISTRATION REQUIREMENTS

For general program guidelines, applicants may reference the NYS CDBG Grant Administration Manual here: <https://hcr.ny.gov/community-development-block-grant>. Some critical administrative areas to consider are:

### A. DUPLICATION OF BENEFITS

CDBG-CV grantees must have policies and procedures in place to prevent duplication of benefits with other state and federal funds. This means that grantees may not use CDBG-CV funds for costs already fully covered by other sources. Applicants will be required to complete and attach a *Duplication of Benefits* form. Additional certifications will be provided with each request for reimbursement for the duration of the project. Applicants will need to demonstrate loss and indicate any payments made by other agencies and/or private insurance. After those payments, any unmet need could be eligible for CDBG assistance.

### B. PROCUREMENT

An applicant may choose to use a third-party consultant and/or not-for-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 Chapters 1 and 4 of the NYS CDBG Grant Administration Manual, “Getting Started” and “Procurement Standards” respectively.

## **C. ENVIRONMENTAL REVIEW**

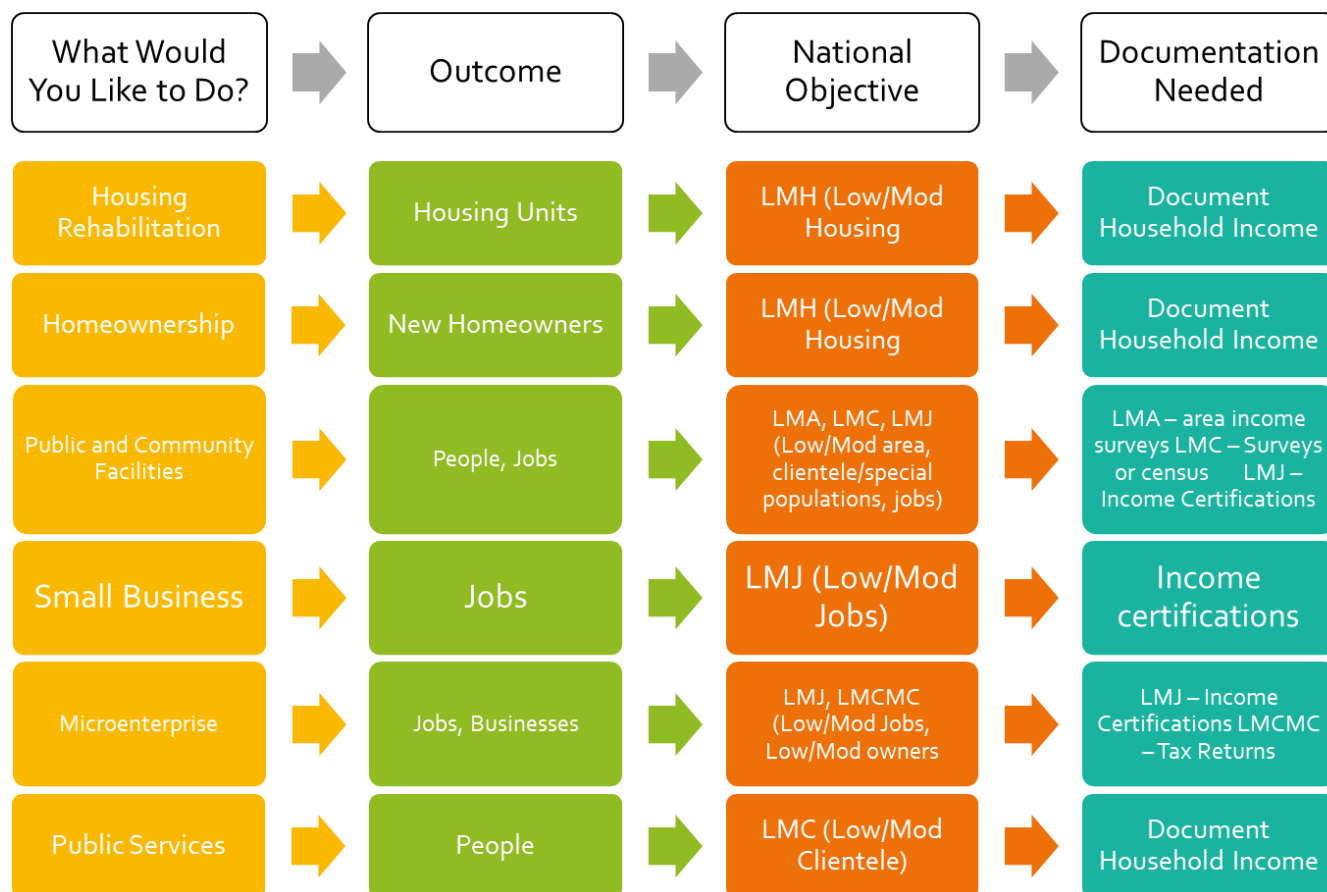
All CDBG projects are required to undergo a National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) review. The length of time for the NEPA review varies based on the type of activities that are undertaken. Any non-exempt costs incurred prior to approval of the NEPA review would not be eligible for CDBG reimbursement. Certain pre-award costs may be eligible back to January 21, 2020. Eligible costs would include exempt or categorically excluded activities. 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. NATIONAL OBJECTIVE**

Each project proposed for CDBG assistance must meet a National Objective as defined by HUD. For a majority of projects, this objective can be met by ensuring that at least 51% of the beneficiaries assisted are low-to-moderate income households and/or individuals. HCR intends to fund CDBG CARES projects that meet the LMI National Objective. Projects that rely on Urgent Need or Slum & Blight to meet a National Objective will be considered only in limited circumstances.

The narrative for the Project Proposal, question C, 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 National Objective by activity type. Applicants are strongly encouraged to consult with OCR staff to address any questions about these requirements.

## 1. Low- to Moderate Income (LMI) Benefit



### ***Documentation by Activity to meet LMI National Objective***

#### Housing (Rehabilitation and Homeownership)

- Gather documentation of income sources and project future income over the next year. HUD provides an online income calculator here: <https://www.hudexchange.info/incomecalculator/>
- For multi-family properties, a majority of the assisted units must be occupied by low/moderate income households. Documentation may be satisfied through self-certification. Examples are available upon request.

#### Small Business (Including Microenterprise)

- At least 51% of the jobs created or retained must be held by or made available to low/moderate income persons. HUD allows a self-certification of household income. OCR uses a Family Income Form found here: <https://hcr.ny.gov/system/files/documents/2018/10/familyincomeform.pdf>.
- For microenterprise projects, National Objective can be met if the owner of the business is determined to be from a low/moderate income household at the time of assistance. Collect personal tax returns to document income

## Public Facilities and Public Services

- Low/mod area (LMA) – over 51% of the persons served are low/moderate income (LMI). Use census data or income surveys as documentation. HUD's LMI mapper can be found here:  
<https://hud.maps.arcgis.com/apps/webappviewer/index.html?id=ffd0597e8af24f88b501b7e7f326bedd>. For more information on income surveys, please see Chapter 5, Eligible Activities, of the CDBG Grant Administration Manual here:  
<https://hcr.ny.gov/cdbg-grant-administration-manual-chapter-5-eligible-activities>
  
- Low/mod Clientele (LMC) - The population served is presumed low/moderate income by HUD standards (low/mod clientele). Special populations that meet this definition include:
  - LMI individuals
  - Abused children
  - Battered spouses
  - Elderly persons
  - Severely disabled adults
  - Homeless persons
  - Illiterate adults
  - Persons living with AIDS
  - Migrant Farmworkers

For the LMC National Objective, the purpose and intent of the project must be clear at the time of application. Projects that target special populations must include written certification(s) that the assisted facilities serve the intended group. Public facility or service projects that will meet national objective by serving LMI individuals, but not otherwise targeting another special population, must provide income documentation as described above.



- **Special Rules for Retained Jobs:** To consider jobs retained as a result of CDBG assistance, there must be clear and objective evidence that permanent jobs will be lost without CDBG assistance. For these purposes, “clear and objective” evidence that jobs will be lost would include:
  - Evidence that the business has issued a notice to affected employees or made a public announcement to that effect, or
  - Analysis of relevant financial records which clearly and convincingly shows that the business is likely to have to cut back employment in the near future without the planned intervention.

To meet the LMI jobs standard, 51% or more of the retained jobs must be either:

- Known to be held by LMI persons at the time CDBG assistance is provided and/or
- Jobs not known to be held by LMI persons, but which can be reasonably expected to “turn over” to LMI persons within two years. (This would involve the grant recipient and the business being assisted taking actions to ensure that such a job, upon turnover, will be either taken by or made available to an LMI person in a manner similar to a newly created job)

## **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, including:

- 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 at <https://www.hudexchange.info/resource/2179/guide-national-objectives-eligible-activities-state-cdbg-programs/>

**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.**

## E. FAIR HOUSING

All applicants **are required to** provide a statement indicating if, within the past ten (10) years, the applicant has been the subject of any housing discrimination proceeding before a federal, state and/or local adjudicatory body. The statement must:

- Provide the final disposition or indicate that the proceeding is pending, if applicable.
- Provide a brief description of the complaint and procedural history for cases that are pending or final administrative and/or court orders.

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.

### *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 abovementioned 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@hcr.ny.gov](mailto:FEHO@hcr.ny.gov).

*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 or 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, municipal 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.

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.

## **F. ADDITIONAL CIVIL RIGHTS REQUIREMENTS**

All applicants that receive CDBG funds must comply with all applicable cross-cutting regulations pertaining to Equal Opportunity, Section 3, Minority and Women-Owned Business Enterprises (M/WBE), and Affirmatively Furthering Fair Housing (AFFH) practices (described above). Recipients will be subject to regular reporting by NYS HCR on practices to comply with the above. Recipients will also be subject to project monitoring, and compliance with civil rights requirements will be reviewed at the time of monitoring.

For more information, please see Chapter 7 of the NYS CDBG Grant Administration Manual, "Other Federal Requirements".

Information specific to VAWA compliance can be found on the FEHO website at <https://hcr.ny.gov/marketing-plans-policies>