

2021

Community Development Block Grant
(CDBG) Method of Distribution



WYOMING COMMUNITY DEVELOPMENT AUTHORITY

• EST. 1975 •

Table of Contents

METHOD OF DISTRIBUTION INDEX

Section	Page
I. Disclaimer.....	1
Introduction	4-5
Part A: Program Requirements	6-9
Part B: Wyoming’s CDBG Program Objective & Eligible Activities	10-11
Low-Moderate Income (LMI) Benefit Minimum Expenditures.....	12-19
Part C: Initial Allocation Process	20-21
Submission Requirements	21-22
Submission Deadlines	23
Application Evaluation	24
Citizen Participation Plan	25
Lead Safe Housing Rule	26
Part D Initial Allocation Criteria	27
Minimum Threshold Criteria and Project Feasibility	28
Need and Justification and Project Cost	29-30
Community Support and Participant Experience	31
Bonus Points and Application Rejection reasons	32
Part E: Allocation Criteria	33-35
Part F: Maximum Allocations	36-37
Attachment A Current Year Summary	38-41
Attachment B CDBG-CV Amendment	42-47
Attachment C Examples of Subgrantee Public Notices.....	48-49

DISCLAIMERS AND GENERAL INFORMATION

The Wyoming Community Development Authority (WCDA) makes no representations herein as to compliance with the Housing and Community Development Act of 1974, 24 CFR Part 570, or any other laws regulations governing the Community Development Block Grant (CDBG) Program

This Method of Distribution (MoD) represents the tool by which WCDA will allocate CDBG funds in support of existing and planned neighborhood development projects in Wyoming communities. Funds will be dispersed through this MoD on at least an annual basis. WCDA conducts reviews of documents submitted in connection with this allocation is for its own purposes only.

All Wyoming units of general local government (UGLG) are eligible to apply for CDBG funding, which includes any city, county, town, or other general purpose political subdivision of the State of Wyoming.

CDBG awards shall be made solely at the discretion of the WCDA Board of Directors, but in no way represents or warrants to any sponsor, investor, lender or others that the project is, in fact, feasible or viable. No board member, agent or employee of WCDA shall be personally liable concerning any matters arising out of, or in relation to, the allocation of CDBG funds.

All CDBG applicants will be required to execute a subrecipient agreement with WCDA, which must contain at a minimum:

- Statement of work
- Records and reports
- Disposition of Program income
- Uniform administrative requirements (OMB Circular A-110, A-122, and A-133)
- Other program requirements (Cross-cutting regulations)
- Conditions for religious organizations (if applicable for religious-based non-profits)
- Suspension and termination
- Reversion of assets

CDBG Application Forms, Subrecipient Agreements, Restrictive Covenants, Mortgages and Notes may be amended from time to time, as guidelines and regulations are issued under 24 CFR Part 570, or as WCDA deems necessary to carry out the goals of the programs.

All information herein concerning the neighborhood development needs in the State of Wyoming is published in the Profile of Wyoming Demographics, Economics and Housing on WCDA's website at www.wyomingcda.com/demographics. This data is currently being used as a guide by the WCDA in its review of applications; however, applicants must provide their own information concerning community needs to support their applications. WCDA makes no representations about the accuracy of its information, which was provided by a third-party source. Developers should not rely on or use such information in underwriting the feasibility of their project or assessing local demand.

WCDA certifies that it will not refuse to distribute funds under this Method of Distribution to an applicant solely on the basis of a CDBG-eligible activity selected by the applicant for funding. However, WCDA has established a scoring system which may prioritize some activities over others.

INTRODUCTION

Effective July 1, 2021 WCDA is the administrator the State of Wyoming's annual allocation of Community Development Block Grant (CDBG) funding from the US Department of Housing and Urban Developments (HUD). CDBG funds allocated to WCDA are disbursed under the State CDBG Program, which restricts participation to non-entitlement cities and counties within the state. In Wyoming, this currently means all areas outside the incorporated boundaries of the City of Cheyenne.

Congress provided \$5 billion in the CARES Act for the Community Development Block Grant (CDBG) program to states, metropolitan cities, urban counties, and insular areas. The CDBG funding from the CARES Act is known as CDBG-CV funding. Grants under this program are given to activities with a direct connection to the COVID-19 pandemic and require a unique application for each activity. The majority of funding allocated under the 2021 Method of Distribution will be CARES Act, CDBG-CV funding. The specific funding amounts by type are available in Attachment A Current Year Summary.

As outlined in Title I of the Housing and Community Development Act of 1974, the primary goal of the CDBG Program is the development of viable communities, by providing decent housing and suitable living environments and by expanding economic opportunities, principally for persons of low- and moderate-incomes. The rules and regulations of the CDBG Program are regulated by the U.S. Department of Housing and Urban Development (HUD), and are located at 24 CFR Part 570. WCDA is Wyoming's Housing Finance Authority (HFA), and as such is concerned with the provision of quality affordable housing and viable residential neighborhoods. Therefore, Wyoming's CDBG program will fund only Neighborhood Development activities, as further defined herein.

For purposes of the CDBG program, "Low Income" means income equal to or less than 50 percent of the Area Median Income (AMI). "Moderate Income" means income equal to or less than 80 percent of AMI. It is important to note that these definitions are different than those found in WCDA housing allocation programs. The applicable income limits adjusted for family size are published by HUD on an annual basis.

The following is information about the federally funded Community Development Block Grant (CDBG) and the State of Wyoming CDBG program.

Information includes:

- National Objectives
- CDBG-CV Cares Act funding pursuant to the rapid funding of projects that encompass capital and non-capital investment.
- Program Requirements
- 2019 Funding (anticipated)
- Review Process
- Timelines
- Wyoming Program Types, Maximum Awards and Evaluation Criteria
- Contact Information

National Objectives No application will be considered unless it supports at least one of three National Objectives. National objectives are addressed in the Housing and Community Development Act of 1974 (HCDA) Eligible Activities for States is the primary authority for determining eligibility of potential CDBG activities. Applicants must also refer to §101(c) and §104(b)(3) of Sec. 5301. * Congressional Findings and Declaration of Purpose [*Section 101 of the Act]. Additional information on eligible activities and national objective criteria is found in 24 CFR §570.482-3.

The pre-qualification form and letter of intent must be completed and submitted no later than August 27th, 2021. Based on information provided, program staff will determine whether the proposed project is eligible and meets a National Objective.

Potential applicants will be notified if they may submit an application. Not all National Objectives can be applied to all project types. CDBG program staff should be contacted to determine how a project might meet a National Objective if there is any doubt. If a project qualifies, funding is not guaranteed.

A. PROGRAM REQUIREMENTS

The following activities are considered eligible under the State of Wyoming's CDBG program. However, as the local government sponsor you need to be aware that due to the environmental review requirements and specifically 24 CFR Part 58.22, neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in Sec. 58.1(b) on an activity or project until HUD or the state has approved the recipient's Request for Release of Funds (RROF) and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in Sec. 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

This means that once a decision has been made to apply for or use federal money for the project no action can be taken on the property by either the sponsor, sub-recipient or a third party (such as a contractor or developer) until after the project has received environmental clearance. This rule is triggered by intent rather than when application is made. For acquisition, a third-party developer constructing a new subdivision cannot move dirt anywhere in that subdivision not just on the lot that is being purchased if there is intent to use federal money anywhere in the subdivision. It also triggers the need for a complete environmental review of all lands if phasing of a project is being considered. For rehabilitation, no activity can be started until after environmental clearance is received. For public infrastructure, clearance of sites, and new construction of public facilities no dirt can be moved on or adjacent to the site and no development action can be taken until environmental clearance is received.

Please discuss your project with WCDA to make certain of its eligibility before you start the application process. Remember, the more information you provide the better the application.

HUD's Eligible Activities for State CDBG Programs (24 CFR Part 570.482)

A. Eligible Activities General Rules

The State CDBG program regulations (24 CFR Part 570.482) are minimal relative to eligibility. Generally, activities listed under 105(a) of the Housing and Community Development Act of 1974 ("HCDA") are eligible for funding under this program.

Communities are urged to consult HUD's "Guide to National Objectives and Eligible Activities for State CDBG Programs" for a more detailed discussion of eligibility/national objectives, to determine an activity's fundability. Although the State is given latitude in defining program requirements, this Guide can serve as general interpretive guidance. This Guide has been provided to all eligible CDBG municipalities, is available online, and is hereby incorporated to be part of this application handbook. Chapter 2 of the Guide details categories of eligible activities, including:

1. Acquisition of Real Property
2. Public Facilities and Improvements and Privately-owned Utilities
3. Clearance, Rehabilitation, Reconstruction and Construction of Buildings (including Housing)

4. Public Services The above specified activity types are hereby solicited through this RFP.

All activities must be designed to prevent, prepare for or respond to the coronavirus health crisis.

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

To be eligible for CDBG-CV funding, all proposals must demonstrate a direct connection with planning for or responding to COVID-19 related needs.

Acquisition of Real Property Applications

According to HUD's Summary of Primary CDBG Activity Categories to Support Coronavirus, grantees receiving funds for an activity under the category of acquisition of real property may expend funds on:

1. Acquisition of Property
2. Disposition
3. Clearance and Demolition
4. Clean-up of contaminated site/brownfields
5. Relocation of occupants

Housing Construction and Rehabilitation

Grantees receiving funds for an activity under the category of public improvements and facilities 105(a)(4) may expend funds on:

1. Rehabilitation: single-family owner-occupied or multifamily rental housing; and,
2. Support for New Construction: land acquisition, assemblage, clearance, and publicly-owned improvements in support of new construction of housing

The typical national objectives supported are: Low- and moderate- income (LMI) households; prevent or eliminate blight; meet unfunded, urgent local need.

Public Facilities

Grantees receiving funds for an activity under the category of public improvements and facilities may expend funds on improvements to the following or similar types of public facilities:

1. Senior centers
2. Facilities for persons with disabilities
3. Homeless Facilities (not operating costs)
4. Youth Centers/Facilities
5. Neighborhood Facilities
6. Parks, Recreational Facilities
7. Parking Facilities
8. Solid Waste Disposal Facilities
9. Flood and Drainage Facilities
10. Water/Sewer Improvements
11. Sidewalks
12. Child Care Centers
13. Fire Stations/Equipment
14. Health Facilities
15. Removal of Architectural Barriers

The typical national objectives supported are: LMI households; prevent or eliminate blight; meet unfunded, urgent local need.

Public Services Applications

Grantees receiving funds for an activity under the category of public services 105(a)(8) may expend funds on the following or similar services:

1. Operating Costs of Homeless/Aids Patients Programs
2. Senior Services
3. Services for Persons with Disabilities
4. Legal Services
5. Youth Services
6. Substance Abuse Services
7. Services for victims of domestic violence, dating violence, sexual assault or stalking
8. Employment Training
9. Crime Awareness/Prevention
10. Fair Housing Activities
11. Tenant/Landlord Counseling
12. Child Care Services
13. Health Services

The typical national objectives supported are: Low- and moderate- income (LMI) persons, families, clientele, or area; prevent or eliminate blight; meet unfunded, urgent local need.

B. Ineligible Activities General Rule:

The general rule is that any activity not listed in the HCDA as eligible should be considered ineligible. However, by regulation, HUD has interpreted some activities not specifically stated in the HCDA as eligible. Such activities are spelled out in the Guide.

Activities which are Categorically Ineligible include:

1. General government expenses
2. Political activities
3. Buildings or portions thereof used for the general conduct of government as defined in HCDA Section 102(a)(21). This does not include removal of architectural barriers involving such buildings.

Generally Ineligible (**some exceptions apply**):

1. Purchase of equipment
2. Operating and maintenance expenses
3. New housing construction NOT for special needs
4. Income payments

In addition, for the purposes of the CDBG-CV application, any activity that does not directly plan for or respond to impacts of the COVID-19 pandemic is ineligible.

B. WYOMING'S CDBG PROGRAM OBJECTIVES & ELIGIBLE ACTIVITIES

Definitions

The following terms and definitions are for the purposes of this program;

Pursuant to 24 CFR 5.403, family includes but not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be an elderly person, displaced person, nearly-elderly person, or any other single person; or

A group of persons residing together, and such group includes, but not limited to:

A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size).

An elderly family—a family whose head (co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living with one or more live-in aides. (A live-in aide is a person who resides with one or more elderly persons or near-elderly persons, or persons with disabilities).

A near-elderly family—a family whose head (co-head), spouse, or sole member is a person who is at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Disabled family—a family whose head (including co-head), spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

A displaced family—a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Pursuant to 24 CFR 570.3

Household means all persons who occupy a housing unit.

A household may consist of persons living together or any other group of related or unrelated persons who share living arrangements, regardless of actual or perceived sexual orientation, gender identity, or marital status.

Pursuant to 24 CFR Part 5 and 24 CFR 570.3

Low-income person

refers to member of a family that has an income equal to or less than the Section 8 very low-income limit established by HUD. Unrelated individuals shall be considered as one-person families for this purpose. (The Section 8 very low-income limit is income that does not exceed 50 percent of the median income for the area, as adjusted by HUD.) Unrelated individuals shall be considered as one-person families for this purpose.

Moderate-income person

means a member of a family that has an income equal to or less than the Section 8 low-income limit and greater than the Section 8 very low-income limit, established by HUD. Unrelated individuals shall be considered as one-person families for this purpose.

Income limits are established using HUD's Section 8 low-income limits. This information is found at:

<https://www.huduser.gov/portal/datasets/il/il18/Section8-IncomeLimits-FY18.pdf>

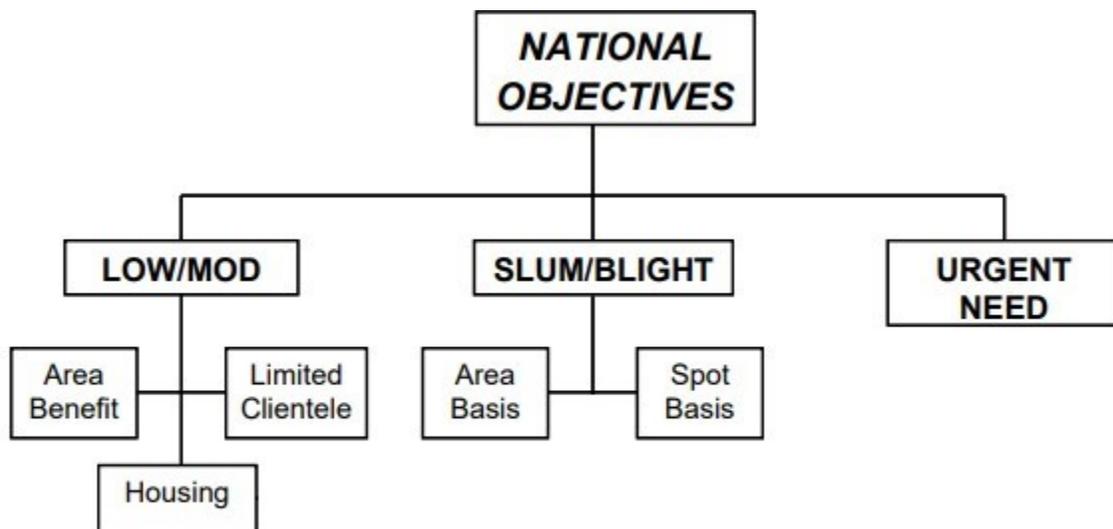
For the sake of convenience Wyoming's information is excerpted in Attachment A. To insure you are properly applying the income limits please contact your regional director or CDBG staff.

The Three CDBG National Objectives

For an activity to be eligible under HUD's Community Development Block Grant (CDBG) Program, it must meet one of three program National Objectives:

1. Benefiting low- and moderate-income people;
2. Preventing or eliminating blight; and,
3. Addressing urgent community development needs.

Please note that unlike the HOME and NHTF Programs, CDBG defines moderate-income as a household at or below 80% of Area Median Income (AMI), and low-income as at or below 50% of AMI. WCDA will not accept applications for economic development or job creation activities under the CDBG grant.



**not pictured: jobs & urban renewal*

Wyoming must show that at least seventy percent (70%) of its total federal funds, by activity, benefit low- to moderate-income families either through area benefit, limited clientele, or housing activities. Therefore, applicants applying under the remaining two National Objectives may not be funded if the

statewide 70% minimum is not met. Activities considered to benefit low- to moderate-income people are divided into three (3) categories below¹:

1. Low- and Moderate-Income Area Benefit Activities

Low-Mod Income Area Benefit Activities (LMA) are available to all the residents in a particular area, where at least 51 percent of the residents are low- and moderate-income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity.

- Applicants may use either HUD-provided data comparing census data with appropriate low- and moderate-income levels, or survey data that is methodologically sound.
- The activity location (i.e. project site) must be either a public (but not general governmental use), residential or mixed-use facility. No private, commercial only project site will be considered.
- The service area served by the activity location must be primarily residential in character. An activity that serves an area that is not primarily residential in character will not qualify under this criterion.

To document area-benefit the applicant must:

- (1) Define the service area. Defining the service area includes taking into consideration the nature of the activity and the population it will serve. It includes considering where the activity is located.

For example, is it located in the middle of the area to be served or near the boundary between the service area and another area that is not proposed to be served? Are there barriers that might hinder persons from using an area or facility (fees, language, timing constraints, access to transportation, etc.). Other services in the same area that might be duplicative should be considered; and,

- (2) Collect income characteristics of families and unrelated individuals in the service area. The applicant must use Department of Housing and Urban Development (HUD)-provided data. If HUD-provided data does not accurately reflect the defined service area, an income survey may be an alternative.

Please reference HUD Notice 14-013, Guidelines for Conducting Income Surveys to Determine the Percentage of Low-and Moderate-Income (LMI) Persons in the Service Area of Community Development Block Grant-Funded Activity:

<https://www.hudexchange.info/resource/4103/notice-cpd-14-013-guidelines-income-surveys-lmi-persons-cdbg-activity/>

2. Low- and Moderate-Income Limited Clientele Activities

Low-Mod Income Limited Clientele Activities (LMC) benefit a limited clientele, at least 51 percent of whom are low- and moderate-income persons. The activity must meet one of the following tests to qualify under this category:

- (1) The project must exclusively benefit a clientele who are generally presumed to be principally low- and moderate-income people. The following groups are presumed to meet this criterion unless there is evidence to the contrary:
 - i. Abused children
 - ii. The elderly
 - iii. Battered spouses
 - iv. Homeless people
 - v. Handicapped adults the Bureau of Census' definition of severely disabled adults (See 24 CFR 570.483(b)(2)(ii)(A))
 - vi. Illiterate adults
 - vii. Persons living with AIDS
 - viii. Migrant farm workers
 - (2) Require information on family size and income so that it is evident that at least fifty-one percent (51%) of the clientele are persons whose family incomes does not exceed the Section 8 low-income limits
 - (3) Have income eligibility requirements limit the activity exclusively to low and moderate-income persons.
 - (4) Be of such a nature and location that it may be concluded that the activity's clientele will primarily be low and moderate-income persons.
- Limited clientele projects also include special projects directed to the removal of material and architectural barriers in existing buildings that restrict the mobility and accessibility of elderly or handicapped persons. Publicly-owned facilities (including general use government facilities), and privately-owned residential buildings, facilities and improvements, are eligible for architectural barrier removal under LMC activities.

3. Housing Activities (LMH)

A low- and moderate-income housing activity is an activity that improves permanent residential structures which will be occupied by low- to moderate-income households upon completion. The housing can be either owner- or renter-occupied units in either single-family or multi-family structures. Rental units occupied by low- to moderate-income households must be occupied at affordable rents and the applicant must have criteria for determining affordable rents for this purpose.

4. Preventing or Eliminating Slum and Blight

To qualify under elimination of slums and blight, an application must demonstrate that the following criteria have been met. An activity may qualify on either an area basis or a spot basis.

- a. **Elimination of slums and blight on an area basis (SBA):**

- The area, delineated by the unit of general local government, meets a definition of a slum, blighted, deteriorated or deteriorating area under state or local law (W.S. 15-9-101 to 137) within the last 10 years; AND
- The assisted activity addresses one or more of the conditions contributing to the deterioration of the area; AND
- Either:
 - 25% of the properties in the area show:
 - Physical deterioration of buildings or improvements,
 - Abandonment,
 - Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings,
 - Significant declines in property values or abnormally low property values relative to other areas in the community, OR the public improvements throughout the area are in a general state of deterioration.

b. Elimination of slums or blight on a spot basis (SBS):

To comply with the National Objective of slums or blight on a spot basis, a project must meet the following criteria:

- The activities are not in a slum or blighted area;
- The purpose of the activities is limited to eliminate specific conditions of blight, physical decay, or environmental contamination;
- The activities are limited to acquisition; clearance; relocation; historic preservation; remediation of environmentally contaminated properties; or rehabilitation of buildings or improvements;
- In the case of rehabilitation, the activity must be a precursor to another eligible activity (funded with CDBG or other resources) that directly eliminates the specific conditions of blight or physical decay, or environmental contamination.

5. Urgent Community Need (URG)

Urgent need qualified activities must meet the following criteria:

- The existing conditions must pose a serious and immediate threat to the health or welfare of the community;
- The existing conditions are of recent origin or recently became urgent (generally, within the past 18 months);
- The grantee is unable to finance the activity on its own; and
- When other sources of funding are **not** available.

a. Activities designed to meet community development needs having a particular urgency (See “Imminent Threat Grants”).

An activity will be considered to address this objective if the applicant certifies, and the state determines that:

- The activity alleviates existing conditions that pose a serious and immediate threat to the health or welfare of the community. For example, damage to a municipal sewer lagoon due to a flood.

- The threat is of recent origin or recently became urgent. A condition will be considered to be of recent origin if it developed or became urgent within eighteen (18) months preceding.
- The applicant is unable to finance the activity on their own, and other sources of funding are not available.

Low-Moderate Income (LMI) Benefit Minimum Expenditures:

The CDBG program requires that each CDBG-funded activity must either principally benefit low and moderate income persons, aid in the prevention or elimination of slums or blight, or meet a community development need having a particular urgency because existing conditions pose a serious and immediate threat to the health or (welfare of the community and other financial resources are not available to meet that need.) With respect to activities that principally benefit low- and moderate-income persons, at least fifty-one (51%) percent of the activity's beneficiaries must be low and moderate income.

Wyoming CDBG State-level Objectives

WCDA has established the following state-level objectives for the Wyoming CDBG program:

Objective 1. Provide appropriate housing for special population groups such as: the elderly, persons with physical disability, victims of domestic violence, homeless persons, and individuals with cognitive impairments who require support to achieve a level of independent living;

Objective 2. Provide support for the development of emergency shelters, transitional housing, and permanent housing for the homeless;

Objective 3. Engage in the development and expansion of public services, with an emphasis upon rural and under-served areas;

Objective 4. Encourage the improvement and/or renovation of substandard housing for both low and moderate-income owner-occupants and renters, and encourage homeownership opportunities for low and moderate-income homebuyers;

Objective 5. Encourage affordable housing through acquisition and/or improvement of land for new residential or mixed-use subdivisions, with an emphasis upon areas with excessive land costs; and,

Objective 6. Enhance the energy efficiency of public facilities and improvements.

All activities applying under WCDA's CDBG program must either:

- a) result in the rehabilitation (or in limited circumstances, the new construction) of a low-moderate income housing unit(s),
- b) provide an area benefit for a residential or mixed-use neighborhood that is majority (51%) low-moderate income, or
- c) provide a direct benefit to an existing housing unit that will be occupied by low- or moderate-income households at the time of completion.

During the scoring period, WCDA reserves the right to contact applicants with clarifying questions in regards to their application and its ability to meet all CDBG program objectives. Requests will not be made for missing or incomplete documentation.

General Program Requirements

- Please note any grant award allocated to a project is required to follow all CDBG regulations and policies. WCDA staff will review the project and make a determination whether funds should be repaid and be redistributed to future applicants if a project is not in compliance.
- **Program Income:** Grantee shall not deposit grant funds in an interest-bearing account without prior approval of the Council. Some or all income attributable to the grant funds distributed under this Agreement may be used to continue the activity from which it was generated or returned to WCDA. Program income received and retained by the Grantee shall be treated as additional CDBG funds and is subject to all applicable requirements of 24 CFR Part 570.489(e).
- **Environmental Review Procedures** (24 CFR 58.22). No HUD funds may be committed to a project without the completion of a Part 58 environmental review by WCDA staff. Applicants must not commence any construction or development activity on a proposed site that may result in an adverse environmental impact or limit the choice of reasonable alternatives.
- The **City of Cheyenne** is not eligible to apply for state CDBG funds since they receive CDBG funds directly from HUD as entitlement communities. Laramie County **is** an eligible applicant if county-wide benefit can be demonstrated.
- Only units of local government can be directly awarded CDBG funds.
- WCDA follows the HUD Financial Management requirements of 2 CFR-Part 200-Subpart D - §200.302.
- Projects that require a survey may experience a delay as coordination with WCDA staff and with HUD will likely be required to ensure compliance with HUD regulations.

This Residential Anti-displacement and Relocation Assistance Plan (RARAP) is prepared by the State of Wyoming in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to Wyoming's CDBG and HOME-assisted projects.

Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Act, Wyoming will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Evaluate housing codes and rehabilitation standards and code enforcement in reinvestment areas to prevent undue financial burden on established owners and tenants.
- Stage rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
- Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Adopt policies which provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.
- Establish counseling centers to provide homeowners and tenants with information on assistance available to help them remain in their neighborhood in the face of revitalization pressures.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are “lower-income dwelling units” (as defined in 24 CFR 42.305)) or structures that have not been used for residential purposes.
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

Wyoming will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the [CDBG and/or HOME] Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24. One-for-One Replacement of Lower-Income Dwelling Units Wyoming will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG and/or HOME Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing Wyoming to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, Wyoming will make

public by publication in a newspaper of general circulation, notice on the Wyoming Business Council website and submit to the HUD Field Office:

- A description of the proposed assisted project;
- The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower income dwelling units as a result of an assisted project;
- A time schedule for the commencement and completion of the demolition or conversion;
- To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided.
- The source of funding and a time schedule for the provision of the replacement dwelling units; 6. The basis for concluding that each replacement dwelling unit is designated to remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
- Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1- bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent 3 State of Wyoming Residential Anti-displacement and Relocation Assistance Plan December 13, 2016 with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, [jurisdiction] will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available. Replacement not Required Based on Unit Availability Under 24 CFR 42.375(d), Wyoming may submit a request to HUD (or to the State, if funded by the State) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower income dwelling units in standard condition available on a non-discriminatory basis within the area.

Examples of Eligible Activities

The following are examples of eligible activities that meet both the national and state-level objectives of Wyoming's CDBG program. This list is not intended to be an exhaustive list of all eligible activities. States are given 'maximum feasible deference' in designing their CDBG programs and eligible activities (24CFR570.480(c)), and thus Wyoming's CDBG program will consider a wide variety of housing and community development-related activities. However, applicant communities are encouraged to contact WCDA's Neighborhood Development staff prior to submission of a letter of intent if the proposed activity is not listed below.

- Low Mod Area Benefit (LMA) Activities

Examples of LMA activities include, but are not limited to:

- Acquisition of land to be used as a neighborhood park;
- Construction of a health clinic;
- Improvements to public infrastructure like the installation of gutters and sidewalks;
- Development of a community center.

- Low Mod Limited Clientele (LMC) Activities

Examples of LMC activities that qualify under the limited clientele category include, but are not limited to:

- Acquisition of a building to be converted into a shelter for the homeless;
- Rehabilitation of a center for training severely disabled persons to enable them to live independently;
- Clearance of a structure from the future site of a neighborhood center that will exclusively serve the elderly; and
- Public service activities like the provision of health services.

- Low Mod Housing Activities (LMH)

Examples of LMH activities include, but are not limited to:

- Acquisition of an apartment house to provide dwelling units to LMI households at affordable rents, where at least 51 percent of the units will be occupied by LMI households;
- Acquisition and/or site improvements on publicly-owned land to serve as multifamily rental housing for LMI households at affordable rents;
- Housing rehabilitation for owner-occupied single family housing units;
- Conversion of an abandoned warehouse to be reconfigured into new apartments, where at least 51 percent of the units will be occupied by LMI households at affordable rents,

- Urgent Community Need (URG)

Examples of URG activities include, but are not limited to:

- Acquisition of property located in a flood plain that was severely damaged by a recent flood;
- Public facility improvements like the reconstruction of a publicly-owned hospital that was severely damaged by a tornado;
- Hail/windstorm;
- Demolition of structures that are severely damaged by a major earthquake;
- Interim assistance such as emergency treatment of health problems caused by a flood

C. ALLOCATION PROCESS

WCDA's Neighborhood Development CDBG Housing program allocations will be distributed through a competitive application process. Any funds remaining after the initial application process may be awarded through an additional competitive application period once a formal announcement of funding availability has been made.

WCDA will review all applications in each cycle for completeness and eligibility based on federal requirements and selection criteria. Applications will be selected for initial allocation based on the selection criteria outlined in this Allocation Plan.

APPLICATION PROCESS

WCDA utilizes a single application for all CDBG funding. Available funding levels and allocations are outlined in Attachment "A". In addition, specific set-asides and their eligibility criteria are outlined in Set-Asides on page six (6) of this document. Please note that if the WCDA deems additional cycles as necessary to obligate funds in a timely manner, WCDA may conduct additional application cycles within the current funding year.

Applicants must be current on all fees due and owing WCDA before an application will be accepted. An application may be denied if it is determined that the Grantees and Sub-Recipients are using a developer or other key participants have other projects that are not progressing or have not progressed as scheduled in the Development Timetable within WCDA's Application and/or Agreement.

Any property proposed for acquisition must be vacant. No tenant-occupied properties will be considered and no individuals may be displaced as a result of a potential contract for sale. All applicants for single-family acquisition/rehabilitation projects will be required to sign a certification that their proposed properties comply with this requirement.

All required documents must be submitted via the Procorem Workcenter assigned to the Applicant. Each attachment must be uploaded as a separate file and as a searchable document. Incomplete applications will not be scored.

After the application is received, WCDA will conduct a site visit to evaluate the site's suitability for the proposed housing. Developers are required to accompany WCDA staff at the site visit either in-person or virtually.

During the scoring period, WCDA reserves the right to contact developers with clarifying questions in regards to their application. Requests will not be made for missing or incomplete documentation.

Waiver Requests

In order to request a waiver of any points or submission requirements, please submit an attachment with your application documenting and explaining the need for a waiver. WCDA reserves the right to approve or deny waiver requests at its sole discretion.

Submission Requirements

1. Completed Letter of Intent sent to neighborhooddev@wyomingcda.com on or before the submission deadline outlined in the respective Notice of Available Funding;
2. Application;
3. Affirmative Fair Housing Marketing Agreement;
4. Davis-Bacon Compliance Strategy and Contact Staff;
5. Provide a written sales plan for housing development projects that includes the following components:
 - a. Development timeline (acquisition, rehab/construction, for sale)
 - b. Method and types of advertising, marketing, and outreach
 - c. Section 3, MBE/WBE and affirmative marketing outreach
6. Site control documentation. All low-and moderate-income (LMI) project applications must have all proposed assisted properties identified at time of submission which means:
 - a. Acquired and owned by UGLG;
 - b. Under contract for purchase;
 - c. Under purchase option; or,
 - d. Listed with addresses and corresponding legal descriptions.
7. Documentation of compliance with zoning requirements, including map;
8. Flood plain documentation, including map;
9. For privately held property estimated tax expense from county assessor (or current assessment for rehabilitation projects);
10. City map showing location of the site(s);
11. Sketch plan of site;
12. Floor plans;
13. Narrative description of project;
14. Detailed written explanation of how and why the applicant feels the scoring criteria has been met;
15. CDBG assistance may also be used to fund activities intended to improve state capacity
16. (Including UGLG) to plan and manage programs and activities.
 - i. *For example, if the UGLG employees propose and execute low-and-moderate-income development plans that are to be made with CDBG funds, the portion of their salaries spent on this function can be treated as costs of carrying out the activity. This is important because these costs are not subject to the limitation on the use of CDBG funds to pay planning and administrative costs.*
17. Certification of compliance training, completed within the past two (2) years; attend CDBG training provided for or approved by WCDA staff prior to disbursement of CDBG grant funds.
18. Completion certification of fair housing training by all Project Owners from a nationally-recognized firm as approved by WCDA, completed within the past five (5) years;
19. With each application, a financial statement with a history of three (3) years must be submitted.
20. Determination letter from the State Historic Preservation Office (SHPO), clearing the site for improvements or necessary mitigation requirements;

21. To comply with Duplication of Benefits (DOB) requirements, you are required by the CARES Act and CDBG at large to establish and follow policies and procedures to ensure that DOB does not occur. Establishing a process to effectively identify and prevent duplication of benefits is critical for you to manage the multiple active funding streams related to coronavirus response and efficiently target CDBG-CV resources to meet unmet needs within your community.

For **Acquisition/Rehabilitation** projects the following documents must also be submitted in addition to the previously listed submission requirements:

1. Financial statements, including a balance sheet and profit and loss statement, for the property to be acquired.
2. A Capital Needs Assessment (CNA) must be provided by unaffiliated third party, such as a licensed architect or engineer, and must include a unit-by-unit breakdown and budget at time of application. The CNA must conform with the requirements of WCDA's Written Standards for Federally-Assisted Housing Rehabilitation and must include an estimate of the remaining useful life of major systems and estimates of replacement costs. Major systems include: structural support, roofing, cladding, weather proofing (windows, doors, siding, gutters), plumbing, electrical and heating, ventilations, and air conditioning. The CNA must support a minimum need of \$30,000 per unit in hard costs to address mechanical, electrical, plumbing, or structural conditions with a remaining useful life of less than five (5) years.
 - The assessment should include an opinion as to the proposed budget for recommended improvements and should identify critical building systems or components that have reached or exceeded their expected useful lives. The Project's on-site work and rehabilitation budget must not exceed 110% of the CNA proposed budget for recommended improvements. Rehabilitation may include adding rooms outside the existing walls of a structure, but adding a housing unit is considered new construction.
 - The Assessment should also include a projection of recurring probable expenditures for significant systems and components impacting use and tenancy, which are not considered operation or maintenance expenses, to determine the appropriate replacement reserve deposits on a per unit per year basis. The assessment should examine and analyze the following:
 - Site, including topography, drainage, pavement, curbing, sidewalks, parking, ingress and egress, landscaping, amenities, water, sewer, storm drainage, and gas and electric utilities and lines;
 - Where relevant, assess and document potential impact of natural disasters, (e.g. earthquake, flooding, wildfires) in accordance with State and local codes/ordinance;
 - Evaluate and estimate the useful remaining life, based on their age and condition, of the following:
 - a. Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system, and drainage;
 - b. Interiors, including unit and common area finishes, carpeting, tile, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances,

- unit bathroom finishes and fixtures, and common area lobbies and corridors; and
- c. Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting fixtures, fire protection, and elevators.

All of these major components must have a useful remaining life of at least (five) 5 years or be repaired or replaced;

- Exterior walls, balconies, exterior doors and windows, roofing system and drainage;
 - Interior of all individual units, include kitchen finishes and appliances, unit bathroom finishes and fixtures; and,
 - Common area lobbies and corridors (if applicable).
 - Scope of work, workmanship quality and materials must adhere to WCDA's Written Standards for Federally-Assisted Housing Rehabilitation, and are subject to inspection and approval by the WCDA Director of Construction and Facilities, or his/her designee.
 - All items identified in the CNA or by a professional's follow-up, must be included in the scope of rehabilitation, according to WCDA's Written Standards for Federally-Assisted Housing Rehabilitation.
 - Any cost item not identified in the CNA (except LBP, asbestos, mold, illegal drug residue, and site contamination inspections, clearance, and interim control costs) may be deemed unnecessary, and therefore ineligible for reimbursement.
3. Itemized list, by unit, of rehabilitation activities and costs;
4. A timely appraisal by an independent 3rd party (generally appraisals are considered timely if less than 6 months old – the acquisition price will be limited to the lesser of the sales price or the appraised value of the property prior to rehabilitation)

Applications for initial allocation of CDBG funds may be submitted based on the Allocation Cycles outlined in the Current Year Summary Attachment "A".

Letters of Intent and Applications must be received by WCDA on or before 5:00 p.m. local time on the dates listed below. Late applications will not be ranked.

Submission Deadlines

Letter of Intent no later than 5:00 p.m. MST Tuesday, August 31, 2021. *

Application and supporting documentation no later than 5:00 p.m. MST Thursday, September 30, 2021. *

*Additional rounds may be opened if funding is available.

A Notice of Funding Availability with final funding amounts will be issued in early August.

Application Evaluation

Evaluation and Recommendations. The WCDA staff will review applications and make recommendations for funding. The WCDA Board of Directors will review staff funding recommendations and issue awards.

- **Evaluation Criteria** In determining the selection of projects, each application will be reviewed for completeness based on the requirements listed previously. WCDA's CDBG-funded Neighborhood Development projects do not require matching funds at this time; however, projects are ranked against each other, within project categories, and the integrated efforts of a community are taken into account. There may be other aspects of a proposal that prevent it from being recommended for funding, such as the lack of dedicated funds to complete the project. Each application will be rated to determine the number of points to be awarded by using the numerical system that follows below under Section D. Allocation Criteria.
- **Imminent Threat Grants:** Upon approval and emergency declaration by the Governor, funds may be allocated from any program category at any time to fund eligible activities that will alleviate an imminent threat to public health or safety that requires immediate resolution and is of recent origin. A condition will be considered of recent origin if it developed or became urgent within 18 months preceding the application by the community. The imminent threat must be a catastrophic or emergency situation that creates an impending or immediate threat, danger or peril to human health, and safety. Situations that result from neglect or lack of maintenance or have gradually become urgent are not considered imminent threats. The grant amount shall not exceed \$250,000. Imminent threat grants are funded under National Objective activities designed to meet community development needs that have a particular urgency.
- **Homeownership Assistance (\$40,000 maximum awards):** subsidizing interest rates and mortgage principal amounts for low- and moderate-income homebuyers; financing the acquisition by low- and moderate-income homebuyers of housing that will be owner-occupied by the homebuyers or will be their primary residence; providing up to fifty percent (50%) of any down payment required from low- or moderate-income homebuyers; or paying reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer. These are evaluated the same as Community Development projects.

Citizen Participation Plan

A Local Government Citizen Participation Plan is a requirement for funding. It must include an Official Resolution passed by city/town council or county commissioners and signed by the chief elected official.

Sponsor and/or sub-recipient must provide for a minimum of two public hearings, at different stages of the process, in order to solicit and obtain citizen views and response to any proposals and/or questions. The objective of these hearings is to provide for and encourage citizen participation, particularly by low- and moderate-income persons who reside in slum or blighted areas and in areas which CDBG funds are proposed to be used. Citizens must be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds. For the purposes of this program a minimum notification of seven (7) days prior to the hearing date and not including the hearing date is required.

The first meeting must be held after the notice of available funds and before the application submission deadline. The first meeting should address the community development and housing needs, development of proposed projects and a review of program performance. The hearing must inform citizens of the dollar amount of funding available and the range of allowed activities under the CDBG program housing set-aside.

The second meeting must provide citizens with reasonable advance notice of, and opportunity to comment on any and all proposed activities that would like to submit an application to the State. The meeting needs to be held before submission of an application and must be supported with a record of the proceedings (generally minutes reflecting the meeting) and copies of the public notices. Citizens should also be provided with the address, phone number, and deadlines for submitting comments, complaints and grievances, and provide timely written answers to comments, complaints and grievances received in writing, generally within 15 days. The public meetings must be held at a time and location convenient to potential or actual beneficiaries, with accommodations for the handicapped. The public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate.

A sample containing the information that should be contained in the first and second meeting notices can be found as Attachment "C".

The sponsor and/or sub-recipient certify that it has addressed the following provisions in the required Resolution:

1. The sponsor provided for and encouraged citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and/or of areas in which CDBG funds are proposed to be used;
2. The sponsor and/or sub-recipient provided citizens with reasonable and timely access to local meetings, information, and records relating to the sponsor and/or sub-recipients' proposed and actual use of funds;
3. The sponsor and/or sub-recipient provided technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the sponsor;
4. The sponsor and/or sub-recipient provided public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development process,

including at minimum, the development of needs, the review of proposed activities, and the review of program performance. Public hearings shall only be held after adequate notice (7 days) of the times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped/disabled;

5. The sponsor and/or sub-recipient provided a timely written answer to written complaints and grievances, within 15 working days where practicable; and
6. The sponsor and/or sub-recipient identified how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. The sponsor and/or sub-recipient also identified how the needs of handicapped/disabled individuals will be met in the case of public hearings.

Lead Safe Housing Rule

Any project assisting an existing unit constructed prior to January 1, 1978, must demonstrate the ability to meet the Lead Safe Housing Rule, 24 CFR Part 35.

WCDA recognizes the following exemptions to the Lead Safe Housing Rule:

- Housing built on or after January 1, 1978 (when lead paint was banned for residential use)
- Housing exclusively for the elderly or persons with disabilities, unless a child under age 6 is expected to reside there for prolonged periods of time
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks
- Property that has been found to be free of lead-based paint by a certified inspector
- Property from which all lead-based paint has been removed, and clearance has been achieved
- Unoccupied housing that will remain vacant until it is demolished
- Non-residential property
- Any rehabilitation or housing improvement that does not disturb a painted surface.

Also, emergency repair actions, which are those needed to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage, are exempted.

Finally, the requirements do not apply to emergency housing assistance (such as for the homeless), unless the assistance lasts more than 100 days, in which case the rule does apply.

Additional information regarding the Lead Safe Housing Rule can be found on the HUD website at

<http://www.nls.gov/offices/lead/enforcement/lshr.cfm>

D. ALLOCATION CRITERIA

The WCDA staff will be responsible for the initial ranking of the applications submitted. The final review and award will be made by the WCDA Board of Directors. WCDA reserves the right to reject or accept, in whole or in part, all applications. The staff also reserves the right to consider an alternative funding source should it be more appropriate for the project. Award will be based on the final ranking of the project and to the extent which funds are available. It is possible that a project may rank and not receive funding. In case of a tie, the project benefiting a higher percentage of low- and moderate-income persons and/or producing a higher number of housing units benefited will be given priority.

Additional restrictions may be placed on any project as a condition of award. Initial award of funds does not imply approval of all project activities, specific costs or proposed timelines. An award letter will specify the individual terms and conditions of award. Grants may be awarded in an amount less than originally requested. All CDBG recipients are expected to expend one hundred percent (100%) of all funds within twenty-four (24) months from the date of award or according to the timeline outlined in the application if sooner. The housing unit(s) must be completed or receive benefit and a qualified beneficiary must also occupy the housing unit within the twenty-four (24) month period.

The WCDA CDBG Neighborhood Development set aside requires that a minimum of 51% of the funds must benefit low- and moderate-income households as defined by HUD CDBG regulations. Infrastructure for the development of multi-family structures, rehabilitation of multi-family structures, acquisition activities for multi-family structures, rehabilitation of public facilities, and acquisition or new construction of public facilities must guarantee at least 51% of the housing units assisted must benefit to low- and moderate-income families as defined by the HUD CDBG regulations. Owner-occupied housing rehabilitation projects, homeownership assistance, acquisition activities for single family homes, and infrastructure for the development of single-family homes must guarantee 100% of the housing units assisted must benefit low- and moderate-income families as defined by the HUD CDBG regulations. Therefore, all projects will be considered as meeting the national objective of primarily benefiting low and moderate-income households.

All projects must demonstrate, at the time of application, that adequate funding is available to complete the project, that there is a direct, measurable benefit to low- and moderate-income residents, and that the end result of the project will be the production of or benefit to housing units. If a CDBG project is awarded funding contingent upon the sponsor and/or sub-recipient receiving funding from another source, the sponsor and/or sub-recipient will be given a specific time frame within which to secure the additional funding or risk the loss of the CDBG award. Applications with firm commitments of the other funding sources will rank higher. All sponsors must include a copy of the most recent audited financial statement for the City/Town/County. All sub-recipients must also include a copy of their most recent financial statement and, if a non-profit, documentation showing the organizations non-profit status.

All projects involving the use of real property are required to document that they have the enforceable right to use the real property. The documentation may include a deed, lease of not less than 20 years, easement or similar formal executed documentation.

MINIMUM THRESHOLD CRITERIA

The ranking of projects will be based on the completeness of the application and the supporting documentation for each of the requirements listed in paragraph (A) above. In order for an application to be considered by the WCDA Board, the application must be deemed complete in content and score a minimum of sixty (60) points. **A minimum of forty-five (45) points must come from the Program Assessment categories.**

Project Feasibility

Be prepared to describe in detail, a fully developed idea that addresses a very specific housing problem in a clear, well documented manner. Starting in a general view describe the housing needs of the community and how it affects low- and moderate-income households. Include information on the housing available in the marketplace and why the proposed project is the most appropriate action to address the problem. Is the proposed plan reasonable and feasible? Does the project make sense at this time? Identify all risk variables and indicate if they will be addressed by the project and how the variables not resolved by the project will be met. Include information about the appropriateness of the proposed location and the surrounding community. Also provide details describing possible environmental concerns, potential relocation, displacement, or lead-based paint issues and explain in detail how they will be addressed.

Timeliness is critical for the success of the CDBG program. Sponsors and sub-recipients, if any, are expected to maintain a strict timeline for starting and finishing all aspects of the grant within a two-year timeframe. Possible recapture of awarded funds could result if the project does not progress according to the approved timeline and will also be considered in the scoring of future applications.

CDBG requires that the rents charged or the cost of the resulting housing must be affordable and reasonable in relation to the current market. WCDA has chosen to utilize HOME rents as affordable rents under the CDBG Program, and these amounts are identified under Attachment "A" Current Year Summary. Additional points will be given to projects that offer rents below the levels identified as HOME rents in Attachment "A".

Specific items considered in the ranking of **project feasibility** include, but are not limited to;

- What are the goals and objectives of the project? How will they be measured?
- How was the project being presented developed and who was involved in the process?
- What is the long-term feasibility of the project?
- Are there other alternatives that have been considered?
- Is there anything innovative or creative about the project that would set it apart some similar proposals?
- Indicate appropriateness of the action, the priority of the action, and the benefit received by the low and moderate household upon completion of the project.
- Is there a special population being targeted by the proposed project?
- When will a low to moderate income person receive a benefit from the use of CDBG funds? Will it be immediate?
- Identify the rent charged or purchase price of the proposed housing must be affordable and reasonable given the current market. A breakdown, with details, listing the total rent

charged or the maximum purchase price of the housing unit. You need to guarantee a maximum price for all single-family homes.

- Provide information surrounding the site location, such as why was it selected, what is around it, what services are available, the general availability of land, cost of land in the community, the concentration of other low- and moderate-income persons in the area, or other issues as to why the site is appropriate, should all be described.
- The timeline should identify what action will be taken and when, start from the environmental review and end at the time of initial occupancy of the housing unit.
- For existing programs, the issue of whether past funding has been spent in a reasonable time and, if not, what has been done to correct the situation.
- The potential for relocation, displacement, lead-based paint, and environmental concerns should be addressed by all sponsor and/or sub-recipients. Please note that applications that do not address these concerns will be rejected as incomplete.

Need and Justification

Points will be awarded based upon the seriousness of need and urgency of the problem. A complete needs study is required and should include supporting documentation. Sponsors and/or sub-recipients should describe the relationship between documented needs and the proposed activities in specific measurable terms. Those applications benefiting the most low- and moderate-income persons for the dollars requested will rank higher in this category. Projects that guarantee more than the minimum 51% of the housing units produced will benefit to low- and moderate-income households will rank higher. Projects involving individual homeowner rehabilitation, infrastructure or site clearance to support single family home ownership must demonstrate their commitment to 100% of the housing units impacted will benefit low- and moderate-income persons.

The sponsor and/or sub-recipient will need to discuss other efforts initiated either successfully or not successfully for solving the problem. Has the sponsor and/or sub-recipient looked elsewhere or is this the first effort the sponsor and/or sub-recipient has made for funding? This section should address other similar projects that have been completed with other funding that provided a partial solution to the same problem.

Specific items considered in the ranking of **need and justification** include, but are limited to;

- Identify the housing needs of the community and how the needs were identified.
- Prove that the problem exists, identify the causes and possible solutions, assess how other organizations (if any) are addressing the problem, and state what remains to be done.
- The need for the proposed project must be supported by specific information contained within the application. The information presented must be relevant to the population served, such as special needs, elderly, etc.
- Providing statistics without any explanation does not prove that a problem exists. Explain what the numbers represent, put the information in context.
- The need for the specific type of housing proposed in the application, for example: single family homes, group homes, homeownership assistance, should be supported by the narrative.
- Identify who is affected by the problem.
- Explain how the proposed project will solve the need identified.
- Indicate the current status of the households the project anticipates assisting, such as where are they living now.

- The information regarding any waiting list(s) kept and the eligibility screening process should be included.
- Is there a public health and safety concern being addressed?

Benefit to Low- and Moderate-Income Persons

Specific items considered in the ranking of **benefit to low- and moderate-income persons** include:

- The impact to low- and moderate-income persons per CDBG dollar, i.e., CDBG dollars per housing unit produced/benefited should be clearly defined.
- The percentage of CDBG funding that will be targeted to low- and moderate-income persons should be clearly defined.
- The number of direct low- and moderate-income beneficiaries should be identified.
- What is the expected turnover rate for beneficiaries?

Project Cost

Sponsors and/or sub-recipients will be asked to describe how well their projects coordinate with other programs to solve their problem. Emphasis will be placed upon the leveraging of CDBG funds with other financial resources, including non-monetary sources, to achieve project objectives. Indicate if local governments, civic groups and/or service providers have been contacted to identify the potential need of the proposed project. If funding from other sources is part of the program, then the sponsor and/or sub-recipient must submit written commitments from those sources as well as a source and uses statement. If funding from other sources has been applied for and denied please include that information also. If previous CDBG application(s) have been attempted and denied, please explain what changes have been made since the previous application. Please provide a timeline for any funding that is pending.

Applications must be consistent with the State of Wyoming Consolidated Plan for Housing and Community Development. The fact that a sponsor and/or sub-recipient does not request the maximum administrative fee will contribute to a higher ranking in this category but is not considered equity in the project. The amount of the requested administrative fee should however be clearly identified in relation to the entire project budget.

Specific items considered in the ranking of **project cost** include, but are not limited to;

- The sources of all funding required to complete the proposed project should be identified.
- List the administrative fees requested and their anticipated use.
- All financial sources committed to the proposed project should be listed.
- The budget for the project and how was it established, what are the estimate sources. Make sure the budget includes the all expenses associated with implementing the project including materials, overhead, administrative costs, continued maintenance, etc. Include a narrative description to explain the budget.
- The financial position of the organization.
- Support letters and letters of commitment should be included whenever possible.

Community Support and Efforts

Specific items considered in the ranking of community support and efforts include, but are not limited to;

- The groups or organizations supporting the project should be listed.
- Any donations from the community should be listed.
- The level of the community/sponsor involvement should be explained, waiving fees, taxes, administration, etc.
- Support letters and letters of commitment should be included whenever possible.

Participant Experience

Briefly describe the sponsors and/or sub-recipient's history and accomplishments. Describe the activities currently being undertaken and programs being utilized. Include information regarding who is being served.

Sponsors and/or sub-recipients must demonstrate capacity to plan and administer the proposed project, manage the budget, maintain adequate financial records, maintain required project records, submit reports, and meet the proposed timetable for completion. Timeliness will be an important consideration in this category. Past performance will also be taken into consideration.

Management capacity is important for the success of the program. The sponsor and/or sub-recipient should carefully document their ability to administer the grant responsibilities. Please identify what specific responsibilities the sponsor and the sub-recipient will be accepting. A complete copy of the most recent audited financial statement for the City/Town/County must be included. The sub-recipient must also include a copy of their current financial statement.

Sponsors and sub-recipients must identify all individuals who will be working on the project, their previous experience with federal grants, and the past performance/outcome of any previous grant(s). For rehabilitation or public facilities please include a listing of all similar projects managed and their current status. Sponsors and sub-recipients must also include the names of board members, if applicable, and persons of interest.

Identify how the project fits within the primary mission of the sponsor and sub-recipient, if any.

Attending a CDBG training session or webinar approved by WCDA prior to the current application cycle is a ranking consideration in this category. Sponsors and sub-recipients must attend training each year of their WCDA CDBG grant to receive this consideration.

Sponsors and sub-recipients may also use training attendance as a way to build experience. Documentation of attendance must be included with the application. In order to receive credit for attendance the person who attends the training must be an integral part of the application process and/or administration of the program.

Equity is the sponsor or sub-recipients own funds being contributed to the project. Sponsors and sub-recipients will be ranked on whether or not they have any equity in this project. The CDBG funds relative to the total project budget will influence the ranking. The percentage of CDBG funds relative to the total project costs, including administrative expenses should be identified. Non-monetary equity will also be taken into consideration.

BONUS POINTS

- The sponsor/sub-recipient should indicate if they are willing to restrict the affordability of the project beyond the required 5 years.
- Projects that are willing to pay back all or a portion of the CDBG funding will receive additional points. The terms of the repayment should be clearly described.

APPLICATIONS MAY BE REJECTED FOR THE FOLLOWING REASONS:

- The application is for an ineligible use of CDBG funds or a non-housing related activity.
- The sponsor and/or sub-recipient have demonstrated unsatisfactory performance on or management of a previous grant, including but not limited to outstanding compliance or monitoring issues.
- The sponsor or sub-recipient is in violation of any material law, ordinance, statute, rule, regulation, franchise, certificate or permit to which it is subject.
- The sponsor or sub-recipient is in default with respect to any judgment, order, writ, injunction, decree or demand of any court, arbitrator or governmental body. All actions must be identified in the application.
- The sponsor and/or sub-recipient are not an eligible recipient for CDBG funds.
- The sponsor and/or sub-recipient have not demonstrated the capacity to carry out the proposed activity.
- Failure to identify the costs associated with, the potential for, or the specific means to be used to address: relocation, displacement, lead-based paint, asbestos removal, mold, and other environmental concerns.

For example: Sponsors and/or sub-recipients who are applying for funds for rehabilitation programs or projects or homebuyer assistance, must demonstrate to WCDA that the sponsor and/or sub-recipient and the community has the capacity to rehabilitate housing while complying with the Lead Based Paint Regulations 24 CFR Part 35. The sponsor and/or sub-recipient must provide a list of qualified lead service providers (Lead Inspectors, Risk Assessors and Abatement Contractors) within the local area that will enable the project to move forward under the regulations.

- The sponsor and/or sub-recipient have not followed the Citizen Participation Requirements listed above and in the application for funds including the two Public Hearings and Resolution from the sponsor.
- Failure to demonstrate housing benefit to low- and moderate-income households.
- Disturbance of the site or the area surrounding the site prior to receiving environmental clearance. This is a violation of 24 CFR Part 58.22.
- Acquisition has already taken place (no reimbursement of previously expended funds).
- The project has previously been assisted with CDBG funds and is currently fulfilling the affordability period requirement.
- An audited financial statement for the City/Town/County was not provided at the time of application.

Any application that does not demonstrate this capacity will be rejected.

E. ALLOCATION SCORING

WCDA will review all applications in each cycle for completeness and eligibility based on federal requirements and selection criteria. Proposed projects will be ranked based on the following criteria. Where an applicant's Market Study differs from the current economic statistics available to WCDA, the project may be ranked using the most recent data available to WCDA. Although projects may rank, WCDA reserves the right to add requirements to address any concerns to the Initial Allocation Document, which it may have for the long-term viability of the project. Sufficient documentation must be included and applications must include a detailed written explanation of how and why the applicant feels the criteria has been met in order for points to be accurately assessed.

Points	Negative	Minimum	Maximum
--------	----------	---------	---------

1)	Public Service- Utilities		45	
	a) Need			90
	b) Percentage of Low-Mod being served (+/- 60%)	-25		25
	c) Vacancy in Subsidized Projects			20
	d) Grant Payback			20
	e) First Time Applicant			5
SUB TOTAL PUBLIC SERVICE		-25	45	160

2)	CDBG-CV Public Service (And or)		45	
	a) Broadband Infrastructure Development & Maintenance			45

b) Emergency Payments for Utilities			45
c) COVID-19 Temporary Housing Anti-Displacement			45
d) Homeless, Youth, & Senior Center Operating Cost Reimbursement			45
e) COVID-19 Vaccine Distribution (Municipal, County, and Tribal governments)			45
f) All Other Qualified COVID-19 Public Services			45
g) First Time Applicant			5
SUB TOTAL QUALITY OF CONSTRUCTION		45	50*

* Please note Attachment B CDBG-CV amendment

3) Slum and Blight Prevention and/or Removal		45	
a) Proximity of Slum and Blight near Downtown	-10		50
b) Removal of Slum/Blight for Housing/mix use	-10		20
c) Proximity of Slum and Blight near schools			10
d) Percentage of Low-Mod being served (+/- 60%)	-20		20
e) First Time Applicant			5
SUB TOTAL SLUM AND BLIGHT PREV/REMOVAL	-40	45	105

4) Low-and Moderate-Income Housing rehab		45	
a) Percentage of Neighborhood Rehab (+/- 50%)	-10		20
b) Capital Improvement Budget +/-Percentage of Overall Budget -10			20
c) Low/Mod Persons w/ Disabilities served			10
d) Low/Mod Elderly Community served			10
e) Provides Local (Non-Federal) 5% grant match			10
f) First time Applicant			5
SUBTOTAL LOW MOD HOUSING REHAB	-20	45	75

5) Urgent Need		45	
a) Low-and Moderate-Income Neighborhood			40
b) Natural Disaster (i.e., flood, tornado, etc.)			15
c) Wind and/or Hail Storm			15
d) First time Applicant			5
SUBTOTAL URGENT NEED		45	75

All Applications regardless of 1-5 selection will also be subjected to number 6 and 7 criteria.

6) CDBG General Allocation Score (Mix and Match)		20	
a) 75% of grant goes to Low/Mod peoples	-10		20
b) 10%+ funds match with grant			20
c) First time Applicant			10
d) Program Income			10

7) Donations, Grants & Waived Fees			35
------------------------------------	--	--	----

TIE BREAKER

In the event of a tie, the projects will be awarded priority as follows:

1) Percentage of Low-Moderate-Income peoples being served
2) Rehabilitation Proposal
3) Slum and Blight removed downtown/ school zone
4) Urgent Need Addressed

F. MAXIMUM ALLOCATIONS

Maximum Grant Request

The maximum CDBG award to any one project is limited to \$500,000. The maximum CDBG-CV award to any one project is limited to \$750,000, inclusive of administrative fees (if any). WCDA will accept one CDBG and/or one CDBG-CV application per eligible sponsor (cities, towns or counties), for a total maximum of two applications per sponsor. Each CDBG and CDBG-CV project requires a separate application.

Any sponsor and/or sub-recipient seeking supplementary funding to complete a project that has already received a CDBG allocation will not be considered for funding. All awards may be made in an amount up to the requested amount (or maximum award), subject to documented need and funding availability. Any project that applies for and/or receives less than the full \$500,000 (CDBG) or \$750,000 (CDBG-CV) is not eligible to reapply for the difference, which would constitute submission of two applications for the same project. It is possible for the project to return a previously awarded amount and reapply for a higher dollar amount in a future application cycle provided work has not started on the project. Returning funds does not guarantee a future award. Projects may be awarded less than the amount requested.

CDBG-CV Administrative Expenses

Administrative expenses of up to ten percent (10%) of the total grant amount may be requested by each successful CDBG-CV sponsor and/or sub-recipient to assist in defraying the administrative expenses of the project. CDBG projects are not eligible for administrative expenses. All requests for administrative fees must be explained and documented in the budget. The project costs together with the administrative fee amount cannot exceed the CDBG-CV maximum award amount of \$750,000. All program income derived from CDBG-CV activities will be returned to WCDA for statewide re-allocation. Any funds re-allocated by WCDA will be made available during future competitive application periods. Administrative expenses must be drawn in proportion to project funds. A project will not be allowed to draw administrative expenses up front or before drawing project funds.

Matching Requirements

WCDA requires CDBG applicants to provide a minimum local match of five percent (5%) of the total grant amount requested, which must come from non-federal funding sources. Sponsors and/or sub-recipients must demonstrate that they have secured firm commitments for match funding sources. Projects with more than the minimum required match will rank higher under match/leveraging and community support/efforts.

Timely Expenditure of Funds

Timeliness refers to how quickly the Grantee is able to commit and expend grant funds. Since federal program budgets are tight all across the government and since there is a huge need for community development programs, it is vital that sponsors/sub-recipients make every effort to quickly use their funds and complete their projects.

In an effort to ensure timeliness, sponsors/sub-recipients will be expected to execute a Grant Agreement no later than six months after the date of award. All projects must be completed (including beneficiaries) no later than two years after the date of award. At the time of application projects should be ready to act immediately if approved.

Affordability Period

The project is required to remain affordable and it is required to operate under the original intent of the application for a period of not less than five (5) years from the date of the formal grant closeout. For Owner Occupied Rehabilitation and Homebuyer Assistance the housing unit must be owner occupied for a minimum of five (5) years. The affordability period of five (5) years is a federal requirement of the CDBG program and cannot be waived for any reason. Contact WCDA for specific guidance on structuring the affordability of project.

Projects that commit to an affordability period in excess of five (5) years will receive bonus points in the scoring.

An annual reporting of beneficiaries served by the project is required during the entire affordability period for all activities with the exception of Owner-Occupied Rehabilitation and Homebuyer Assistance.

Previous Sponsors/Sub-Recipients

A previous sponsor and/or sub-recipient of CDBG funds may not be eligible for an award of CDBG funds for a new project or for continuation of a currently funded program unless the existing grant is substantially complete and in good standing. To be considered substantially complete a minimum of 75% of the non-administrative funds must be expended and requested for reimbursement from WCDA. A project is not officially completed until the beneficiary data and closeout paperwork is received and approved by WCDA. Closeout paperwork is generally required no later than 60 days after completion. Previous sponsors and sub-recipients must demonstrate satisfactory performance in completing projects and in maintaining existing projects with either WCDA or WBC. A review of previous sponsor and sub-recipient performance will be completed during the ranking process. Any sponsor or sub-recipient with outstanding compliance issues is not eligible. All compliance issues must be corrected before an application will be accepted.

Sponsor and/or sub-recipient not keeping WCDA current on any existing grants or having prolonged gaps in communication when requested will be viewed as noncompliant and grant termination (including repayment of the CDBG funds) may result.

ATTACHMENT 'A'

2021 MOD CURRENT YEAR SUMMARY

AVAILABLE FUNDING:

Funding Source	Available/Uncommitted Balance	HUD Program Year (PY)
Community Development Block Grant (CDBG)	\$3,216,677	2020
Community Development Block Grant (CDBG)	\$3,657,587	2021
CDBG CARES Act Tranche 1 (CDBG CV-1)**	\$2,040,347	2020
CDBG CARES Act Tranche 2 (CDBG CV-2)**	\$1,444,327	2020
CDBG CARES Act Tranche 3 (CDBG CV-3)**	\$2,111,560	2020
Total Available Funding	\$12,470,498	

SET-ASIDE CATEGORIES:

Activity Category	Funding Cap
Public Services	\$5,141,460
Public Facilities and Infrastructure	\$5,018,943
Housing Activities (Special Populations New Construction, Acquisition and/or Rehabilitation, Homeowner Rehabilitation, Homebuyer Assistance)	\$1,096,521
Program Administration for Subgrantees (CDBG-CV ONLY)	\$727,510
Program Planning & Administration (State)	\$486,064
Total	\$12,470,498

APPLICATION CYCLE TIMELINE:

Task	Deadline(s)
Letter of Intent	August 30, 2021
Application Submittal	September 30, 2021
WCDA Board Funding Approval	January 26, 2022
Executed Agreements and Documents	March 31, 2022
Environmental Reviews Complete	April 29, 2022
Notice to Proceed	May 31, 2022

*All funding amounts and dates herein are subject to revision by WCDA.

**Applications for CDBG-CV must demonstrate a direct connection with planning for or responding to COVID-19 related needs.

Below is a summary that gives percentages of CDBG-CV administrative costs relative to your application. All CDBG-CV applications have a cap of \$500,000.00 meaning that of that \$500,000.00 only 13% can be used for the applicant's administrative costs. The remaining 7% is retained by WCDA for state-level administration and planning.

Eligible State CDBG-CV Administrative Costs
<ul style="list-style-type: none">• Elimination of state administrative match• 20% cap on planning and administration activities<ul style="list-style-type: none">• 7% State general administration and technical assistance<ul style="list-style-type: none">• 5% General administration• 2% Technical assistance• 13% available to units of local government for general administration and technical assistance

For questions regarding admin fees please contact WCDA.

WYOMING 2021 Low- to Moderate-Income Limits

*Low is 50% median income & Moderate is 80% median income

County		1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Albany	Moderate	45400	51850	58350	64800	70000	75200	80400	85500
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Big Horn	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Campbell	Moderate	50650	57850	65100	72300	78100	83900	89700	95450
	Low	31650	36200	40700	45200	48850	52450	56050	59700
Carbon	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Converse	Moderate	47550	54350	61150	67900	73350	78800	84200	89650
	Low	29750	34000	38250	42450	45850	49250	52650	56050
Crook	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Fremont	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Goshen	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Hot Springs	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Johnson	Moderate	46850	53550	60250	66900	72300	77650	83000	88350
	Low	29300	33450	37650	41800	45150	48500	51850	55200
Lincoln	Moderate	46500	53150	59800	66400	71750	77050	82350	87650
	Low	29050	33200	37350	41500	44850	48150	51500	54800
Niobrara	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Park	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Very Low	28350	32400	36450	40500	43750	47000	50250	53500
Platte	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Sheridan	Moderate	45450	51950	58450	64900	70100	75300	80500	85700

	Low	28400	32450	36500	40550	43800	47050	50300	53550
Sublette	Moderate	52300	59750	67200	74650	80650	86600	92600	98550
	Low	32700	37350	42000	46650	50400	54150	57850	61600
Sweetwater	Moderate	49700	56800	63900	70950	76650	82350	88000	93700
	Low	31050	35500	39950	44350	47900	51450	55000	58550
Teton	Moderate	55950	63950	71950	79900	86300	92700	99100	105500
	Low	40500	46250	52050	57800	62450	67050	71700	76300
Uinta	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Washakie	Moderate	45400	51850	58350	64800	70000	75200	80400	85550
	Low	28350	32400	36450	40500	43750	47000	50250	53500
Weston	Moderate	45550	52050	58550	65050	70300	75500	80700	85900
	Low	28500	32550	36600	40650	43950	47200	50450	53700

Attachment B

Wyoming Community Development Authority CDBG-CV Amendment

Eligible Uses:

Below in no particular order are the popular and most used (but not limited to) topics for CDBG-CV applications.

USING CDBG-CV TO SUPPORT BROADBAND ACCESS:

Broadband related activities can be part of a grantee's overall strategy to prevent, prepare for or respond to the coronavirus using CDBG-CV resources from the CARES Act. This guide will provide an overview of the potential uses of CDBG-CV for broadband access under the criteria for eligible activities and national objectives in the CDBG regulations at 24 CFR 570, as well as Federal Register Notice FR 6218-N-01, which describes the program rules, statutory and regulatory waivers, and alternative requirements applicable to CDBG-CV funds and to annual formula CDBG grants awarded in fiscal years 2019 and 2020.

The CARES Act requires grantees to ensure that there are adequate procedures in place to prevent any Duplication of Benefits. The Duplication of Benefits requirement applies to all CDBG-CV funds and 2019 and 2020 State CDBG funds used to prevent, prepare for, and respond to coronavirus.

Grantees should gather information about all other resources, including other CARES Act assistance, to help determine potential risks of duplication and to target CDBG-CV resources where there are existing gaps or areas of unmet need.

States and localities should also consider the Consolidated Plan criteria outlined in Federal Register Notice FR 5891-F-02: "Modernizing HUD's Consolidated Planning Process to Narrow the Digital Divide and Increase Resilience to Natural Hazards." This rule requires States and local governments to consult with public and private organizations, including broadband internet service providers, and organizations engaged in narrowing the digital divide (e.g., schools, [2] digital literacy organizations), and to encourage the participation of these entities in implementing relevant components of the plan. The rule also requires each jurisdiction to describe the broadband needs in housing occupied by low- and moderate-income households including broadband wiring, service, and competition by broadband ISPs.

ELIGIBILITY OF CDBG-CV ACTIVITIES TO SUPPORT BROADBAND ACCESS:

CDBG-CV funds can be used to enhance broadband access in many ways, including but not limited to, infrastructure development, installation of wired and wireless connections, hardware and software purchases, construction of computer rooms for after-school programs that also incorporate appropriate health and safety precautions, training and digital literacy classes, and economic development assistance to businesses.

CDBG-CV grantees should fully examine the scope of their activities to ensure that they are both an eligible activity and are able to demonstrate compliance with the appropriate national objective. Grantees should

maintain adequate documentation of their determination for each assisted activity. In some cases, grantees may also want to consider the costs and benefits of providing CDBG-CV funds for broadband assistance. The costs of installing broadband infrastructure will vary within different geographic areas. Jurisdictions with a strong broadband infrastructure may reduce the cost of a CDBG-CV supported activity. Wireless broadband assistance involves equipment that could vary greatly by the design and size of the project, and the cost per unit.

Broadband Infrastructure

CDBG funds may be used to install wiring, fiber optic cables, and permanently affixed equipment such as receivers for areas to receive broadband access. The acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, including infrastructure improvements, are eligible under 24 CFR 570.201(c) and 42 USC 5305(a)(2). The acquisition, construction, reconstruction, rehabilitation, or installation of distribution lines and facilities of privately-owned utilities, which includes the placing underground of new or existing distribution facilities and lines, are eligible under 24 CFR 570.201(l) and 42 USC 5305(a)(4).

When using CDBG-CV funds for broadband infrastructure, grantees should consider operating and maintenance costs in addition to the costs of installation when deciding which form of broadband infrastructure to install.

Emergency Payments

CDBG funds may be used to make “emergency payments” for items such as rent and utilities - including Internet service - for up to three consecutive months (24 CFR 570.207(b)(4)). By waiver, HUD has extended the emergency payments to a six-month period (six consecutive months beginning at the time assistance is first provided) when using CDBG-CV funds and grant year 2019 and 2020 formula CDBG funds to prevent, prepare for, or respond to coronavirus.

As detailed in the March 30, 2021 CDBG-CV Q&A on “Arrearages Subsistence-Type Payments,” the emergency payments period begins when the payment is made, not when the individual’s or family’s arrearage began. If an individual or family is one or more months in arrears, a grantee may cover some or all the amount in arrears within the first month of assistance and continue through the applicable consecutive period of assistance. Emergency [3] payments for Internet service must be made directly to the ISP on behalf of the low-and moderate-income household. Payments may be made to a utility owned by the grantee, with some limitations. Grantees can also view the following Q and A for more information:

<https://www.hud.gov/sites/dfiles/CPD/documents/CDBG-CV-Q-and-A-on-Public-Utilities.pdf>.

Housing Activities

HUD defines broadband infrastructure for housing as, “cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure—including wireless infrastructure—as long as the installation results in broadband infrastructure in each dwelling unit meeting the Federal Communications Commission's (FCC's) definition in effect at the time the pre-construction estimates are generated.”

Housing activities that improve broadband infrastructure provides access to high-speed Internet to lower income tenants, whether they choose to or can afford to use the service or not. Enhancing broadband

access also allows non-profit and other public social agencies that provide free or reduced-cost Internet service to assist eligible tenants more easily. CDBG-CV funds may be used for the rehabilitation of single and multi-unit housing privately owned buildings for residential purposes and non-profit owned, non-residential buildings and improvements not eligible under 24 CFR 570.202(a) and 42 USC 5305(a)(2), provided the grantee is able to document how such rehabilitation prevents, prepares for, or responds to coronavirus. The regulation at 24 CFR 570.202(g) requires installation of broadband infrastructure in a building with more than four rental units if it is substantially rehabilitated as defined by 24 CFR 5.100. This includes the labor, materials, and other costs of installation that allows tenants to receive broadband access.

New housing construction that is carried out by a qualified Community Based Development Organization under 24 CFR 570.204(a) and 42 USC 5305(a)(15) may also include the installation of wiring, fiber optic cables, and equipment that allows tenants to receive access to broadband.

Public Services

Federal Register Notice FR 6218-N-01 waived the 15% cap for CDBG-CV, and for 2019 and 2020 CDBG Public Service activities that prevent, prepare for, or respond to coronavirus.

Grantees may use CDBG-CV funds for public service activities under 24 CFR 570.201(e) and 42 USC 5305(a)(2), such as digital literacy classes, technical training, after-school programs, telehealth services and other digital programs and services that expand the knowledge and use [4] of Internet products, services, and resources by low-and-moderate income households. The purchase of equipment or other personal property that is not an integral structural fixture is also eligible when such items are necessary to carry out a public service. Grantees should follow the equipment management and disposition requirements at 2 CFR 200.310, 200.313 and 200.316. Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to HUD.

An example of a CDBG-CV supported public service is the purchase of laptops and hotspots to be provided for use by children from low-and-moderate income families so that these children may access virtual classes provided by schools. At the end of the school year, the grantee can determine the appropriate disposition of equipment under \$5000 in value. For example, a grantee could collect the laptops and hotspots and provide them again for use by children if social distancing requirements remain in place or recur, and schools are providing virtual instruction.

DUPLICATION OF BENEFITS

The CARES Act requires grantees to ensure that there are adequate procedures in place to prevent any Duplication of Benefits as described in the chart below. The Duplication of Benefits requirement applies to all state CDBG-CV funds and 2019 and 2020 state CDBG funds used to prevent, prepare for, and respond to coronavirus. Grantees should also expand DOB procedures to prevent and check for duplication of benefit when other annual formula CDBG funds are also used to address Presidentially declared disasters such as coronavirus. Grantees should gather information about all other resources, including other CARES Act assistance, to help determine potential risks of duplication. Target CDBG-CV resources where there are existing gaps or areas of unmet need.

WHAT IS DOB?	GRANTEE RESPONSIBILITIES	RECOMMENDATIONS
Duplication of Benefits (DOB) occurs when assistance from multiple sources is provided to a person/entity and total amount of financial assistance exceeds the total need for assistance.	Develop and maintain adequate procedures to prevent a duplication of benefits that address (individually or collectively) each activity or program Procedures must include: - A requirement that persons/entities receiving CDBG-CV or applicable FY 19/20 assistance must repay duplicative assistance - A method to assess whether CDBG-CV or applicable FY 19/20 funds will duplicate financial assistance already received or likely to be received by evaluating need and available resources	Maintain documentation of other CARES Act assistance, including eligible activities and availability of assistance to determine risk of duplication Use CDBG-CV to address unmet needs or provide unduplicated assistance, with special attention to needs of low- and moderate-income persons Expand DOB procedures to prevent and check for duplication of benefit when other annual formula CDBG funds are also used to address Presidentially-declared disasters such as coronavirus.

INCREASE IN ADMINISTRATIVE CAP AND MATCH WAIVER

The Federal Register Notice waives the administrative match requirement for state CDBG-CV grantees to expedite program delivery. The Notice also establishes the 20 percent cap for planning, management, and administrative costs. The maximum amount for state general administration is increased to 5% and technical assistance to 2%. The remaining amount (possibly 13%) may be made available to UGLGs for planning and administration.

ALTERNATIVE RECORDKEEPING AND PROCUREMENT REQUIREMENTS

The Federal Register Notice waives the recordkeeping requirements in the CDBG regulations when states carry out activities directly. States that choose to use the waiver must establish and maintain records as necessary to facilitate review and audit by HUD of CDBG-CV program delivery. As described in the notice, the content of records maintained by the state for direct administration must be sufficient to:

- Enable HUD to determine if states are following the CDBG program laws and regulations;
- To make compliance determinations for activities carried out directly; and,
- To show how activities funded are consistent with the descriptions of activities proposed for funding in the CDBG-CV application States acting directly may also adopt state-wide procurement policies and pass those requirements on to other state agencies that administer CDBG-CV funds, as long as the requirements are based on full and open competition and meet the requirements in the CDBG regulations at 570.489(g).

MODELS FOR IMPLEMENTATION

States will need to consider the level of coordination needed with entitlement communities, tribes and potential subrecipients as they consider the waivers and alternative requirements available to them. HUD does not prescribe models for states to follow in implementing their program. Possible scenarios to consider include the Pass-through Model used for the state CDBG program and the Direct Administration Model which is similar to the Entitlement Communities program. Under the Pass-through Model, a state would receive its award of CDBG-CV funds and distribute that funding to a set of UGLGs according

specified method of distribution.

Like the state CDBG program the State would not directly carry out CDBG-CV funded activities statewide; Rather, UGLGs to which funds are passed would separately administer local programs with the option of engaging subrecipients.

The Direct Administration Model would require that the state specify a different method of distribution from that used for the state CDBG program, specifically: The State must specify what activities it will directly administer; and likewise, the state must explain how it will carry out those activities (particularly those that will occur without the involvement of UGLGs).

This model could include engaging additional state agencies to directly administer the CDBG-CV program or designating subrecipients to carry out activities statewide on behalf of the state, as well as enabling UGLGs that receive funding to carry out activities, including use of local subrecipients.

CDBG-CV WAIVERS AND ALTERNATIVE REQUIREMENTS AND STATE SPECIFIC WAIVERS AND ALTERNATIVE REQUIREMENTS

On August 7, 2020, HUD published Federal Register Notice FR 6218-N-01. The Notice describes the program rules, statutory and regulatory waivers, and alternative requirements applicable to CDBG-CV funds and to annual formula CDBG grants awarded in fiscal years 2019 and 2020.

This includes modifications and clarifications to national objectives, changes to eligible activities, and CDBG-CV specific program requirements. The table to the right provides an overview of most of the flexibilities included in the CDBG-CV notice that apply to all CDBG-CV grantees.

ELIGIBLE ACTIVITIES	NATIONAL OBJECTIVES	OTHER PROGRAM REQUIREMENTS
<p>All CDBG-CV activities must prevent, prepare for, and respond to coronavirus.</p> <p><u>Public Services</u></p> <p>The 15% cap is waived for CDBG-CV, 2019 and 2020 CDBG Public Service activities that prevent, prepare for, or respond to coronavirus.</p> <p>CDBG-CV funds may be used to make "Emergency Payments" for items such as food, clothing rent, mortgage and utilities for up to six consecutive months</p> <p><u>Economic Development</u></p> <p>Underwriting standards must be applied to special economic development activities</p> <p>The Aggregate Public Benefit Test is eliminated for economic development activities</p> <p>The Individual Public Benefit Standard for economic development activities is modified as follows:</p> <ul style="list-style-type: none"> - One full-time equivalent job per \$85,000 of CDBG used; - One LMI person per \$1,700 of CDBG funds used in qualified area; or - Assistance was due to business disruption related to coronavirus <p>Grantees may assist an E.D. project through for-profit and non-profit entities that pass funds through a financing mechanism (e.g. Opportunity Funds or New Markets Tax Credits)</p> <p>CDBG-CV funds can support payments on Section 108 notes for activities that prevent, prepare for, and respond to coronavirus.</p>	<p><u>Urgent Need documentation:</u> The same documentation that is used to demonstrate that the CDBG-CV activity prevents, prepares for, or responds to coronavirus may be used to support URG criteria for an activity that:</p> <ul style="list-style-type: none"> - "alleviates existing conditions" and that grantee is: - "unable to finance" activity on its own. (DOB documentation also supports this criteria.) <p>"serious and immediate threat" criteria can be documented via federal, state or local emergency declarations</p> <p><u>LMI job location assumptions:</u> The poverty rate to presume LMI benefit for job creation/retention in qualified census tracts with a central business district is reduced to 20%</p> <p><u>Job creation/retention records:</u></p> <ul style="list-style-type: none"> - Document that the individual beneficiary's income is considered LMI for a one-person family - Document that the type of job and annual wage/salary for that job is equal to or less than the LMI income limit for a one-person family <p>Note: The 70% overall benefit to low and moderate (LMI) income persons applies to CDBG-CV and is calculated as a percentage of the grantee's total CDBG-CV allocation</p>	<p>Pre-award costs for eligible CDBG-CV activities are allowable back to 1/21/20. Subrecipient costs can be included at grantee's discretion</p> <p>Program income earned with CDBG-CV funds is treated as annual formula CDBG program income</p> <p>CDBG-CV funds have a 6-year period of performance (POP).</p> <p>80% of CDBG-CV funds must be spent by the end of third year of the POP</p> <p>Timeliness: State CDBG-CV funds are Not subject to the requirement to make awards within 15-months.</p> <p>20% Administrative and Planning Cap for all CDBG-CV Grantees, including the State and funded UGLGs. State grantees may only use up to 5 percent for Administrative Costs and up to 2 percent for providing Technical Assistance.</p> <p>2 CFR 200 applicability has not changed.</p> <p>Environmental review requirements are unchanged for CDBG-CV</p> <p>IDIS now includes the PR28 Grant Financial Summary which will be used for the CDBG-CV funds. Additional Financial Statement and CAPER reporting instructions are forthcoming.</p>

Useful Resources:

Federal Register Notice FR 5890-F-02 – “Narrowing the Digital Divide Through Installation of Broadband Infrastructure in HUD-Funded New Construction and Substantial Rehabilitation of Multifamily Rental Housing.”

Broadband Map: <https://broadbandmap.fcc.gov/#/>

ConnectHOME Playbook <https://connecthome.hud.gov/playbook>

FCC Initiative Bridging the Digital Divide for All Americans <https://www.fcc.gov/about-fcc/fcc-initiatives/bridging-digital-divide-all-americans>

CDBG-CV Federal Register Notice <https://www.hud.gov/sites/dfiles/CPD/documents/FR-6218-N-01-CDBG-CV-clean-8-7-20-header-for-posting.pdf>

CDBG-CV Resources

https://www.hud.gov/program_offices/comm_planning/cdbg_programs_covid-19

<https://www.hudexchange.info/programs/cdbg-cv/> UPCOMING WEBINARS TOOLS AND GUIDES

Attachment C

EXAMPLES OF PUBLIC HEARING NOTICES

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIRST PUBLIC HEARING NOTICE

(Insert Name - CITY, TOWN, COUNTY) will hold a public hearing for the community's 2021 Community Development Block Grant (CDBG) activities, with proposed funding made available from Wyoming Community Development Authority (WCDA) Neighborhood Development Program. The public hearing will be held:

Date and Time: **(Must be at least SEVEN days after the date of publication)**

Place: **(Location of the meeting)**

The purpose of the public hearing is to solicit public view, comments, and recommendations for potential sponsorship of a grant application for WCDA's CDBG-funded Neighborhood Development Program.

The Wyoming Community Development Authority will accept applications until **(insert date)** at 5 p.m. WCDA expects to have approximately **\$(insert funding amount)** available for housing related activities within the State of Wyoming. The maximum CDBG funding available to any one project is \$500,000. Eligible activities include acquisition, homeownership assistance, rehabilitation, publicly owned infrastructure, clearance of sites, new construction of some public facilities, and planning only activities. All activities must result in a direct housing benefit to low (60% of HUD's AMI) and moderate (80% of HUD's AMI) income persons.

Interested persons are invited to attend, participate in the process, comment on the program, and present potential applications seeking support. Comments may be submitted in writing prior to the meeting. Send comments to **(insert contact information)**.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify **(insert contact information)** at least three days prior to the hearing to be attended.

The Program Description and Application for the CDBG-funded Neighborhood Development Activities may be obtained by contacting WCDA at 155 North Beech Street or at www.wyomingcda.com.

Publication Date: **(Must be at least SEVEN days prior to but not including the date of the public hearing)**

² Revise accordingly for CDBG-CV Projects.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
SECOND PUBLIC HEARING NOTICE

(Insert Name - CITY, TOWN, COUNTY) will hold a public hearing to discuss the proposed grant application(s) for the 2008 Community Development Block Grant (CDBG) Program available from the Wyoming Community Development Authority (WCDA). The public hearing will be held:

Date and Time: **(Must be at least SEVEN days after the date of publication)**

Place: **(Location of the meeting)**

Proposed Projects: (Include project name and brief description)

The purpose of the public hearing is to solicit public view, comments, and recommendations for potential sponsorship of a grant application for the WCDA's Housing Activities Portion of the CDBG Program.

The Wyoming Community Development Authority will accept applications until **(insert date)** at 5 p.m. WCDA expects to have approximately **\$(insert funding amount)** available for housing related activities within the State of Wyoming. The maximum CDBG funding available to any one project is \$500,000. Eligible activities include acquisition, homeownership assistance, rehabilitation, publicly owned infrastructure, clearance of sites, new construction of some public facilities, and planning only activities. All activities must result in a direct housing benefit to low (60% of HUD's AMI) and moderate (80% of HUD's AMI) income persons.

Interested persons are invited to attend, participate in the process, comment on the program, and present potential applications seeking support. Comments may be submitted in writing prior to the meeting. Send comments to **(insert contact information)**.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify **(insert contact information)** at least three days prior to the hearing to be attended.

The Program Description and Application for the CDBG Program for Housing Activities may be obtained by contacting WCDA at 155 North Beech Street or at www.wyomingcda.com.

Publication Date: **(Must be at least SEVEN days prior to but not including the date of the public hearing)**

³ Revise accordingly for CDBG-CV Projects.

Contact Information

John R. Batey, AICP

Director of Housing & Neighborhood Development
Wyoming Community Development Authority

batey@wyomingcda.com

307.233.0029 (OFFICE/DIRECT)

307.262.0062 (Cell)

307.266.5414 (Fax)

Michael W. D. Bland

Neighborhood Development Officer
Wyoming Community Development Authority

bland@wyomingcda.com

307.233.0026 (OFFICE)

307.277.1605 (DIRECT)

307.266.5414 (Fax)

***For Allocations please contact Michael**

Kaycee L. Hurless

Neighborhood Project Specialist I
Wyoming Community Development Authority

hurless@wyomingcda.com

307.233.0031 (OFFICE)

307.266.5414 (Fax)

***For Environmental Reviews please contact Kaycee**