New York State
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

2026 HOUSING ACTIVITIES

REQUEST FOR APPLICATIONS

NEW YORK STATE OF OPPORTUNITY. | Homes and Community Renewal | Housing Trust Fund Corporation

Table of Contents

1. INTRODUCTION 4

2. FUNDS AVAILABLE 4

3. FUNDING LIMITS 4

4. ELIGIBLE APPLICANTS 4

5. APPLICATION SUBMISSION DEADLINES 4

6. ELIGIBLE ACTIVITIES 5
- A. Infrastructure in Support of Existing Housing 5
- B. Housing Rehabilitation 5
- C. Administrative Funds and Project Delivery 6
- D. Ineligible Activities 6

7. APPLICATION PROCESS & SUBMISSION 7
- A. How to Apply 7
- B. Public Hearing Pre-application Requirement 7
- C. Technical Assistance 7
- D. Application Submission 7
- E. Funding considerations: 8
- F. Expending Funds 8

8. APPLICATION REVIEW 9
- A. Application Review Process 9
- B. Threshold Eligibility Review 9
- C. Application Review Criteria 9

9. PROGRAM ADMINISTRATION REQUIREMENTS 11
- A. National Objective 11
- B. HUD Income Limits 12
- C. Definitions of Annual Household Income 12
- D. Contract Term and Timeliness 12
- E. Procurement 13
- F. Environmental Review 13
- G. Monitoring 13
- H. Smart Growth 13
- I. Program Income 13
- J. Lead Based Paint Regulations 14
- K. Davis Bacon Related Acts 14
- L. Section 3 Compliance 14
- M. Equal Employment, Nondiscrimination, and Minority and Women Owned Business Participation 14
- N. Affirmatively Furthering Fair Housing 15
- O. Violence Against Women Act (VAWA) 15
- P. Build America Buy America (BABA) 15
- Q. Unique Entity ID (UEI) and the Federal Funding Accountability and

Transparency Act (FFATA)..... 15
R. Green Small Buildings Program 16
S. Uniform Relocation Assistance..... 16

10. APPLICABLE LAWS AND REGULATIONS..... 16

1. INTRODUCTION

Eligible units of local government are invited to submit applications for NYS Community Development Block Grant (CDBG) funds allocated to New York State by the U.S. Department of Housing and Urban Development (HUD). 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 by providing decent housing, suitable living environments, and expanding economic opportunities, primarily for low-and-moderate-income individuals.

This Request for Applications (RFA) details the requirements to apply for NYS CDBG program funds and explains the process by which applications will be evaluated. All information and materials required for application are posted on the NYS CDBG program website https://hcr.ny.gov/community-development-block-grant, including but not limited to:

- Link to the Community Development Online Application System (CDOL)
- 2026 CDBG Application Instructions
- All required forms that must be uploaded to the Application
- CDBG Grant Administration Manual

2. FUNDS AVAILABLE

The HTFC will make available approximately $15 million in Federal Fiscal Year (FFY) 2026 and prior year NYS CDBG program funds through this RFA.

Funds are expressly conditioned upon the Housing Trust Fund Corporation's receipt of CDBG funds from HUD.

3. FUNDING LIMITS

These limits are provided as guidelines for expected award limits.

County, City, Town, Village	
Infrastructure in Support of Existing Housing	$1,500,000
Owner-Occupied, Single-Family Rehabilitation	$ 750,000

4. 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.

5. APPLICATION SUBMISSION DEADLINES

Application Open Date: Monday, July 13, 2026

Application Due Date: Wednesday, September 23, 2026

Applications must be submitted using the Community Development Online Application System (CDOL) at: Community Development Online | Homes and Community Renewal (ny.gov) and certified by the applicant **no later than 4:00 PM, EST, on September 23, 2026.** The application involves submitting the required data fields and uploading the necessary documents as detailed in the 2026 CDOL and CDBG Application Instructions found here: https://hcr.ny.gov/community-development-block-grant.

6. ELIGIBLE ACTIVITIES

CDBG funding may be used for eligible housing related activities as outlined below. All activities must comply with all CDBG regulations and other requirements set forth in this RFA and Section 105(a) of the Housing and Community Development Act of 1974, as amended and 24 CFR 570.482. Additional information on eligible activities can be found on the HUD Exchange.

Applications for funding public facilities, community planning, economic development, imminent threat, and public infrastructure projects are available under a separate solicitation that can be found on the OCR website under Funding Round Materials.

A. Infrastructure in Support of Existing Housing

Funds may be requested for replacement or new installation of residential housing infrastructure necessary for the functioning of a low- and moderate-income housing asset, including single site multi-unit housing, manufactured home parks, and public housing authority properties. This includes facilities, services, systems, and installations for water, sewage, power, communications, and transportation.

Well and septic replacement for owner-occupied single-family properties are undertaken under "Housing Rehabilitation" activity described below. Activities undertaken under the "Infrastructure in Support of Housing" category impact a single site or affordable housing asset.

Eligible costs under this category include but are not limited to:

- Site improvements
- Utility installation or reconstruction of water pipelines, sanitary sewers, stormwater management, electric grids, and telecommunications/broadband
- Lateral line upgrades (connection between water or sewer main and affordable housing asset)
- Replacement of lead water supply lateral and plumbing lines

A participant who owns an eligible property receiving CDBG funding assistance will be subject to use restrictions outlined in a Declaration of Interest. These restrictions will take effect on the project completion date and will last for five years.

B. Housing Rehabilitation

Eligible applicants may request funding to create and operate a local housing rehabilitation program that assists individual households on a scattered-site basis. Funds may be requested for rehabilitation and reconstruction of owner-occupied single family homes occupied by low- to moderate-income households. CDBG funds are intended to ensure that residents have access to safe and sanitary living conditions. Rehabilitation should be comprehensive and all assisted units must meet NYS and/or local building code upon completion of construction activities.

Eligible expenses include:

- Interior and exterior plumbing, electrical, carpentry, roofing, windows, HVAC, etc.
- Lead, asbestos and radon testing and remediation/abatement
- Energy conservation and efficiency improvements
- Accessibility modifications
- Well and septic upgrade and replacement

Rehabilitation of manufactured housing units is ineligible unless CDBG funds are used for accessibility modifications or for well/septic and lateral replacement.

Reconstruction of existing housing means demolishing an existing, unsafe, or severely damaged home and building a new housing unit on the same lot in substantially the same manner. Reconstruction is eligible when the cost of rehabilitation is prohibitive or is more than the cost to replace. Recipients must receive written approval from OCR prior to awarding a reconstruction project.

A participant who owns an eligible property receiving CDBG funding assistance will be subject to use restrictions outlined in a Declaration of Interest. These restrictions will take effect on the project completion date and must last for the time period outlined below.

Owner Occupied, Single Family Rehabilitation
Period of Affordability: 5 years
10 years (reconstruction, with OCR approval)

CDBG funding may be used for eligible activities as outlined above. 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 OCR for additional guidance prior to submitting an application.

C. Administrative Funds and Project Delivery

For all housing activities, applicants may request up to 18% of the CDBG award for program delivery and administration expenses. Of the 18%, administration must not exceed more than 5% and program delivery must not exceed 13% of the total CDBG funds requested for the activity. Generally, administrative costs are salaries, wages and related costs of the grant recipient's staff, the staff of local public agencies, or other staff including consultants and subrecipients engaged in managing the CDBG program. Program delivery costs are those that can be attributed directly to implementation of the CDBG program, such as marketing, verifying eligibility, environmental review, legal expenses, and labor standards compliance.

D. Ineligible Activities

- Assistance to buildings, or portions thereof, used for the general conduct of government. This prohibition extends to the administrative areas of buildings used for local government services, such as offices for fire chief or other staff. However, the removal of architectural barriers within public buildings to make them more accessible to the elderly and persons with disabilities is an eligible activity. Facilities such as neighborhood service centers or special purpose buildings that may house services provided by government at decentralized locations may be eligible.
- Expenses for the general conduct of government. However, costs directly attributable to administration of a local CDBG grant program may be considered for reimbursement.

- Purchase of equipment for local government with CDBG funds. An exception is that compensation for the use of construction equipment through leasing, depreciation, or use allowances pursuant to 2 CFR Part 200, as applicable, for an otherwise eligible activity is an eligible use of CDBG funds.
- Operating and maintenance expenses
- The replacement of existing debt with CDBG funds
- Political or religious activities
- Lobbying activities
- Advancement (or escrow) of CDBG funds prior to local approval
- NYS CDBG funds may not be used to pay for costs related to the preparation of an application

7. APPLICATION PROCESS & SUBMISSION

Prior to applying, CDBG applicants should be aware of the program requirements throughout the grant lifecycle. Applicants should review relevant sections of the CDBG Grant Administration Manual for specific guidance and requirements. The CDBG Grant Administration Manual can be found under Program Guidelines on the CDBG website: Community Development Block Grant | Homes and Community Renewal

A. How to Apply

Funding round materials will be available on the NYS CDBG website on or about Thursday, July 13, 2026.

Applications will be accepted through the Community Development Online (CDOL) system. **Applicants must pre-register in CDOL. For further information, see Applications Instructions here: https://hcr.ny.gov/community-development-block-grant#funding-round-materials.**

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 applying for funding. A public participation toolkit is available online. This document provides details on the state and federal public participation requirements, along with hearing notice templates and information on required application attachments.

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 about 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@hcr.ny.gov or 518-474-2057 for assistance.

D. Application Submission

Application Open Date: Monday, July 13th, 2026
Application Close Date: Wednesday, September 23rd, 2026 4:00PM EST

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 potential ineligibility resulting from unanticipated delays or delivery 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: OCRINFO@hcr.ny.gov or NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

E. Funding considerations:

- HTFC reserves the right to communicate with an applicant for the purpose of addressing clerical and mathematical errors in applications.
- HTFC reserves the right 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.
- HTFC reserves the right to 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.
- HTFC reserves the right to waive any requirement contained in this RFA or revise the terms as needed.
- Award of funds does not confirm eligibility of all activities included in an application proposal, and HTFC reserves the right to 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.

F. Expending Funds

A Recipient cannot expend or encumber CDBG funds for any activity, except those listed as exempt under 24 CFR 58.34, or which fall under the National Environmental Policy Act of 1969 ("NEPA") categorical exclusions set forth in 24 CFR 58.35(b), until a Recipient has completed the environmental and historic requirements.

If any project costs, regardless of their funding source, are incurred prior to the CDBG award date and the approval of the Request for Release of Funds by the Office of Community Renewal, the entire project may be deemed ineligible for NYS CDBG funds.

Recipients may incur certain administrative costs after award and contract, but prior to release of funds, if those costs are related to program set up and completing the environmental review documents.

In addition to NEPA, projects are also subject to review under the State Environmental Quality Review Act (SEQR) Classification. Information related to SEQR can be found at: http://www.dec.ny.gov/permits/6191.html.

For information about compliance with NEPA, refer to Chapter 2 of the CDBG Grant Administration Manual here or contact OCR program staff at OCRINFO@hcr.ny.gov

Note that following award, successful grant recipients may request CDBG funds for eligible activity costs incurred but not yet paid or for reimbursement of expenses already paid by the recipient or its subrecipient. Some examples of costs incurred include, but are not limited to, purchase orders, vouchers, and bills or invoices for verifiably completed work items.

8. APPLICATION REVIEW

A. Application Review Process

The application 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 CDBG requirements, demonstrate a significant need for the proposed activity, demonstrate that the project is financially feasible, and show a significant positive impact to the community.

All applications are evaluated based on threshold and review criteria established in this RFA and statutory, regulatory, and policy considerations of the CDBG program.

B. Threshold Eligibility Review

Applications must pass an initial threshold review based on the criteria summarized below. Applications that fail to meet all the threshold criteria will not be reviewed further and be deemed ineligible. To achieve basic eligibility, all CDBG applications must:

- Be submitted by an eligible unit of general local government. For a list of eligible local governments, see here: https://hcr.ny.gov/community-development-block-grant#program-guidelines.
- Propose an activity/project that meets a CDBG National Objective.
- Demonstrate compliance with NYS Citizen Participation requirements.
- Request funding within the activity funding limits stated above.
- Propose an activity and/or project that can be completed within 25 months from award.
- Propose an activity and/or project that has not yet started, and the budget does not include reimbursement of costs incurred prior to award of NYS CDBG funds and OCR approval of release of funds.
- Applicants that are 1) not up to date with charities bureau registration or other required filings, 2) on a funds suspended or debarment list or 3) in default or non-compliant with existing state contracts are not eligible to apply.

C. Application Review Criteria

Scoring criteria is derived from statutory, regulatory, and policy considerations of the CDBG program, and applications for housing related activities are rated and scored against the factors below. Applications with the highest scores are considered the most competitive and have a greater chance of being awarded.

All applications will be reviewed based on the following categories:

Need and Program Design	**40%**
Administrative Capacity	**30%**
Commitment and Readiness	**30%**

Applications must generally score a minimum of 50% within the combined Administrative Capacity and Commitment and Readiness categories, and a total score of at least 65% to be considered for funding.

Need and Program Design

Applicants must explain exactly how its program meets the NYS CDBG Housing Program Administrative Plan (HPAP) requirements, while remaining tailored to the unique needs of the community and its residents. A strong application will include:

- A demonstrated need for public investment, specifically why NYS CDBG funds are necessary to undertake the proposed activity, including the community's inability to secure sufficient funding or assistance through other methods or resources.
- An outline of clear program guidelines that establish a structured compliant and transparent system to manage the entire lifecycle of the grant that complies with the (HPAP).
- A well-defined method for selection, bidding and construction. Applicant should address the application process, income verification, rehabilitation assessments/work write ups, construction bidding and award process, and the documentation necessary throughout the process.
- Comprehension of activity specific CDBG regulatory requirements.
- Strong potential applicant pipeline and units proposed.
- Unique features such as energy efficiency, community lead abatement, electrification, etc.

Administrative Capacity

Applications will be evaluated based on the applicant's capacity to administer CDBG funds. A strong application will include:

- A project team that has experience delivering similar projects. If not, Applicant provides a strategy to assist in the implementation and compliance of the project.
- Knowledge of both CDBG-specific and cross-cutting (other state and federal) regulatory requirements.
- A description of roles, responsibilities, and functions related to intake, screening, cost estimation, procurement, construction, and monitoring of program activities. This should demonstrate a strong understanding of CDBG regulatory requirements such as Davis-Bacon, lead-based paint, asbestos, radon, AFFH, BABA, and Section 3.
- A clear description of the applicant's procedures to ensure the responsible use of program funds and safeguard against loss or misuse, including how funds will be tracked and monitored.

This evaluation includes consideration of open CDBG and other HCR contracts, on-going administrative concerns, and prior HCR funding history. Factors such as slow rate of expenditure,

contract time extensions and non-compliance with program requirements may negatively affect the scoring and/or funding of the current proposal.

Commitment and Readiness

Measures the extent to which the applicant has organized the proposed project and has assembled sufficient resources to complete the project and achieve the goals and objectives of the program in a manner that is timely, effective and on-budget. A strong application will include:

- A clear understanding of key CDBG program milestones (ex. GA execution, Release of Funds, Construction, etc.).
- A clear budget proposal for all sources and uses of funds.
- Evidence that no impediments exist or the degree to which all impediments such as procurement, permits, site control, etc. have been addressed.
- Adequate waitlist of interest in the program and sufficient contractor list.
- Identified risks and allowances for potential delays.
- An Environmental Review Record (ERR) under NEPA that is as complete as possible; there are no permitting or regulatory hurdles to overcome.

Note that successful applicants must make substantial progress within six (6) months of award. This means that projects awarded funding must execute the grant agreement, complete the Environmental Review Record, obtain approval for Release of Funds under NEPA, and submit the first disbursement request within the first 6 months.

9. 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 570 and 2 CFR Part 200 govern the NYS CDBG Program.

For general program guidelines, applicants may reference the CDBG Program Guidelines, Grant Administration Manual found here: https://hcr.ny.gov/community-development-block-grant.

A. National Objective

The NYS CDBG program requires that each funded activity must meet a National Objective by benefiting low- and moderate-income persons. Most CDBG housing activities will meet HUD's National Objective (Low-moderate housing, or "LMH") by income qualifying the individual household receiving assistance. The income limit for CDBG assistance is 80% of area median household income (MHI). To meet the LMH national objective, all assisted units must be occupied by LMI households.

For activities affecting an entire service area (Low-moderate area, or "LMA") such as infrastructure in support of housing, documentation must be provided that at least 51% of the of beneficiaries are low/moderate income people. The methodology to meet this requirement will be either through census date or income survey. Additional information can be found in the Application Instructions, or in the CDBG Income Survey Toolkit.

Grant Recipients undertaking housing activities must document how the National Objective

specified in the application has been or will be met. The National Objective is not met until funds have been expended and documentation has been completed.

The following records should be maintained for documenting National Objectives for housing activities:

- For each unit, the size and income of the household. Income documentation must be no more than 12 months old at the time of assistance. Note that if more than 12 months elapse between the time of income qualification and execution of local agreement for assistance, income must be reverified.
- For infrastructure in support of housing projects using the LMA national objective, census data or income surveys showing that at least 51% of the beneficiaries are low/moderate income persons.

B. HUD Income Limits

The Department of Housing and Urban Development (HUD) sets income limits that determine eligibility for assisted CDBG projects. These limits are based on Median Family Income estimates and Fair Market Rent area definitions for each metropolitan area and non-metropolitan county. The most current and up to date HUD income limits are available online. For projects claiming LMA National Objective for area wide for projects benefitting a population that is more than 51% low and moderate income, community wide census data is available here. See Application Instructions and the CDBG Grant Administration Manual for additional information on meeting LMA National Objective.

C. Definitions of Annual Household Income

For purposes of determining whether a household is low- and moderate, income, CDBG permits two definitions:

- Adjusted gross income as defined for purposes of reporting under internal revenue service (IRS) form 1040 for individual federal annual income tax purposes.
- Annual income as defined under the Section 8 housing assistance payments program at 24 CFR part 5.

Definitions of income can be found at 24 CFR 5.609.

D. Contract Term and Timeliness

If awarded, the contract term is 25 months.

Applicants should only apply for the amount of funding that can be fully expended and the type of activities that can be completed within the specified project completion period of 25 months. Applicants should not proceed with a project that cannot be completed within the specified timeframe or with the assumption that an extension of the project deadline will be considered. Requests for contract extensions will generally not be approved. All awarded projects will be monitored monthly for progress and OCR reserves the right to rescind the award partially or in full if satisfactory progress cannot be demonstrated.

If awarded, HTFC may, at its sole discretion, provide need-based awards to commit additional grant funds to existing contracts specifically for the continuance or expansion of eligible activities. HTFC may, at its sole discretion, also provide multi-year contracts or renewals based on the Corporation's available CDBG funds. Additional funds are subject to HTFC board approval.

E. Procurement

If CDBG funds are used to pay for a product or service in whole or in part, federal procurement procedures and standards at 2 CFR 200.318 - .326 apply. This includes Recipients that use a third-party consultant and/or non-profit subrecipient to help administer the project. NYS CDBG funds may not be used to pay for costs related to the preparation of an application. Written agreements must be executed between the parties detailing all responsibilities, terms and fees. 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.

F. Environmental Review

Applicants should begin the environmental review process to identify barrier to immediate implementation upon award. A draft Environmental Review Record (ERR) for National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) should be included in the Application. 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. **Note that any costs incurred after submission of the full application but prior to award, contract, and environmental release of funds may be deemed ineligible and endanger the investment of any CDBG funds in that activity at that location.** Letting bids, entering into real estate contracts, and ordering equipment are all examples of activities that may constitute "choice-limiting actions" if done prior to release of funds by OCR and put the project at risk of being deemed ineligible. For more information, please see Chapter 2 of the NYS CDBG Grant Administration Manual, Environmental and Historic Review.

G. Monitoring

Recipients will be monitored throughout the term of award to ensure continued compliance with all applicable rules and regulations. In addition, Recipients are required to provide oversight and monitoring of all subrecipients and consultants involved in the administration of the CDBG-funded project. This monitoring is required regardless of the source used to reimburse or pay fees associated with administration of the project. Recipients must show evidence of having monitored subrecipients and/or consultants on a specific day(s) and time. For more information, please see Chapter 10 of the NYS CDBG Grant Administration Manual, Monitoring. In addition, OCR provides a subrecipient/consultant monitoring template here.

H. Smart Growth

The Housing Trust Fund Corporation is subject to the New York State Smart Growth Public Infrastructure Policy Act (Chapter 433 of the Laws of 2010) and must, to the extent applicable, make funding decisions consistent with the provisions of the Act. This law is intended to minimize the unnecessary cost of sprawl development and requires New York State agencies to ensure public infrastructure projects undergo a consistency evaluation and attestation using the eleven Smart Growth criteria specified in the Act.

I. Program Income

Program income is defined by the CDBG Rule (24 CFR 570.489(e)(1)) to include any "gross income received by a State, a unit of general local government, or a subrecipient of the unit of general local government that was generated from the use of CDBG funds, regardless of when the CDBG funds were appropriated and whether the activity has been closed out." The rule provides for an annual threshold of $35,000 before receipts by local recipients must be counted as program income. If the total amount of receipts by the local recipient exceeds $35,000 during the year (for

the New York State Program, the state fiscal year of April 1 – March 31), all funds received, including the initial $35,000, are considered program income and are subject to recapture by HTFC. For more information please see Chapter 3 of the NYS CDBG Grant Administration Manual, Financial Management.

J. 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.

K. Davis Bacon Related Acts

Applicants preparing to undertake construction in excess of $2,000 or eight (8) or more units of housing 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.

L. Section 3 Compliance

Housing construction and rehabilitation projects and public works projects that receive more than $300,000 in HOME Investment Partnership Program (HOME), Community Development Block Grant (CDBG), federal Housing Trust Fund or other funding from the U.S. Department of Housing and Urban Development (HUD) must comply with Section 3 of the Housing and Urban Development Act of 1968 (“Section 3”) as implemented by regulations found at 24 CFR 75.

Section 3 requires that economic opportunities generated by HUD funds be prioritized for low-income individuals and the businesses that hire or are owned by them, particularly in the neighborhood surrounding the project. All entities involved in the Section 3 Project (the entity awarded the HUD funds through the Housing Trust Fund Corporation (HTFC) (the Awardee), the General Contractor, other contractors, and subcontractors (together, the “Subs”) must, to the greatest extent feasible, engage in efforts to achieve Section 3 goals and objectives.

For more information about compliance with Section 3, including required goals and documents, including Section 3 plans and forms, please see: https://hcr.ny.gov/section-3-compliance.

M. Equal Employment, Nondiscrimination, and Minority and Women Owned Business Participation

The CDBG program regulation at 24 CFR 570.487, 24 CFR 570.489 and 2 CFR 200.321 require all CDBG funded programs and projects to perform minority outreach and include, to the maximum

extent feasible, minorities and women and entities owned by minorities and women to be provided employment and contracting opportunities funded by the CDBG program.

N. Affirmatively Furthering Fair Housing

Recipients of CDBG Funds for housing activities must engage in affirmative fair housing marketing to ensure the general public, including populations with disproportionate housing needs, are made aware of the program and the ability to apply. Recipients must also comply with all federal, New York State and local fair housing and non-discrimination laws, and any procedures promulgated by HTFC, as applicable.

HCR will monitor the efforts of local government grantees to satisfy the requirements of AFFH. **The AFFH Guide for HCR-Funded Localities (**https://hcr.ny.gov/affirmatively-furthering-fair-housing**), provides additional information regarding fair housing obligations that must be met during the term of the grant**. Further, as part of the funding application, units of local government will be required to:

- Designate a fair housing officer by resolution who is familiar with fair housing laws and requirements. The officer must be trained or will receive training on 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 fair housing issues between the public and the locality. Applicants must provide evidence of the appointment of a Fair Housing Office as an attachment to the application.
- Provide a statement disclosing whether the municipality has been the subject of any fair housing proceeding before a federal, state and/or local adjudicatory body, including the outcome/resolution, or if it receives a final disposition in a proceeding involving fair housing law claims.

O. Violence Against Women Act (VAWA)

Information specific to VAWA compliance can be found on the FEHO website.

P. Build America Buy America (BABA)

The Build America, Buy America Act (BABA) requires that all iron and steel, construction materials, and manufactured products used in federally funded infrastructure projects are produced in the United States. This requirement, known as the "Buy America Preference" (BAP), is detailed in the Infrastructure Investment and Jobs Act, Pub. L. 117-58 and 2 CFR 184.

All applicants are required to provide a description at the time of application of how the project will comply if awarded. All subsequent NYS CDBG Grant Recipients are subject to BABA and are required to provide documentation of compliance during implementation of the project. BABA requirements are described in Chapter 6 of the NYS CDBG Grant Administration Manual. Housing rehabilitation activities eligible through this RFA, generally do not meet the definition of public infrastructure under BABA. However, BAP may apply to infrastructure in support of housing activities.

Q. Unique Entity ID (UEI) and the Federal Funding Accountability and Transparency Act (FFATA)

Applicants are required to provide their UEI as part of the application process. The UEI is a 12-character alphanumeric ID assigned to an entity by SAM.gov that has replaced the DUNS numbers for use in federal contract reporting. Applicants without or unable to locate the UEI for the unit of general local government can register here: https://sam.gov/content/home. The GSA also provides

a UEI frequently asked questions document here: https://www.gsa.gov/system/files/To_Publish_-_FAQs_from_Unique_Entity_ID_Forum.pdf.

R. Green Small Buildings Program

Local units of governments and not-for-profit organizations with existing HTFC and Affordable Housing Corporation contracts, who are active program administrators of programs such as CDBG, HOME, Downtown Revitalization Initiative, THIP, VRP, ADU, Resilient Retrofit, and others, may apply for funds under the Green Small Buildings Program (GSBP) to support installation of heat pumps for space heating and domestic hot water. Applications to the Green Small Buildings program are accepted on an open-round basis with rolling awards through December 31, 2026. For information on the program refer to the GSBP website: https://hcr.ny.gov/green-small-buildings-program

S. Uniform Relocation Assistance

The CDBG program is subject to an overall policy of minimizing displacement and is subject to the Uniform Relocation Act (URA) and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

The Residential Anti-Displacement & Relocation Assistance Plan establishes the policy to minimize displacement as a result of an investment by the federal HOME, CDBG, and/or federal HTF programs. NYS CDBG programs must provide reasonable benefits and relocation assistance to any person involuntarily and permanently displaced as a result of the use of NYS CDBG Program funds.

Any purchase of property, including the use of down payment assistance meeting the requirements of the URA must be documented, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain.
Generally, the activities offered in this RFA are considered voluntary and may allow for temporary optional relocation assistance which can be paid for with CBG funds. Details of this assistance are covered in the CDBG Housing Rehabilitation Administrative Plan.

10. 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:

- https://www.hudexchange.info/programs/baba/
- 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 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)