

New York State
COMMUNITY DEVELOPMENT
BLOCK GRANT (CDBG) PROGRAM

2024 VACANT PROPERTY CLEARANCE PROGRAM (VPCP)

REQUEST FOR APPLICATIONS



**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

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I. FUNDS AVAILABLE

The NYS CDBG Program is administered by the Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR) and funds a variety of activities across the State to develop viable communities. CDBG Program funds are allocated to New York State by the Department of Housing and Urban Development (HUD) for the NYS CDBG Program. The HTFC will make available approximately \$10 million in NYS CDBG Program funds through this Request for Applications (RFA) in support of the NYS CDBG Vacant Property Clearance Program (VPCP).

II. FUNDING LIMITS

Counties, Towns, Cities and Villages are eligible to apply for up to \$1,000,000 in CDBG assistance.

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 on the OCR website under [Program Guidelines](#).

Joint applications between two or more eligible local governments may be submitted. The application must demonstrate that a joint effort is required to solve the problem; joint applications submitted only for administrative convenience are not eligible and will not be considered for funding. A cooperation agreement between the local governments must be included as an attachment to the application. Note that each participating municipality must individually adhere to citizen participation requirements and hold a public hearing prior to application. Consultation with OCR is strongly encouraged.

Privately-owned properties, or properties owned by a non-profit or instrumentality of local government, such as land-banks, may be eligible for assistance, provided that:

- Effective site control is established prior to submission of the full application, and
- The unit of local government secures the assistance through a local grant agreement or other legal instrument, ensuring that the owner is not unduly enriched through participation in this program.

IV. ELIGIBLE ACTIVITIES

The Vacant Property Clearance Program (VPCP) provides CDBG funds for the clearance, demolition, and removal of blighted buildings in commercial and mixed-use neighborhoods that pose a threat to public health and safety. These funds are intended to provide assistance for "demolition-only" activities where a qualified end-use has not been identified or where the property will remain vacant post-clearance. Activities will fall into one of two categories:

1. Slum/Blight Area (SBA) – Clearance and/or demolition of one or more buildings and/or structures in an area officially designated by the grantee that meets the definition of a slum, blighted, deteriorated or deteriorating area
2. Slum/Blight Spot (SBS) – Clearance and/or demolition of a single building or structure to address and arrest a specific instance of blight or deterioration. An aggregation of scattered spots may be considered on a case-by-case basis.

Funding may also be used to cover costs beyond the actual clearance of the property that include but are not limited to:

- Environmental Site Assessments – As appropriate to deliver the activity
- Site Work – If related to the demolition or clearance activity
- Soft Costs – Architectural/engineering fees, legal fees
- Environmental Mitigation – Lead-based paint compliance, asbestos, air quality monitoring, etc.

OCR reserves the right to disallow any part of the proposed budget based on federal and/or state policy and regulations, as well as on availability of funds.

When proposed clearance or demolition activities are part of the construction of a building or improvement on the cleared property, and where such construction is also to be assisted with CDBG funds (e.g., manufactured home replacement), the clearance activities may be treated as a part of the construction costs under that project and may not qualify separately under this program.

This program is to support demolition of vacant blighted structures as a standalone activity with vacant land as the end use. If another use is proposed within five years from demolition, the new use must meet a CDBG National Objective and be approved by HCR or the CDBG funds must be returned, as defined in 24 CFR 570.505 and 24 CFR 570.489(j).

Acquisition of property may be considered an eligible cost if municipal ownership is necessary to address the blight or safety concern. Note that when property is acquired for the sole purpose of clearance to remove specific conditions of blight or physical decay, the clearance itself is considered to be the actual end use of the property.

V. INELIGIBLE ACTIVITIES

NYS CDBG VPCP funds are available for clearance activities only. Construction, rehabilitation, infrastructure work, operations or other expenses are ineligible under this activity. Costs incurred prior to award are also ineligible.

- These funds cannot be used for clearance of buildings, or portions thereof, used for the general conduct of government. This definition does not include such facilities as neighborhood service centers or special purpose buildings that may house services provided by government at decentralized locations.
- Expenses for the general conduct of government are not eligible. Costs directly attributable to administration of a local CDBG program may be considered for reimbursement.

VI. PROGRAM REQUIREMENTS

The following is a listing, not all inclusive, of regulations and other program requirements that apply to the NYS CDBG Program and to the activities offered under this RFA. 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 the NYS CDBG Program.

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

National Objective

All CDBG-funded activities must meet one of HUD's National Objectives. For the purposes of this program, grantees must demonstrate compliance with the Slum/Blight Area (SBA) or Slum/Blight Spot (SBS) National objective. The focus of activities under this national objective is to address specific instances of blight and deterioration or to affect positive change in the physical environment of a deteriorating area. This contrasts with the LMI benefit national objective where the goal is to ensure that funded activities benefit LMI persons.

In developing the criteria for qualifying under this national objective, HUD has taken considerable care to ensure that activities that qualify under the objective are either: 1) clearly eliminating objectively determinable signs of slums or blight in a defined slum or blighted area (SBA) or 2) are strictly limited to eliminating specific instances of blight outside such an area ("spot blight" - SBS). The regulatory citation for this national objective can be found at [24 CFR 570.483\(c\)](#).

Slum/Blight Area (SBA)

To qualify under the national objective of slums/blight on an area basis, an activity must meet the following criteria:

1. The area must be delineated by the unit of local government applicant and must meet a definition of a slum, blighted, deteriorated, or deteriorating area under State or local law. ([Article 15 of the NYS General Municipal Law](#) provides a general definition of a "substandard or insanitary area". The OCR will consider the definition to have been met based on the criteria are listed below.) The area must be defined by the applicant and shown to have contiguous boundaries and interrelated problems causing the entire area to be blighted.
2. The area must exhibit signs of economic disinvestment as indicated by *at least one* of the following physical signs of blight or decay:
 - a. There must be a substantial number of deteriorated or deteriorating buildings throughout the area. As a "safe harbor," HUD will consider this test to have been met if at least one quarter (25%) of all the buildings in the area are:
 - i. Deteriorated or deteriorating
 - ii. Abandoned
 - iii. Experiencing chronic high occupancy turnover rates or chronic vacancy rates in commercial or industrial buildings
 - iv. Experiencing significant declines in property values or abnormally low property values relative to other areas in the community; or
 - v. Known or suspected of environmental contamination

- b. The public improvements throughout the area must be in a general state of deterioration. (For this purpose, it would be insufficient for only one type of public improvement, such as a sewer system, to be in a state of deterioration; rather, the public improvements taken as a whole must clearly exhibit signs of deterioration.)

Slum/Blight Spot (SBS)

The elimination of specific conditions of blight or deterioration on a spot basis is designed to be used for the prevention of blight, on the premise that such action(s) serves to prevent the spread to adjacent properties or areas. To comply with the national objective of Elimination or Prevention of Slums or Blight on a Spot Basis, i.e., outside a slum or blighted area, an activity must meet both of the following criteria:

1. The activity must be designed to eliminate specific conditions of blight, physical decay or environmental contamination not located in a designated slum or blighted area and
2. The activity must be limited to clearance.

As a general rule, national objective compliance for the acquisition of real property must be based on the use of the property after the acquisition takes place. The initial determination is based on the planned use of the property, but the final determination is to be based on the actual end use. However, when property is acquired for the purpose of clearance to remove specific conditions of blight or physical decay, the clearance is considered to be the actual use of the property. Any subsequent use made of the property following clearance must be considered to be a “change of use” under 24 CFR 570.505 and 24 CFR 570.489(j). See “Change of use” below.

Record Maintenance and Documentation

Slum/Blight Area

Documentation submitted at the time of application must include:

- Boundaries of the area clearly identified on a map or plan showing 25%+ of the property in the area is blighted and/or the location of degraded/substandard public infrastructure.
- Documentation of the specific conditions that qualified the area at the time of its designation. The recipient must establish definitions of the conditions and maintain records to substantiate how the area met the slums or blighted criteria. This documentation can include, but is not limited to, structural analysis of buildings, engineering studies, documentation of local code enforcement actions, planning board actions, public health and safety violations, and actions taken by other state or local authorities.
- A description of the activity showing how it addresses, arrests or reverses the condition or conditions that led to the decline of the area.
- A municipal resolution passed by a quorum of the legislative body during public session declaring a Slum/Blight area, confirming the criteria outlined under “National Objective”. *Note that the Slum/Blight declaration is an action of the local government based on documented conditions of need and not merely a requirement of this program.* While evidence of the Slum/Blight declaration is required as part of the application process, officially recognizing a blighted area/property is not contingent on, or necessarily related to, receiving CDBG funds.
- Evidence that the required public hearing was held following any official declaration of Slum/Blight area adoption.

Slum/Blight Spot

Documentation submitted at the time of application must include:

- A description of the specific condition of blight or physical decay of a site(s) outside a designated Slum/Blight area
- Documentation that conditions at the blighted property(ies) are detrimental to or pose a threat to the general public health and safety. This documentation can include, but is not limited to, structural analysis of buildings, engineering studies, documentation of local code enforcement actions, planning board actions, public health and safety violations, and actions taken by other state or local authorities.
- Describe how the activity will arrest or reverse the blighted conditions at that location(s).
- A municipal resolution passed by a quorum of the legislative body during public session declaring a specific site a Slum/Blight property, confirming the criteria outlined under “National Objective”. *Note that the Slum/Blight declaration is an action of the local government based on documented conditions of need and not merely a requirement of this program.* While evidence of the Slum/Blight declaration is required as part of the application process, officially recognizing a blighted area/property is not contingent on, or necessarily related to, receiving CDBG funds.
- Evidence that the required public hearing was held following any official declaration of spot Slum/Blight.

Labor Requirements

The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. However, this program is intended to assist with the clearance and demolition of properties without a specific end use. Therefore, applicants preparing to undertake demolition as a stand-alone activity will not trigger Davis Bacon requirements.

Note that if new construction at the site is planned as part of the same contract, then the demolition work is considered to be part of the overall construction project and Davis Bacon will apply.

Contract Term

The contract term shall not exceed twenty-five (25) months. All awarded projects will be required to demonstrate substantial progress within six (6) months of award. Substantial progress is defined as grant execution in forty-five (45) days of award, submission of request for funds within sixty (60) days of award, projects out to bid and costs incurred with submission of first request for funds within six (6) months of award. The OCR reserves the right to rescind the award if substantial progress cannot be demonstrated as described above. Requests for extensions to complete program activities may be limited or not approved.

Procurement

An applicant may choose to use a third-party consultant and/or non-profit subrecipient to help administer the project. For all construction and professional service contracts (environmental review, remediation, demolition, etc.) 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.

Environmental Review

All CDBG projects are subject to review under the National Environmental Policy Act (NEPA) and State

Environmental Quality Review Act (SEQRA). Applicants must complete a draft Environmental Review Record (ERR) demonstrating readiness to proceed. Note that 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. The cost to undertake and complete NEPA may be eligible for reimbursement, if procured in compliance with federal procurement requirements 2 CFR Part 200.

Projects will be subject to all federal and NYS laws and regulations related to the handling of lead-based paint and asbestos. All projects must also consult with NYS Historic Preservation Office (SHPO) as part of the environmental review process. These may be eligible project costs contingent on review and approval by the OCR. For more information, please see Chapter 2 of the NYS CDBG Grant Administration Manual, [Environmental and Historic Review](#).

Change of Use

The intention of this program is to assist with clearance activities where the end use will be vacant property or where no specific plans exist for re-use. Pursuant to 24 CFR 570.505 and 24 CFR 570.489(j), property that has been acquired or improved (including clearance) in whole or in part using CDBG funds may not change the use of such property for a period of five (5) years after closeout unless the unit of local government goes through a “change of use” process. Any change of use (even from a “vacant” state) must:

1. Be communicated through a public hearing that provides affected citizens reasonable notice of an opportunity to comment on any proposed change, and;
2. Meet a national objective under CDBG and is not a building for the general conduct of local government.

If the new use cannot meet a national objective, repayment of funds will be required.

If the recipient plans to change the use of a property within five (5) years from grant closeout, they must submit a request to the OCR in writing prior to making any change and comply with 24 CFR 570.505 and 24 CFR 570.489(j).

Grant closeout will occur once the recipient has no further obligations under the executed grant agreement.

Examples of CDBG-eligible activities that will not trigger repayment under the change of use requirements include, but are not limited to:

- Affordable housing occupied by low/moderate income families.
- A day care serving a majority low/moderate income neighborhood.
- A new business creating entry-level jobs primarily available to low/moderate income persons.

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.

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 \$200,000, the contractor and its subcontractor are also subject to the provisions. Please see additional guidance in the required NYS CDBG Administrative Plan located on the [CDBG website](#), or on the agency's [Section 3](#) website.

Equal Employment and Minority and Women Owned Business Participation

Applicants are subject to the Equal Employment Opportunity 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, OCR 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. As applicable, grant recipients will follow all relevant NYS laws and regulation for projects that leverage other NYS state funds.

Please see additional guidance on MWBE requirements in Chapter 7, Other Federal Requirements, in the CDBG Grant Administration Manual.

Non-Discrimination

No person in the United States shall, on the grounds of race, color, familial status, religion, sex, disabilities, national origin, marital status, age, gender identity or expression of sexual orientation 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.

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, at a minimum Recipients **are required to:**

- Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, 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. The officer must be 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 OCR 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 HCR's 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.

- 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 FEHO 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 OCR to AFFH, and supplement, but do not replace the responsibility of each grantee to AFFH as described in the CDBG Grant Administration Manual.

Violence Against Women Act (VAWA)

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

VII. APPLICATION PROCESS & SUBMISSION

How to apply

Interested applicants must complete a two-step process, beginning with a pre-application form within the NYS Consolidated Funding Application (CFA), accessible <https://apps.cio.ny.gov/apps/cfa/>. Based upon the results of the consultation and the pre-submission information, the applicant may be invited to submit a full application for funding within the CFA.

Application Submission

Funding round materials will be available on the [Funding Opportunities](#) of the Office of Community Renewal website beginning Monday, May 13, 2024.

Applications will be accepted, and awards made on a rolling basis through December 31, 2024, or until all funds are committed.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CFA 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.

Technical Assistance

Applicants are strongly advised to consult with OCR program staff to determine if the proposed project meets CDBG and OCR program requirements prior to submission of an application. OCR will provide technical assistance regarding the application, proposed projects, and program regulations to applicants. Applicants can contact OCR staff at HCR_CFA@hcr.ny.gov or 518-474-2057 for assistance.

Public Hearing Pre-application Requirement

HUD “encourages citizen participation, with particular emphasis on participation by persons of LMI,” both in the preparation of CDBG applications and throughout the implementation of local CDBG projects. Therefore, to fulfill federal requirements, 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.

Applicants should use the citizen participation process as an opportunity to show strong and clear community support for clearance activities and are encouraged to take steps beyond the required public hearing to engage constituent communities, e.g. public information sessions, workshops, surveys, etc.

A public hearing “toolkit” providing templates and other guidance to comply with these requirements can be found [here](#).

Administrative Funds and Project Delivery

Applicants may 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, program delivery and engineering must not exceed 13% of the total CDBG award.

Applicant Capacity and Prior Experience

Applicants for NYS CDBG Program funds, as with all 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 evidence 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.

HTFC reserves the right to:

- Communicate with an applicant for the purpose of addressing clerical and mathematical errors in applications.
- Not to issue an award or contract to any applicant if it has been determined that the applicant is not in compliance with existing contracts and has not taken satisfactory steps to remedy such non-compliance. Activities that commence prior to contract execution and environmental review will not be eligible for reimbursement.
- Award all, more than identified, a portion of, or none of the available funds based upon funding availability, feasibility of the applications received, the competitiveness of the applications, an applicant's ability to meet HTFC criteria for funding, the applicant's ability to advance the State's housing goals, and HTFC's assessment of cost reasonableness. HTFC reserves the right to award all, a portion of, or none of the application's requested amount, and further reserves the right to review an application requesting funds as an application for funding under other programs for which the proposed activity is eligible, and to change or disallow aspects of the applications received.
- Waive any requirement contained in this RFA or revise the terms or extend this RFA as needed.
- Change or disallow aspects of the applications received and may make such changes an expressed condition of its commitment to provide funding for proposed activities. Award of funds does not confirm eligibility of all activities included in an application proposal.

VIII. APPLICATION REVIEW

APPLICATION THRESHOLD REVIEW REQUIREMENTS

CDBG applications must:

- Present projects that comply with CDBG National Objective and NYS CDBG priorities
- Demonstrate compliance with NYS Citizen Participation
- Include an adopted resolution declaring a slum/blight area or a specific site slum/blight property
- Request funding within the limits outlined above
- Present projects that can be completed within 25 months of award; that no significant impediments exist that would delay initiation and completion of the project
- Do not provide assistance to a for-profit business in the form of lobbying or other political activities
- Do not request reimbursement of costs prior to award and approval of release of funds
- Applicant must have addressed and cleared all compliance problems found during monitoring, if any, from past OCR awarded projects, and have had a response accepted by OCR

ADDITIONAL APPLICATION REVIEW CRITERIA AND CONSIDERATIONS

The review process for the NYS CDBG Program is designed to ensure that the limited NYS CDBG funds available are awarded to communities that meet all of the Federal CDBG requirements, demonstrate a significant need for the proposed activity, demonstrate that the project is financially feasible, and eliminate a significant threat to public health and safety. The HTFC and OCR reserve the right to reduce funds requested based on a review of applicant capacity.

Need

The degree to which the Applicant has demonstrated:

- other strategic efforts to date to address the need
- sound methodology to determine area or spot slum and blight
- submission of third-party documentation that demonstrates a significant threat to public health and safety, e.g. a preliminary engineering report, building code violations, etc.
- that NYS CDBG funds are necessary to undertake the project and the community has applied for and is unable to secure sufficient funding or assistance through other methods or resources, including other public funding
- well-formed and supported budgets, with all other sources of funds clearly identified and documented

Impact

The degree to which the Applicant has demonstrated:

- that the proposed project will address, arrest or reverse the condition or conditions that led to the decline in the area
- that the proposed activity is appropriate in scale for the identified need
- applicant's status as a Pro-Housing Community. Indicate if the proposed program or project is located in a municipality designated as a Pro-Housing Community, or if the municipality submitted a Letter of Intent initiating the Pro-Housing Community certification process. For

County applicants, please check “yes” to Question 15699 and upload a list of the municipalities within the county and their status as a Pro-housing community with Question 15883, Applicant Certification.

Capacity

The degree to which the Applicant has demonstrated:

- that the project cost is financially feasible and includes the costs associated with historic preservation and environmental remediation, including lead-based paint and asbestos, or any other costs related to complying with federal and states laws and regulations
- that leveraged funds are available and committed at the time the application is submitted, and that there is no gap in funding
- that the costs of program delivery and administration are reasonable, do not exceed the 18% of overall CDBG request, and are based on the work to be performed, as detailed in the application
- that the project is ready, no impediments exist, or the degree to which all potential impediments, such as local approvals, asbestos surveys, SHPO clearance, regulatory compliance, community support, site control (i.e., easements, acquisition etc.), and permits and clearances, have been addressed.
- that any and all related legal instruments that will be used to secure assistance to private property owners are developed and in place, if applicable
- that the applicant has considered and taken steps to ensure that private property owners will not be unduly enriched as a result of this assistance, if applicable.
- prior program funding history, prior program administration performance and organizational capacity.

IX. PROGRAM OBJECTIVES

OBJECTIVES OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

As set forth in the Federal Housing and Community Development Act, the Primary Objective of the CDBG program “is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income (LMI).”

OBJECTIVES OF THE NEW YORK STATE CDBG PROGRAM

Financial assistance is provided for the development of projects that meet the NYS CDBG Program Objectives and that provide decent, safe affordable housing, access to clean drinking water, proper disposal of household wastewater, access to local public facilities, and economic opportunities for persons from LMI households by supporting development projects that are designed to create or retain employment opportunities or foster Microenterprise activities, and provide opportunities through planning efforts to address community development needs.

In support of New York’s community development goals, the NYS CDBG Program will:

1. Encourage investment in communities by assisting local governments in devising and implementing economic development strategies to revitalize viable communities and provide economic opportunities that principally benefit LMI persons.
2. Revitalize the vibrancy of New York's communities and enhance the quality of life through improvements to public infrastructure and public facilities.
3. Develop and implement strategies that facilitate the coordination of NYS CDBG funding with other Federal, State, and local community development resources.
4. Support a mix of rehabilitation and conversion activities to preserve and increase affordable housing for both renters and homeowners.

Other Eligible Activities

CDBG funding can be used for a variety of community and economic development activities as described in Section 105(a) of the Housing and Community Development Act of 1974, as amended, and 24 CFR 570.482, as amended. Additional information on eligible activities can be found on the HUD Exchange [here](#).

The NYS CDBG program regularly funds for activities that include:

- *Public Infrastructure* - public or private water source development, storage, and distribution; sanitary sewage collection and treatment; flood control and storm water drainage; and municipal utilities. The aforementioned types of projects may also include ancillary public works components such as sidewalks, streets, parking, open space, and publicly owned utilities.
- *Public Facilities* - structures to house or serve special-needs populations; senior services; health-care centers; childcare centers; removal of architectural barriers for the disabled (installing lifts, automatic doors, ramps, etc.); sidewalks; and multi-purpose buildings housing several qualifying activities where benefits are provided principally to low-and moderate-income persons.
- *Housing* – housing rehabilitation of owner-occupied and rental units; homeownership assistance; manufactured home replacement; private sewer and water lateral replacement; and septic system rehabilitation
- *Business Assistance* – assistance to for-profit businesses for machinery and equipment, inventory, working capital, etc. when that business will create or retain jobs held by or made available to low and moderate-income persons
- *Community Planning* – developing strategic plans, community needs assessments and Preliminary Engineering Reports. Any planning proposal at the time of application must provide documentation that the activity will meet a national objective under the CDBG program at implementation

Applicable Laws and Regulations

There are numerous Federal, state and local regulations that govern or impact the State CDBG Program. It is the responsibility of the Applicant to ensure compliance with all applicable Federal, state and local regulations and statutes. The following is a listing that is not all inclusive, of Federal regulations that apply to the State CDBG Program:

- Efforts to Affirmatively Further Fair Housing
- Davis-Bacon Fair Labor Standards Act (40 USC 276a)

- Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333)
- Copeland Anti-Kickback (18 USC 874)
- Title VI of the Civil Rights Act of 1964 (42 USC 200(d))
- Title VIII of the Civil Rights Act of 1968 (42 USC 3601)
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 792 and 3601)
- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 USC 1701 (u))
- Section 109 of the Housing and Urban Development Act of 1974, as amended (42 USC 5309)
- Age Discrimination Act of 1975, as amended (42 USC 6101)
- Architectural Barriers Act of 1968, as amended (42 USC 4151)
- Americans with Disabilities Act of 1991
- Equal Employment Opportunity (Executive Order 11246, September 24, 1965)
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259)
- The Hatch Act (5 USC 1501 et seq.)
- The National Environmental Policy Act of 1969
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and amendments of 1987
- Title IV of the Lead-Based Poisoning Prevention Act (42 USC 4831)
- HUD Reform Act of 1989
- 24 CFR Parts 35, 58, 85, and 570
- Housing & Community Development Act of 1974, as amended
- 2CFR 200, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments; Section 104(d) of the Housing and Urban Development Act of 1974, as amended (Anti-Displacement)