

Certification of Exemption for HUD funded projects

A-1

Determination of activities listed at 24 CFR 58.34(a)
May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Location: _____
Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
Funding Amount: _____ Grant Number: _____

	1. Environmental & other studies, resource identification & the development of plans & strategies;
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I hereby certify that the abovementioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:

	2. Information and financial services;
	3. Administrative and management activities;
	4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
	5. Inspections and testing of properties for hazards or defects;
	6. Purchase of insurance;
	7. Purchase of tools;
	8. Engineering or design costs;
	9. Technical assistance and training;
	10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
	11. Payment of principal and interest on loans made or obligations guaranteed by HUD;
	12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5.

If your project falls into any of the above categories, no Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is exempt and meets the conditions specified for such exemption under section 24 CFR 58.34(a). Please keep a copy of this determination in your project files.

Responsible Entity Certifying Official Name

Title (please print)

Responsible Entity Certifying Official Signature

Date

Compliance Documentation Checklist
24 CFR 58.6

A-2

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Level of Environmental Review Determination: (Select One: (1) Exempt per 24 CFR 58.34, or (2) Categorically Excluded not subject to statutes per § 58.35(b), or (3) Categorically Excluded subject to statutes per § 58.35(a), or (4) Environmental Assessment per § 58.36, or (5) EIS per 40 CFR 1500)

STATUTES and REGULATIONS listed at 24 CFR 58.6

FLOOD DISASTER PROTECTION ACT

1. Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard? **Not applicable for federal formula grants made to a State, 58.6(a)(3).**

- No; Cite Source Document:
- Yes; Source Document:

2. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)? **Not applicable, see above.**

- Yes (Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file).
- No (**Federal assistance may not be used in the Special Flood Hazards Area**).

COASTAL BARRIERS RESOURCES ACT

1. Is the project located in a coastal barrier resource area?

- No; Cite Source Documentation:
- Yes - **Federal assistance may not be used in such an area.**

AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

1. Does the project involve the sale or acquisition of existing property within a Civil Airport's Runway Clear Zone or a Military Installation's Clear Zone?

- No; Source Documentation:
Project complies with 24 CFR 51.303(a)(3).
- Yes; **Disclosure statement must be provided** to buyer and a copy of the signed disclosure must be maintained in this Environmental Review Record

Prepared by (name and title, please print): _____

Signature: _____

Date: _____

**NOTICE TO PROSPECTIVE BUYERS OF PROPERTIES
LOCATED IN RUNWAY CLEAR ZONES
AND CLEAR ZONES/ACCIDENT POTENTIAL ZONES**

(In accordance with 24 CFR Part 51, Section 51.303(a)(3), this notice must be given to anyone interested either in buying an existing HUD property, or using HUD assistance to buy an existing property, which is located in either a Runway Clear Zone at a civil airport or a Clear Zone/Accident Potential Zone at a military installation.)

The property which you are interested in purchasing at _____ is located in the Runway Clear Zone/Clear Zone/Accident Potential Zone for _____.

Studies have shown that if an accident were to occur it is more likely to occur within the Runway Clear Zone/Clear Zone/Accident Potential Zone than in other areas around the airport/airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a Runway Clear Zone/Clear Zone/Accident Potential Zone acquisition program. Such programs have been underway for many years at airports and airfields across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds, but it is a possibility.

We wanted to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in is located in a Runway Clear Zone/Clear Zone/Accident Potential Zone.

Signature of prospective buyer

Date

Type or print name of prospective buyer

(This notice must be maintained as part of the file on this action.)

Certification of Categorical Exclusion (not subject to 58.5)

Determination of activities listed at 24 CFR 58.35(b)
May be subject to provisions of Sec 58.6, as applicable

A-3

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Location: _____
Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
Funding Amount: _____ Grant Number: _____

	1. Tenant-based rental assistance;
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I hereby certify that the abovementioned project has been reviewed and determined to be a Categorical Excluded activity (not subject to 58.5) per 24 CFR 58.35(b) as follows:

	2. Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
	3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
	4. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
	5. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title.
	6. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.
	7. Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under Sec. 58.47.

If your project falls into any of the above categories, **no** Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is Categorical Excluded (not subject to 58.5) and meets the conditions specified for such determination per section 24 CFR 58.35(b). Please keep a copy of this determination in your project files.

Responsible Entity Certifying Official Name & Title (please print)

Responsible Entity Certifying Official Signature

Date

Certification of Categorical Exclusion (subject to 58.5)

Determination of activities listed at 24 CFR 58.35(a)
May be subject to provisions of Sec 58.6, as applicable

A-4

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Location: _____
Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
Funding Amount: _____ Grant Number: _____

I hereby certify that the abovementioned project has been reviewed and determined to be a Categorically Excluded activity (subject to 58.5) per 24 CFR 58.35(a) as follows:

	1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets);
	2. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons;
	3. Rehabilitation of buildings and improvements when the following conditions are met: i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland; ii. In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation. iii. In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
	4. (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. (iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section).
	5. Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
	6. Combinations of the above activities.

The responsible entity must also complete and attach a **Statutory Check sheet**. By signing below the Responsible Entity certifies in writing that each activity or project is Categorically Excluded (subject to 58.5) and meets the conditions specified for such exemption under section 24 CFR 58.35(a). Please keep a copy of this determination in your project files.

Responsible Entity Certifying Official Name

Title (please print)

Responsible Entity Certifying Official Signature

Date

STATUTORY CHECKLIST

24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

Grant Recipient: _____ Project Name: _____

Project Description (Include all actions which are either geographically or functionally related):

Location: _____

This project is determined to be categorically excluded according to: [Cite section(s)] _____

Compliance Factors:

Statutes, Executive Orders, and
 Regulations listed at 24 CFR §58.5

N/A Consultation,
 Review,
 Permits
 Required Consistency
 Determination Condition,
 Mitigation

Compliance Documentation

Historic Preservation [36 CFR Part 800]					
Floodplain Management [24 CFR 55, Executive Order 11988]					
Wetland Protection [Executive Order 11990]					
Coastal Zone Management Act [Sections 307(c), (d)]					
Safe Drinking Water Act (42 USC 201, 300(f) & 21 U.S.C. 349)					
Sole Source Aquifers [40 CFR 149]					
Endangered Species Act [50 CFR 402]					
Wild and Scenic Rivers Act [Sections 7(b), and (c)]					
Clean Air Act [Sections 176(c), (d), and 40 CFR 6, 51, 93]					

Compliance Factors:
Statutes, Executive Orders, and
Regulations listed at 24 CFR §58.5

N/A Consultation, Consistency Condition,
Review, Determination Mitigation
Permits
Required

Compliance Documentation

Farmland Protection Policy Act [7 CFR 658]					
Environmental Justice [Executive Order 12898]					
HUD ENVIRONMENTAL STANDARDS					
Noise Abatement and Control [24 CFR 51B]					
Explosive and Flammable Operations [24 CFR 51C]					
Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)]					
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]					

DETERMINATION:

- () This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be drawn down** for this (now) EXEMPT project; OR
- () This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before drawing down funds; OR
- () The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE: _____

DATE: _____

PREPARER NAME: _____

RESPONSIBLE ENTITY AGENCY

OFFICIAL SIGNATURE: _____

NAME, TITLE: _____

DATE: _____

CHECKLISTS

Compliance Documentation Checklist (24 CFR 58.6)

Statutory Checklist (24 CFR §58.5 Statutes, Executive Orders & Regulations)

Environmental Assessment Checklist

The Statutory Checklist covers statutes, regulations, and Executive Orders, other than NEPA to which every project subject to 24 CFR 58 review must respond, unless it is exempt or categorically excluded under 24 CFR 58.35(b). A listing of activities that a project can include to be exempt from the environmental requirements of NEPA and other related authorities, such as administrative actions, planning and environmental studies is found in 24 CFR 58.34.

If the project is categorically excluded from NEPA procedures under 24 CFR 58.35(a), this is the only checklist that applies. If the project is not exempt or categorically excluded, then the Statutory Checklist should be completed in conjunction with the Environmental Assessment Checklist. The Environmental Assessment Checklist helps to organize an early consideration of numerous environmental issues. Together they become companion documents, with the Environmental Assessment Checklist recording anticipated impacts and the Statutory Checklist documenting compliance with laws and regulations.

Statutory Checklist

This checklist covers Federal laws, regulations, and Executive Orders (see 24 CFR 58.5 and 58.6). In some cases, compliance means that the grant recipients must follow detailed procedures required by the particular law, regulations, or Executive Order.

Findings presented in the Statutory Checklist include:

Not Applicable to this Project – Check here, only when it is known that the project is located in an area where the environmental condition or resource is nonexistent (e.g., project is not located near a coastal zone or near a wild & scenic river).

Consultation/Review Procedures Required – This determination requires that there has been coordination with the appropriate individuals at Federal or federally authorized agencies and those interactions documented through attached notes and correspondence. (e.g., completion of the 106 procedure of the Advisory Council on Historic Preservation).

Determination of Consistency, Approvals and Permits Obtained – (e.g., consistency with state coastal zone management plan). In areas requiring consistency or where projects required Federal permits, licenses or other forms of approval, such requirements should be recorded here as having been met or required procedures followed. Any condition, temporary permit or partial approval is recorded in the next column to a document recorded in the ERR.

Conditions or Mitigation Actions Required – These should be listed and attached including any correspondence from reviewing agencies and a designation of responsibility for implementation.

For each Checklist category there may be more than one applicable law or regulation. For example, in the case of water it will be necessary to indicate that the project is in compliance with the Safe Drinking Water Act and that the various water acts and regulations have been considered. Check all applicable laws or regulations.

In addition, there is space provided on the Checklist form to document compliance with the applicable law, regulation, or Executive Order and to indicate sources of information and reference that support the finding. Notes, correspondence and documents (e.g., approval letters, permits) can also be attached to the Checklist.

It is recommended that state or local environmental laws or regulations be added to the Statutory Checklist as applicable to a particular community. Space has been provided to do so on this form. In addition, new federal statutes and regulations should be added when issued.

Grant recipients are reminded that they must certify that they have complied with the obligations and requirements of all other applicable laws and authorities.

A. Are all the project's activities exempt under 58.34(a)(1)-(11) and/or Categorically Excluded (CE) from NEPA procedures under 58.35(b)? Yes No.

If "Yes" attach supporting documentation including citations to applicable subsection of 58.34(a)(1)-(11) or 58.35(b) and complete Other Requirements Checklist (58.6). Sign and date certification and keep in the project ERR. Remaining portions of the Checklist need not be completed. Do not initiate RROF procedures. Funds may be obligated for this project.

If "No" proceed to question B.

B. Perform all relevant compliance requirement reviews of the Statutory Checklist and complete all columns as appropriate, sign and date form.

1. Is this a 58.35(a) CE Project? Yes No.

If "Yes", document by specific reference(s) to Part 58.35(a) how this project qualifies as a 58.35(a) CE project and respond to question B2.

If "No" then go to question C.

2. Does the project trigger a 58.5 Compliance Threshold? Yes No.

If "Yes" then initiate RROF procedures, beginning with publication/posting of RROF Notice.

If "No"; project may be reclassified as exempt under 58.34(a)(12); do not initiate RROF procedures, and funds may be obligated after signing and dating this form and completing Compliance Documentation Checklist.

C. If No to B (1), then this project requires an Environmental Assessment (EA)

Fill out the Environmental Assessment Checklist and document all determinations as necessary and appropriate.

Sign and date.

Even if an EA has already been completed, 24 CFR Part 58, Subpart H procedures, beginning with publication/posting of FONSI/RROF Notice, cannot be initiated until all 58.5 and 58.6 determinations and compliance processes have been completed. Some CE projects may require an EA or an EIS because of their environmental effect.

COMPLIANCE THRESHOLDS

Historic Properties (including archeology):

A) The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4, no adverse effects on historic properties per §800.5(b), or SHPO has not objected within 30 days to such fully documented determinations.

B) The proposal has an adverse effect on historic properties. Consult with SHPO et al., per §800.5 et seq., to resolve or mitigate adverse effects.

* The National Historic Preservation Act of 1966 (16 U.S.C. 470f *et seq.*): as amended: particularly section 106 (16 U.S.C. 470f): except as provided in § 58.17 of this part for section 17 projects.

* Executive Order 11593. Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 *et seq.*): particularly section 2(c).

* The Reservoir Salvage Act of 1960 (16 U.S.C. 469 *et seq.*) particularly section 3 (16 U.S.C. 469a-1): as amended

* The Archeological Historic Preservation Act of 1974.

Floodplain Management:

A) The project does not involve property acquisition, management, construction or improvements within (or will impact) a 100 year floodplain (Zones A or V) identified by FEMA maps, and does not involve a "critical action" (e.g., emergency facilities, facility for mobility impaired persons, etc.) within a 500 year floodplain (Zone B). If FEMA has not published flood maps, the RE must make a finding based on best available data, e.g. from the City/County Engineer or local Flood Control Agency.

B) Complete the 8-step decision making process according to 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposal and to mitigate effects of the project in a floodplain.

* Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.*) as amended: particularly sections 102(a) (42 U.S.C. 4012a (a) and 4106 (a).

* Executive Order 11988. Floodplain Management, May 24, 1977 (42 FR28931 *et seq.*): particularly section 2(a).

Statutory Checklist

COMPLIANCE THRESHOLDS (continued)

Wetlands Protection:

A) The project does not involve new construction within or adjacent (or will affect) to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers.

B) Complete the 8-step decision making process in 24 CFR 55.20 to document there are no practicable alternatives and to mitigate effects of the project on wetlands. Such action also requires obtaining a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act.

* Executive Order 11990. Protection of Wetlands. May 24, 1977 (42 FR 28951 *et seq.*); particularly section 2 and 5.

Coastal Zone Management:

A) The project does not involve the placement, erection or removal of materials, nor an increase in the intensity of use in the Coastal Zone (CZ) per certified local coastal plan, California Coastal Commission, SF BCDC, etc.

B) Secure concurrence from the CZ Commission or delegated local planning commission with your determination of consistency with the applicable CZ Plan, or obtain coastal zone permit.

* The Coastal zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*) as amended: particularly section 307 (c) and (d) (16 U.S.C. 1456 (c) and (d)).

* The Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 *et seq.* particularly sections 5 and 6 (16 U.S.C. 3504 and 3505).

Sole Source Aquifers (Safe Drinking Water Act):

A) The project is not located within a U.S. EPA-designated sole source aquifer watershed area per EPA Ground Water Office, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990.

B) Consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures.

* The Safe Drinking Water Act of 1974 (42 U.S.C. 201.300 (f) *et seq.*, and 21 U.S.C. 349) as amended: particularly section 1424(e) (42 U.S.C.300b-303(e)).

Farmland Protection:

A) The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses;

B) Request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands).

* Farmland Protection Policy Act of 1961 (7 U.S.C. 4201 *et seq.*) particularly section 1540(b) and 1541 (7U.S.C. 4201 and 4242).

Endangered Species:

A) The RE determines that the proposal will have “no effect” **or** “is not likely to adversely affect” any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats. This finding is to be based on contact made with the U.S. Fish and Wildlife Service and/or with State Department of Fish and Game, or by special study completed by a professional biologist or botanist and approved by the above agency. Only a determination of “no effect” does not require being sent to U.S. FWS for concurrence.

B) Consult with the U.S. FWS or with the National Marine Fisheries Service, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded “major construction” activities and anytime a “likely to adversely affect” determination is made.

* The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c) (16 U.S.C. 1278 (b) and (c)).

Wild and Scenic Rivers:

A) The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system.

B) Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation.

* The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended: particularly section 7 (b) and (c) (16 U.S.C. 1278 (c) and (d)).

Statutory Checklist

COMPLIANCE THRESHOLDS (continued)

Air Quality:

A) The project is located within an “attainment” area, **OR**, if within a “non-attainment” area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board, **AND** the project requires no individual NESHAP permit or notification;

B) Negotiate suitable mitigation measures with the Air Quality Management District or Board, obtain necessary permits, issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq. ft., or 35 cubic ft., of asbestos containing material is to be disturbed).

* The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended: particularly section 176 (c) and (d) (42 U.S.C. 7308 (c) and (d))

Noise Abatement and Control: **

A) The project does not involve development of noise sensitive uses, **OR** the project is not within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, or 15 miles from a major (listed) airport **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map;

B) Apply the noise standard, per 24 CFR §51.101, to the decision whether to approve the proposal (see §51.104), and implement noise attenuation measures (NAG page 39-40) as applicable.

Explosive or Flammable Operations: **

A) The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to “Siting of HUD-Assisted Projects Near Hazardous Facilities” (Appendices F & G, pp. 51-52), **OR** the project will expose neither people nor buildings to such hazards;

B) mitigate the blast overpressure or thermal radiation hazard with the construction of a barrier of adequate size and strength to protect the project (per 24 CFR 51.205).

Airport Clear Zones and Accident Potential Zones: **

A) The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) -or Runway Protection Zone, or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) -Approach Protection Zone, based upon information from the airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ;

B) It is **HUD** policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

Toxic Chemicals and Radioactive Materials: **

A) The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes.

B) Mitigate the adverse environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal.

Environmental Justice: **

A) The proposed site is suitable for its proposed use and will NOT be adversely impacted by adverse environmental conditions;

B) Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address and mitigate the disproportional human health or environmental effects adversely affecting the low income or minority populations **OR** reject the proposal.

* Executive Order 12898 Federal Actions to address environmental justice in minority populations and low-income populations. Revised 11/04

** From: Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.

environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to (HUD/state grant administration office) at (address of that office). Potential objectors should contact (HUD/state) to verify the actual last day of the objection period.

(name and title of re certifying officer)

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 11/30/2004)

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This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) FY 2009 Louisiana Community Development Block Grant Program	2. HUD/State Identification Number (HUD GRANT NUMBER) B-09-DC-22-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) 14.228	5. Name and address of responsible entity	
6. For information about this request, contact (name, phone and fax number)		
8. HUD or State Agency and office unit to receive request Louisiana Division of Administration Office of Community Development	7. Name and address of recipient (if different than responsible entity) Same as Item 5.	
The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following		
9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)	
11. Program Activity/Project Description (including grant amount)		

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	<i>Name & Title of Certifying Officer</i>
X	Date signed

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Project Name and Identification No. _____

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES
	NONE	MINOR	MAJOR		
Land Development					
Conformance with Comprehensive Plans and Zoning					
Compatibility and Urban Impact					
Slope					
Erosion					
Soil Suitability					
Hazards and Nuisances Including Site Safety					
Energy Consumption					
Noise					
Effects of Ambient Noise on Project and Contribution to Community Noise Levels					
Air Quality					
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels					
Environmental Design, Historic Values and Urban Impact					
Visual Quality Coherence, Diversity, Compatible Use and Scale					
Historic, Cultural and Archaeological Resources					

Environmental Assessment Checklist

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES
	NONE	MINOR	MAJOR		
Socioeconomic					
Demographic Character Changes					
Displacement					
Employment and Income Patterns					
Community Facilities and Services.					
Educational Facilities					
Commercial Facilities					
Health Care					
Social Services					
Solid Waste					
Waste Water					
Storm Water					
Water Supply					
Public Safety	Police				
	Fire				
	Emergency Medical				
Open Space and Recreation	Open Space				
	Recreation				
	Cultural Facilities				
Transportation					

Environmental Assessment Checklist

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES
	NONE	MINOR	MAJOR		
Natural Features					
Water Resources					
Surface Water					
Floodplains					
Wetlands					
Coastal Zone					
Unique Natural Features and Agricultural Lands					
Vegetation and Wildlife					

Summary of Findings and Conclusions

Summary of Environmental Conditions

Environmental Assessment Checklist

ALTERNATIVES

Determine and describe possible alternatives to the proposed project, including the alternative of not implementing the project. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficiently to indicate that an adequate consideration of each alternative has occurred.

Alternative 1

Alternative 2

COMPARATIVE ANALYSIS: Local and area-wide plans that demonstrate environmental considerations can serve as the context within which a comparison of alternative sites is made (i.e. by a project's consistency with the environmental criteria for site selection as may be established with such plans).

Additional Studies Performed (Attach Study or Summary)

Mitigation Measures Needed:

Environmental Assessment Checklist

1. Is project in compliance with applicable laws and regulations? Yes No
2. Is an EIS required? Yes No
3. Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment. Yes No

Prepared By: _____

Title: _____

Date: _____

Reviewed By: _____

Title: _____

Date: _____

CHECKLISTS

Environmental Assessment Checklist

For all CDBG projects subject to NEPA procedures, the Environmental Assessment Checklist is a valuable step in that analysis. Completion of this Checklist constitutes a quick, yet well documented review of environmental issues surrounding a specific project or group of projects and a decision as to how to proceed in further analysis.

Purpose

The major purpose of the Checklist is to allow a more detailed analysis to focus on those categories of potential significant impact. This can avoid a lot of wasted energy in data collection, analysis and report writing for these categories which have no potential for significant impacts and require no mitigation efforts or ones for which the analyst has already done the work on previous projects. Assuming there is a file of solid environmental information about the community, the Checklist is intended to be filled out in a few hours – no more than a day even for projects with many potential effects. More time may be needed later for thorough analysis where the Checklist review indicates either potential impacts or where insufficient data is readily available. Judgments at this stage should be based upon available data with perhaps the addition of a few well placed phone calls or a site visit if the area is unfamiliar to the analyst.

Organization

The Environmental Assessment Checklist covers seven major impact areas and 36 specific impact categories within those seven areas. The seven general areas represent categories with related and overlapping issues, shared data sources and similar requirements as to background for analysis. The presentation of a detailed list of 36 impact categories is provided to jog the memory of the reviewer, raise questions and assure that all potential impacts are considered. Note that some impact categories are also included on the Statutory Checklist. A project may be in compliance with the provisions of a specialized law, regulation or Executive Order and still have an impact. For example, a site for a residential use may not be subjected to unacceptable noise levels and, therefore, be in compliance. If, however, the site will be used for an activity which will produce high levels of noise (short or long term), this may have an impact on the surrounding area and should be considered when completing the Environmental Assessment Checklist. If, however, it is determined that the subject has been covered adequately on the Statutory Checklist, this should be noted in the space provided for documentation, and no further analysis is required for that environmental factor.

How to Complete

For each impact category the local environmental analyst is asked to check the appropriate box relating to potential impacts, needed study, and mitigation or modification. In many cases more than one box could be or should be checked. In each case a source should be cited which may be a report, phone contact, previous ERR, field observation, or general knowledge of the area. The determinations to be made for each impact category include:

No Impact Anticipated – A checkmark here indicates no more analysis or mitigation effort is needed. Clear and specific documentation is essential, referencing the factual conditions or specific circumstances that support the finding. Mere conclusions are not sufficient.

Minor Impact Anticipated – Beneficial or adverse impacts should be indicated here. Notations supporting that finding can be attached. A more detailed analysis is not necessary. In some cases, this quick review may be all that is needed to evaluate impacts. They may be so small as to require no more study; they may be construction effects only for which standard mitigation procedures have been established; or they may have been analyzed for previous assessments in a fully comparable situation.

CHECKLISTS

Major Impact Anticipated – Again, major impacts may be beneficial or adverse. Both need to be considered. Documentation here is particularly important and will require attached notes outlining sources explaining the factual basis of the impact finding and describing any mitigation efforts. If this is checked, the impact category in question will be subject to a detailed review (site visits, review of data, consultation with experts, etc.). The points to remember are that (1) only those categories with a check in this box need to be subject to a detailed assessment and (2) this is not a decision about EIS preparation but a decision to investigate further.

Needs Mitigation or Modification– This column should be used in combination with the prior columns indicating some type of potential adverse impact. In some cases specific measures to reduce adverse effects on a community cannot be discussed in full detail right away. Instead, such measures are subject to review and development and implementation responsibility as part of a more detailed analysis which follows. In other cases mitigation measures may be known and recorded. Mitigation measures or safeguards should be listed for easy reference on page 4 of the checklist. Early project review, affords a special opportunity to identify needed changes in the project itself before final applications are made or programs finalized. Often such changes can eliminate the need for further analysis by eliminating the source of the problem. It is also possible that changes (such as moving a project to a different site outside a high noise zone, or combining it with a new project to provide needed sewer or water lines) could be identified at this time.

In addition to these early decisions as to potential impact or mitigation needs, the Checklist calls for sources or contacts to be identified which have contributed to the decision in a specific impact category. This may be done in the space provided, or more likely by reference to attached notes which indicate sources or contacts and describe considerations made. On pages 3 and 4 of the Checklist, the analyst is asked to look back over the individual decisions made and draw some conclusions for further action. This includes a listing of project modifications, impact categories requiring more study and mitigation efforts needed.

Based on the conclusions of the environmental assessment, on the last page of the Checklist, the preparer will state his or her finding as to whether or not the request for release of funds for the project will constitute an action significantly affecting the quality of the human environment.

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS

 (Date of Notice)

 (Name of Responsible Entity [RE])

 (Address)

 (City, State, Zip Code)

 (Telephone Number of RE Preparer Agency)

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about (at least one day after the end of the comment period) **the** (name of RE) **will** [if the RE is not also the grantee insert the following language here--"authorize the (name of grantee) to"] **submit a request to the** (HUD/state administering agency) **for the release of** (name of grant program) **funds under** [Title/Section ()] **of the** (name of the Act) **of** (date of Act), **as amended, to undertake a project known as** (project title), **for the purpose of** (nature/scope of project, and project address/location if applicable).

FINDING OF NO SIGNIFICANT IMPACT

The (name of RE) **has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at** (name and address of RE office where err can be examined and name and address of other locations where the record is available for review) **and may be examined or copied weekdays** () A.M. to () P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the (RE designated office responsible for receiving and responding to comments). **All comments received by** (if notice published: notice date plus fifteen days--if notice posted: posting date plus eighteen days) **will be considered by the** (name of RE) **prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.**

RELEASE OF FUNDS

The (name of RE) certifies to (HUD/state) that (name of certifying officer) in (his/her) capacity as (official title) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. (HUD's/state's) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the (name of grantee) to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

(HUD/state) will consider objections to its release of funds and the (RE's name) certification received by (anticipated date of HUD/state receipt of rrof/c plus fifteen days) or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the (name of RE) approved by (HUD/state); (b) the (RE) has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by (HUD/state); or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to (HUD/state grant administration office) at (address of that office). Potential objectors should contact (HUD/state) to verify the actual last day of the objection period.

(name and title of RE certifying officer)

SAMPLE

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
DISTRIBUTION LIST

The Notice of Finding of no Significant Impact was sent to the following organizations and individuals as well as being published in the West Lynn Times:

Central Louisiana Regional Agency
100 Montgomery Street
Central City, Louisiana

Louisiana Sierra Club
222 Columbus
Central City, Louisiana

EPA
Regional Louisiana

EPA
National Headquarters

Indian Tribes, where appropriate

FEMA

* Please be aware that these addresses are not actual.

STATUTORY CHECKLIST COMPLETION FORM
FOR LARGE TARGET AREAS
PROGRAM YEAR _____

LCDBG HOUSING REHABILITATION

FOR PROPERTY LOCATED AT _____

YES NO

FLOODPLAIN

Is any part of the property located in, or will any improvements affect, a designated 100-year floodplain?

If yes, the 8-step decision making process must be accomplished.

NOISE

Is the property located within 1,000 ft. of a roadway having 4 lanes of traffic, 3,000 ft. of a railroad, 5 miles of a civil airport, or 15 miles of a military airfield?

If yes, a Noise Analysis must be prepared, and where indicated, additional noise attenuation shall be recommended.

HISTORIC PROPERTIES

Is this property nominated for, or eligible for the Register of Historic Places?

Is the property more than 50 years old?

Is the property near an historic property?

Has the State Historic Preservation Officer been contacted in writing?

Attach the appropriate documentation.

MANMADE HAZARDS

Is the property located within one mile of above ground storage tanks containing chemicals or petrochemicals of an explosive or flammable nature?

If yes, the Acceptable Separation Distance must be calculated and attached.

Was the property located within the ASD?

If not, and the grantee decides to proceed with rehabilitation, the owner should be advised of the extent of hazard to occupants of the structure.

PREPARED BY: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

STATUTORY CHECKLIST COMPLETION FORM
FOR SMALL TARGET AREAS
PROGRAM YEAR _____

LCDBG HOUSING REHABILITATION

FOR PROPERTY LOCATED AT _____

YES NO

NOISE

Is the property located within 1,000 ft. of a roadway having 4 lanes of traffic, 3,000 ft. of a railroad, 5 miles of a civil airport, or 15 miles of a military airfield?

If yes, a Noise Analysis must be prepared, and where indicated, additional noise attenuation shall be recommended.

MANMADE HAZARDS

Is the property located within one mile of above ground storage tanks containing chemicals or petrochemicals of an explosive or flammable nature?

If yes, the Acceptable Separation Distance must be calculated and attached.

Was the property located within the ASD?

If not, and the grantee decides to proceed with rehabilitation, the owner should be advised of the extent of hazard to occupants of the structure.

PREPARED BY: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

SAMPLE

A-12

HISTORIC PRESERVATION LETTER

Date

Ms. Pam Breaux
State Historic Preservation Officer
Department of Culture, Recreation and Tourism
P. O. Box 44247
Baton Rouge, Louisiana 70804

RE: Consultation under 36 CFR Part 800.4(a)
Community Development Block Grant Program
Anytown, Louisiana 70801

Dear Ms. Breaux:

The City of Anytown has been awarded a Community Development Block Grant (CDBG) of \$620,000 from the Louisiana Division of Administration. This grant will provide funding of a 500,000 gallon elevated water storage facility. A map showing the proposed location of the storage facility and a project description are attached.

In accordance with the provisions of 36 CFR Part 800.4(a) and the State of Louisiana, the City has conducted an historical and cultural survey, reviewed the published lists of the National Register of Historic Places from January 1974 to present, reviewed the most recent publication of your office listing State Historic Places and consulted with Mr. James Best, President of the Anytown Preservation Society.

To the best of our knowledge, the site of the elevated water storage facility is of no historic significance. In accordance with 24 CFR Part 58, Environmental Review procedure for Title I Community Development Block Grant Programs, the City of Anytown is requesting comments from you relative to any impact the above described project may have on archeological or historic sites or properties listed in the National Register of Historic Places, or other significant cultural resources.

If you should have any questions or require additional information, please contact me.

Sincerely,

Mayor Deron Troy
Environmental Certifying Official

HISTORIC PRESERVATION
HOUSING REHABILITATION CERTIFICATION

(Mark only the one box that applies to the housing rehabilitation activity)

Certification:

- () I certify that we have checked the listing of National Register properties and districts and that none of the building to be renovated are included in the National Register of Historic Places as an individual building or as part of a historic district. If any of the buildings to be renovated are more than 50 years old, the following conditions will be adhered to:
- (1) Portland cement will not be used to repaint brick.
 - (2) There will be no sandblasting.
 - (3) Synthetic siding (aluminum, vinyl, asbestos, etc.) and brick veneer will not be used.
 - (4) Architectural features such as cornices, brackets, door or surrounds will not be removed.
 - (5) When a roof is to be replaced, its original shape will be retained.
 - (6) The shape and location of windows and doors will be retained.
 - (7) Historic porch trim will be retained whenever possible, and porches will not be enclosed.

or

- () The buildings to be renovated are listed individually or as part of an historic district on the National Register of Historic Places. Therefore, we will consult with the State Historic Preservation Officer (SHPO) and the Advisory Counsel on Historic Preservation, if necessary, to assess the effect of the rehabilitation projects on the historic properties. Attached is the notification to the SHPO on this project and will be presented as part of the closeout documentation.

Date

Signature and Address of
Chief Elected Official

SAMPLE

FLOODPLAINS AND WETLANDS NOTICES
EARLY PUBLIC REVIEW NOTICE

The City of Anytown intends to carry out an action which may affect or be affected by the 100 year flood plain and seeks to involve the public in the decision making process. Anytown is considering housing rehabilitation improvements on Oak, Pine and Beech Streets as a Louisiana Community Development Block Grant Project. Pursuant to Executive Orders 11988 and 11990, the City has determined this area to be in the one hundred year floodplain.

The project file with the details available is located at City Hall and may be examined during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday, 100 Main Street, Anytown, Louisiana 70801. Comments may be submitted to the City until (a date no less than 15 days following the date of publication, beginning with the day after publication). No action will be taken before this date.

Mayor Deron Troy
Environmental Certifying Official
City of Anytown

SAMPLE

NOTICE OF EXPLANATION

The City of Anytown intends to carry out an action which may affect or be affected by the 100 year floodplain and seeks to involve the public in the decision making process. Anytown is considering housing rehabilitation improvements on Oak, Pine and Beech Streets as a Louisiana Community Development Block Grant Project. Pursuant to Executive Orders 11988 and 11990, the City has determined this area to be in the one hundred year floodplain.

The proposed improvements to the existing street conform to all applicable State and Federal floodplain protection standards. The other agency involved in this project is the U. S. Department of Housing and Urban Development.

The project file is located at City Hall and may be examined during the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, 100 Main Street, Anytown, Louisiana 70801. Comments may be submitted to the City until (a date no less than 7 days following the date of publication, beginning with the day after publication). No action will be taken before this date.

Mayor Deron Troy
Environmental Certifying Official
City of Anytown

COASTAL ZONE BOUNDARY MAP

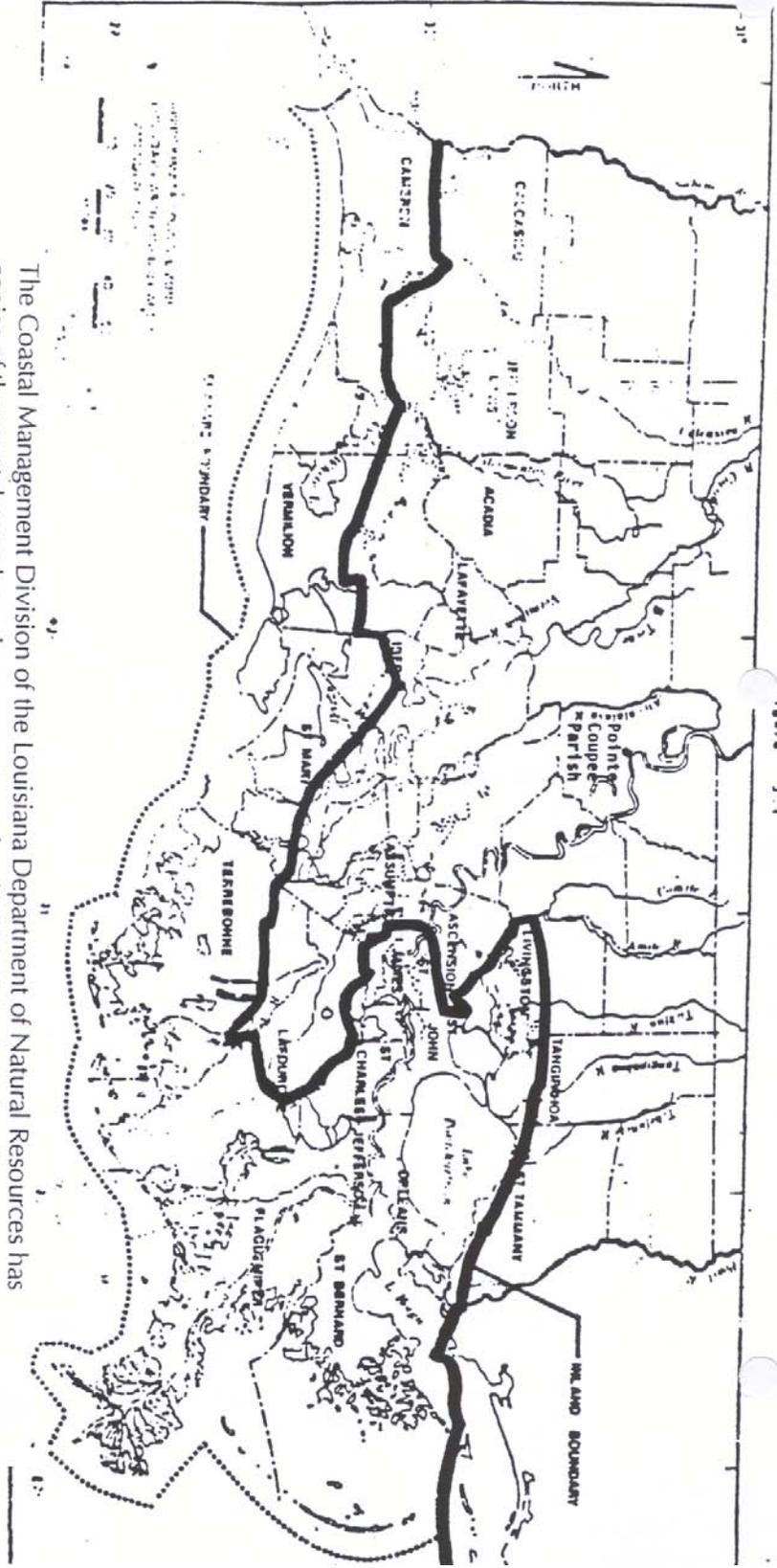


Figure 3-1

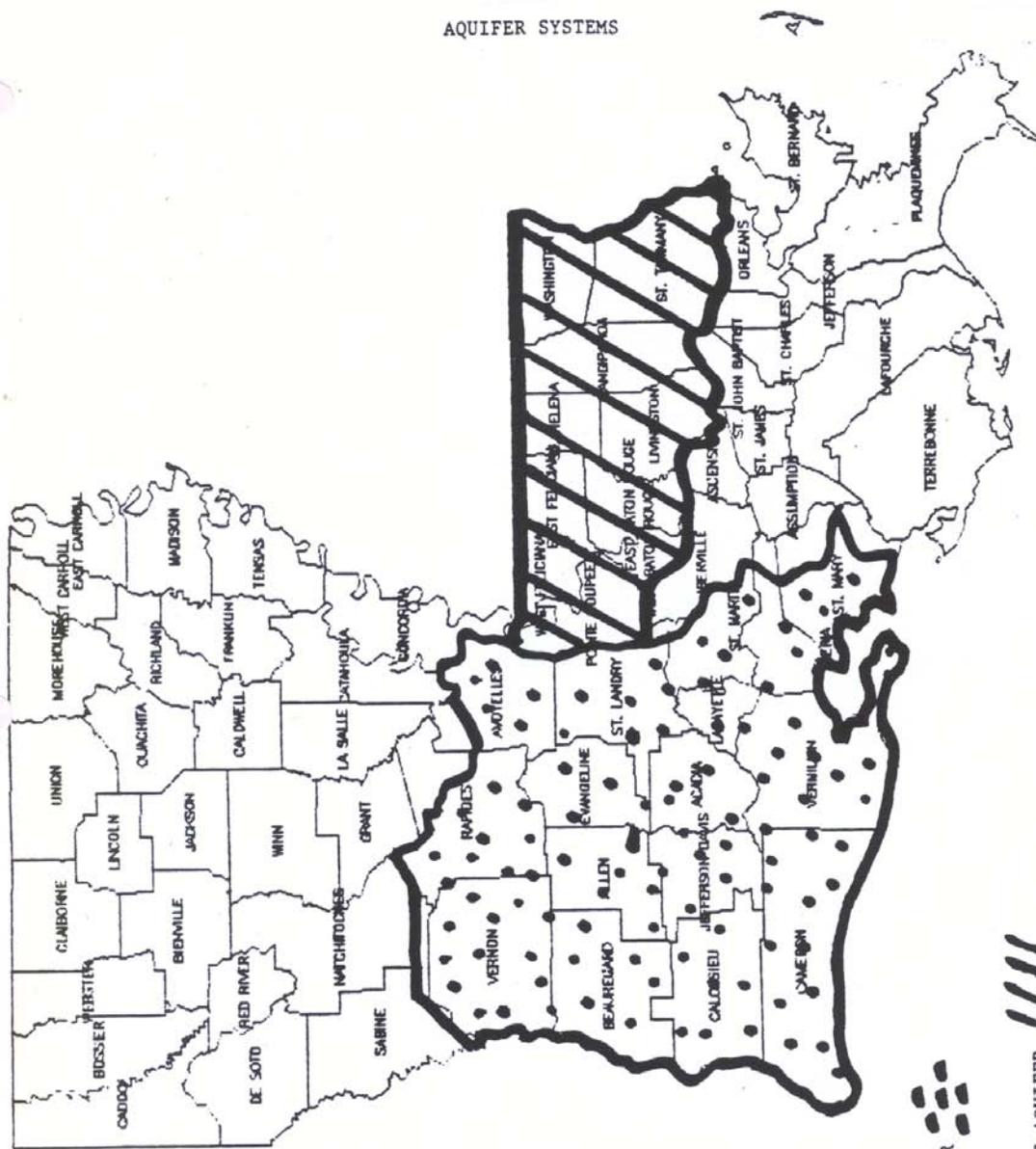
The Coastal Management Division of the Louisiana Department of Natural Resources has copies of the coastal zone boundary map, at a scale of 1:500,000, depicting the Louisiana coastal zone. The maps are accompanied by a legal description of the coastal zone boundary as found at LRS 49:214.24. The maps are intended for use as a planning tool only. If you have a proposed project which on the map appears to be located near the coastal zone, you should apply for a Coastal Use Permit (CUP) or contact the Coastal Management Division for more information. You will be informed as to whether or not a CUP is needed. This will avoid the possibility of performing work affecting coastal waters without proper authorization. For copies of the coastal zone map or to contact the Coastal Management Division, call (225) 342-7591 or 1-800-267-4019. The mailing address is Post Office Box 44487, Baton Rouge, Louisiana 70804. Also available are packets of materials containing information that will assist you in applying for a CUP.

The internet address for the Department of Natural Resources is www.dnr.state.la.us

19 COASTAL PARISHES

Assumption
Calcasieu
Cameron
Iberia
Jefferson
Lafourche
Livingston
Orleans
Plaquemines
St. Bernard
St. Charles
St. James
St. John the Baptist
St. Martin
St. Mary
St. Tammany
Tangipahoa
Terrebonne
Vermilion

AQUIFER SYSTEMS



CHICOT AQUIFER



SOUTHERN HILLS AQUIFER

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request	
Name Of Project		Federal Agency Involved	
Proposed Land Use		County And State	
PART II (To be completed by SCS)		Date Request Received By SCS	
Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply – do not complete additional parts of this form).</i>		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Major Crop(s)		Acres Irrigated	Average Farm Size
Name Of Land Evaluation System Used		Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined in FPPA Acres: %
Name Of Local Site Assessment System		Date Land Evaluation Returned By SCS	
PART III (To be completed by Federal Agency)		Alternative Site Rating	
		Site A	Site B
		Site C	Site D
A. Total Acres To Be Converted Directly			
B. Total Acres To Be Converted Indirectly			
C. Total Acres In Site			
PART IV (To be completed by SCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland			
B. Total Acres Statewide And Local Important Farmland			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value			
PART V (To be completed by SCS) Land Evaluation Criterion			
Relative Value Of Farmland To Be Converted <i>(Scale of 0 to 100 Points)</i>			
PART VI (To be completed by Federal Agency)		Maximum Points	
Site Assessment Criteria <i>(These criteria are explained in 7 CFR 658.5(b))</i>			
1. Area In Nonurban Use			
2. Perimeter In Nonurban Use			
3. Percent Of Site Being Farmed			
4. Protection Provided By State And Local Government			
5. Distance From Urban Builtup Area			
6. Distance To Urban Support Services			
7. Size Of Present Farm Unit Compared To Average			
8. Creation Of Nonfarmable Farmland			
9. Availability Of Farm Support Services			
10. On-Farm Investments			
11. Effects Of Conversion On Farm Support Services			
12. Compatibility With Existing Agricultural Use			
TOTAL SITE ASSESSMENT POINTS		160	
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland <i>(From Part V)</i>		100	
Total Site Assessment <i>(From Part VI above or a local site assessment)</i>		160	
TOTAL POINTS <i>(Total of above 2 lines)</i>		260	
Site Selected:		Date Of Selection	
Reason For Selection:		Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>	

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 – Federal agencies involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form.

Step 2 – Originator will send copies A, B and C together with maps indicating locations of site(s), to the Soil Conservation Service (SCS) local field office and retain copy D for their files. (Note: SCS has a field office in most counties in the U.S. The field office is usually located in the county seat. A list of field office locations are available from the SCS State Conservationist in each state).

Step 3 – SCS will, within 45 calendar days after receipt of form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland.

Step 4 – In cases where farmland covered by the FPPA will be converted by the proposed project, SCS field offices will complete Parts II, IV and V of the form.

Step 5 – SCS will return copy A and B of the form to the Federal agency involved in the project. (Copy C will be retained for SCS records).

Step 6 – The Federal agency involved in the proposed project will complete Parts VI and VII of the form.

Step 7 – The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

Part I: In completing the "County And State" questions list all the local governments that are responsible for local land controls where site(s) are to be evaluated.

Part III: In completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in §658.5(b) of CFR. In cases of corridor-type projects such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will be weighed zero, however, criterion #8 will be weighed a maximum of 25 points, and criterion #11 a maximum of 25 points.

Individual Federal agencies at the national level, may assign relative weights among the 12 site assessment criteria other than those shown in the FPPA rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total weight points at 160.

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points", where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points; and alternative Site "A" is rated 180 points:
Total points assigned Site A = $180 \times 160 = 144$ points for Site "A."

Maximum points possible 200

SUMMARY OF ENVIRONMENTAL REVIEW REQUIREMENTS

Under 24 CFR Part 58

**ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD
ENVIRONMENTAL REVIEW RESPONSIBILITIES**

October, 2004

Docname: summary.e.r.requirements.part.58.1

National Environmental Policy Act of 1969 (NEPA)

- Created Council on Environmental Quality (CEQ)
- CEQ regulations at 24 CFR Part 1500-1508 establish general procedures, including Environmental Impact Statements, Environmental Assessments, and Categorical Exclusions

Housing and Community Development Act of 1974, as amended

- Decent housing in a suitable living environment
- Energy conservation
- Delegation of environmental responsibilities to local and state government
- Sec. 104(g) Request for Release of Funds (RROF)

Executive Orders 11988 and 11990 (1977) (Floodplain Management and Protection of Wetlands)

- Water Resources Council Floodplain Management Guidelines (1978)
(8 Step Process)

Multifamily Housing Property Disposition Reform Act of 1994

- Permits states and general local governments to assume environmental review responsibilities for certain non-governmental or quasi-governmental recipients (non-profits, public housing agencies, housing finance agencies, etc.)

HUD Environmental Review Procedures at 24 CFR Part 58

- incorporates CEQ regulations
- applicable to many programs
- establishes thresholds and guidelines for EIS and Environmental Assessments
- defines Categorical Exclusions and Exemptions
- defines procedures for Request for Release of Funds
- defines assumption procedures for Responsible Entities

Sec. 58.5 Other Federal Laws and Authorities

- Historic Properties
- Floodplain Management* and Wetland Protection
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Air Quality
- Farmlands Protection
- HUD Environmental Standards: 24 CFR Part 51
 - Noise Abatement and Control [51(B)]
 - Explosive or Flammable Hazards [51(C)]
 - Siting in Airport Clear Zones [51(D)]
 - Toxic or Radioactive Sites (HUD Notice 79-33)
- Environmental Justice (Executive Order 12898)

Sec. 58.6 Other Requirements

- Flood Insurance
- Coastal Barriers
- Runway Clear Zone Notification

* HUD implementing regulations published at 24 CFR Parts 50, 55, 58 & 200

Summary of Environmental Review Procedures

- 58.32 Define project considering aggregation, non-HUD funding, and cumulative effects
Conduct an appropriate level of review (including determination of exemptions)
Revise or mitigate project actions, if necessary
- 58.15 Consider tiering (i.e. multi-year community-wide housing rehabilitation project)
- 58.38 Document review in public Environmental Review Record (ERR)
If necessary, disseminate and post or publish public Notice (RROF or RROF and FONSI)
Submit a HUD-7015.15, Request for Release of Funds and Certification (RROF/C)
(when required)
- 58.22 Do not commit or spend funds [except for exempt or 58.35(b) activities] until RROF/C is approved by HUD (or State). Do not commit non-HUD funds if activity would have adverse environmental impact or limit choice of alternatives.
- 58.47 Revise or update review, if necessary
& (New Public Notice, FONSI & RROF may be needed)
58.32(d)(2)

Level of Review Required

- 58.34(a) Exempt (i.e., administration, planning, public services)
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.35(b) Categorically Excluded, not subject to 58.5 (pre-determined by HUD)
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.34(a)(12) Categorically Excluded, determined to be Exempt
- no circumstances requiring compliance with 58.5 laws and authorities documented
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.35(a) Categorically Excluded (from NEPA requirement for Environmental Assessment or EIS)
- requires review of 58.5 Other Laws and Authorities
- requires compliance with 58.6
- requires Request for Release of Funds
- 58.36 Environmental Assessment (leads to FONSI or EIS)
- includes 58.5 review and 58.6 compliance
- requires FONSI & Request for Release of Funds
(FONSI & NOI/RROF may be combined)
- 58.37 Environmental Impact Statement
- high thresholds, e.g. construction of 2,500 or more housing units
- includes 58.5 review and 58.6 compliance
- requires publication of various notices, draft & final EIS, etc.
- requires Request for Release of Funds

Request for Release of Funds and Certification

- 58.22 HUD approval of RROF required before commitment of HUD or non-HUD funds
Exceptions: Exempt activities [58.34(a)]
Categorically Excluded activities not subject to 58.5 [58.35(b)]
Categorically Excluded activities determined to be exempt [58.34(a)(12)]
Non-HUD funds that would not have adverse environmental impact or limit choice of alternatives
- 58.43 Disseminate and post or publish NOI/RROF, FONSI, or combined FONSI/NOI/RROF
- Send notices to: interested individuals and groups
local news media
appropriate tribal, local, State & Federal agencies
Regional Office of EPA
HUD Field Office
 - Newspaper publication optional
 - If no publication, send Notices as above and display them:
in public buildings
in project area
(or as determined by citizen participation process)
- 58.45 Minimum Public Comment Periods*
- FONSI: 15 days if published
18 days if posted
 - NOI/RROF 7 days if published
10 days if posted
 - Concurrent/combined FONSI and NOI/RROF: Same as FONSI Notice
A FONSI and NOI/RROF are usually combined, with a 15 (if published) or 18 (if posted) day local comment period. If a FONSI is published before the NOI/RROF, a 15 or 18-day comment period is required, **and** the subsequent NOI/RROF then requires an **additional** 7 (if published) or 10 (if posted)-day comment period before submission of the RROF. Unless otherwise specified, the Responsible Entity is to use an RROF/C form (HUD-7015.15).
- 58.46 FONSI requires 30-day comment period for exceptional circumstances
- 58.43(c) Consider comments (and make modifications, if appropriate) before submission of RROF /C
- 58.71 Submit RROF/C signed by Certifying Officer along with a copy of the environmental Notice as published/posted (RROF package) to HUD (or State) at least one day after local comment period ends
- 58.73 Statutory Objection Period (HUD/State): The later of date in Notice, or 15 days after receipt of RROF*
- 58.32(d) Multi-Year projects: one submission of RROF/C
- 58.33 Emergencies (Presidentially-declared disasters): FONSI/NOI/RROF may be submitted to HUD (or State) simultaneously with dissemination and posting or publishing public Notice
- 58.72- HUD Field Office (or State) issues Release of Funds to Recipient after end of the Objection
- 58.77 Period

*Per 58.21: the date of posting/publication in a newspaper is not counted as one of the days in the
“comment”
period; and, the date an RROF/C is received by HUD (or State) is not counted in the 15-day “objection” period

**COMMUNITY DEVELOPMENT BLOCK GRANT
PROPERTY REGISTER**

Description	Identification Number	Acquisition Date	Purchase Order # and/or Check #	Source of Funds	Cost		Percent of Federal Participation	Location		Condition		Disposition					
					Per Unit	Total		Date	Description	Date	Description	Date	Amount	Description			

A-22

LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
GENERAL LEDGER CHART OF ACCOUNTS

A-23

<u>Account</u>	<u>Normal Balance</u>
<u>Assets</u>	
01 Cash	Debit
13 Grant Revenue Receivable	Debit
14 Accounts Receivable	Debit
25 Other	Debit
<u>Liabilities</u>	
51 Accounts Payable	Credit
52 Contracts Payable	Credit
53 Accrued Salaries	Credit
54 Unearned Revenue	Credit
55 Other	Credit
56 Due to other Fund	Credit
<u>Fund Balance</u>	
69 Fund Balance	Credit
<u>Budget, Expenditures, and Revenues</u>	
80 EXPENDITURES	Debit
81 Administration	Debit
82 Acquisition	Debit
83 Engineering	Debit
84 Construction	Debit
90 REVENUE	Credit
91 Revenues -- LCDBG Program	Credit
92 Revenues -- LCDBG Program Income	Credit
93 Revenues -- Local Contribution	Credit
94 Revenues -- Other	Credit

****UNAUDITED****

A-24

**CITY OF LIGHTS
CAPITAL PROJECTS FUND
STATEMENT OF REVENUES, EXPENDITURES & CHANGES IN FUND BALANCE
FOR THE YEAR ENDED JUNE 30, 20____**

REVENUES:	
LCDBG Program	\$54,345
City	<u>7,455</u>
TOTAL Revenues	\$61,800

EXPENDITURES:	
Administrative Services	\$12,500
Engineering Services	25,700
Project Construction	<u>23,800</u>
TOTAL Expenditures	\$61,800

EXCESS (DEFICIENCY)OF REVENUES OVER EXPENDITURES	- 0 -
---	--------------

FUND BALANCE, BEGINNING	- 0 -
--------------------------------	--------------

FUND BALANCE, ENDING	- 0 -
-----------------------------	--------------

****UNAUDITED****

**CITY OF LIGHTS
CAPITAL PROJECTS FUND
BALANCE SHEET
FOR THE YEAR ENDED JUNE 30, 20_____**

ASSETS:

Cash	\$ 1,500
Grant Revenues Receivable	<u>18,450</u>
TOTAL ASSETS	\$19,950

LIABILITIES & FUND EQUITY:

Accounts Payable	\$17,370
Due to City	2,480
Unearned Revenue	<u>- 0 -</u>
TOTAL LIABILITIES	\$19,950
FUND BALANCE	- 0 -

TOTAL LIABILITIES AND FUND EQUITY	<u>\$19,950</u>
--	------------------------

TOWN OF OAKBURG

TIME SHEET

SECTION: MAINTENANCE

NAME: Joe Smith

UNIT: _____

TITLE: _____

REPORTING PERIOD 10 / 13 / 03 TO

10 / 24 / 03

ACTIVITY	13	14	15	16	17	18	19	20	21	22	23	24	25	26	TOTAL
	M	T	W	T	F	SA	SU	M	T	W	T	F	SA	SU	
CDBG						■	■						■	■	
GRANT PAYMENTS						■	■						■	■	0.0
SETTING UP NEW GRANTS						■	■						■	■	0.0
INSPECTIONS						■	■						■	■	0.0
ENVIRONMENTAL						■	■						■	■	0.0
						■	■						■	■	0.0
						■	■						■	■	0.0
OTHER TOWNWIDE/NON-PROGRAM SPECIFIC						■	■						■	■	0.0
						■	■						■	■	0.0
HOLIDAYS						■	■						■	■	0.0
SICK, ANNUAL, & OTHER LEAVE						■	■						■	■	0.0
K-TIME LEAVE						■	■						■	■	0.0
K-TIME EARNED - OTHER						■	■						■	■	0.0
						■	■						■	■	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

SIGNATURE: _____

DATE: _____

EMPLOYEE

SIGNATURE: _____

TITLE: _____

DATE: _____

SUPERVISOR

A-25

DA 6403
R 10/98

AUTHORIZED SIGNATURE CARD
for the
LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Authorized Signatures for Requests for Payment

Name/Address of Contractor Organization	Contract Number
(1)	(2)
SIGNATURES OF INDIVIDUALS AUTHORIZED TO DRAW ON THE CITED CONTRACT FUNDS	
ANY TWO SIGNATURES REQUIRED TO SIGN OR COUNTERSIGN	
Typed Name and Signature	Typed Name and Signature
(3)	(4)
Typed Name and Signature	Typed Name and Signature
(5)	(6)
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE INDIVIDUALS AUTHORIZED TO DRAW PAYMENT VOUCHERS FOR THE CITED CONTRACT FUNDS.	APPROVED:
(7)	(8)
Date and Signature of Certifying Officer	Date and Signature of State Certifying Officer

—IMPORTANT—
NO ERASURES OR CORRECTIONS
MAY APPEAR ON THIS FORM

INSTRUCTIONS FOR AUTHORIZED SIGNATURE CARD

- Line**
- 1** Insert name and address, including zip code of the City/Parish receiving funds.
 - 2** Leave blank, State staff will insert contract number here.
 - 3-6** These blocks are for the typed name and signature of individuals who are authorized to sign the Community's Request for payments. Two signatures are required on each request, it is a good idea to have three or four people authorized to sign. Remember also that the individual who certifies the signatures on line 7 may not be one of the authorized persons on lines 3 through 6.
 - 7** Signature and Date of Individual certifying the signatures in lines 3 through 6. This is normally the Chief Executive Office (Mayor or President of the Police Jury). If, however, the Mayor wishes to sign the Requests for Payment, he/she would sign once in lines 3 through 6 and somebody else can certify the signatures in line 7. If someone other than the Chief Executive Officer certifies the signatures in line 7, this form must be accompanied by a resolution of the governing body authorizing him/her to certify the signatures.
 - 8** Leave blank.

Signature Card Samples

Incorrect Sample
(Signed name does not match typed name)

DA 6403 R 10/98		AUTHORIZED SIGNATURE CARD for the LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	
Authorized Signatures for Requests for Payment			
Name/Address of Contractor Organization		Contract Number	
City of Sampleville		100-7005	
(1)		(2)	
SIGNATURES OF INDIVIDUALS AUTHORIZED TO DRAW ON THE CITED CONTRACT FUNDS		ANY TWO SIGNATURES REQUIRED TO SIGN OR COUNTERSIGN	
Typed Name and Signature		Typed Name and Signature	
John Doe (3) <i>John D. Doe</i>			
Typed Name and Signature		Typed Name and Signature	
(5)		(6)	
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE INDIVIDUALS AUTHORIZED TO DRAW PAYMENT VOUCHERS FOR THE CITED CONTRACT FUNDS.		APPROVED:	
<i>Jane Smith</i> 03/21/03 (7)		(8)	
Date and Signature of Certifying Officer		Date and Signature of State Certifying Officer	

—IMPORTANT—
NO ERASURES OR CORRECTIONS
MAY APPEAR ON THIS FORM

Correct Sample
(Signed name matches typed name)

DA 6403 R 10/98		AUTHORIZED SIGNATURE CARD for the LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM	
Authorized Signatures for Requests for Payment			
Name/Address of Contractor Organization		Contract Number	
City of Sampleville		100-7005	
(1)		(2)	
SIGNATURES OF INDIVIDUALS AUTHORIZED TO DRAW ON THE CITED CONTRACT FUNDS		ANY TWO SIGNATURES REQUIRED TO SIGN OR COUNTERSIGN	
Typed Name and Signature		Typed Name and Signature	
John Doe (3) <i>John Doe</i>			
Typed Name and Signature		Typed Name and Signature	
(5)		(6)	
I CERTIFY THAT THE SIGNATURES ABOVE ARE OF THE INDIVIDUALS AUTHORIZED TO DRAW PAYMENT VOUCHERS FOR THE CITED CONTRACT FUNDS.		APPROVED:	
<i>Jane Smith</i> 03/21/03 (7)		(8)	
Date and Signature of Certifying Officer		Date and Signature of State Certifying Officer	

—IMPORTANT—
NO ERASURES OR CORRECTIONS
MAY APPEAR ON THIS FORM

Designation of Depository for Direct Deposit of LCDBG Contract Funds

SECTION I (To be Completed by Contractor)

NAME OF PROGRAM

Louisiana Community Development Block Grant Program

The First National Bank, 202 Main St., Sampleville, LA 70809 (1)
(Name, Address and ZIP Code of Bank)

has been designated as the depository for all funds to be received directly from the State of Louisiana resulting from Contract Number 100-7005 (2)

(to be inserted by State) executed with the Division of Administration for deposit to Account Number 278-9908 (3)

The Account identified above is a non-interest bearing account.

City of Sampleville
(Name of City/Parish)

100 West Main St., Sampleville 70809
(Address and ZIP Code of City/Parish)

Mayor John Doe
(Title/Name of Executive Officer)
(Please Print or Type)

John Doe (5) 3/21/03
(Signature of Executive Officer) (Date)

SECTION II (To be Completed by the Depository)

The account identified in Section I has been established with this bank. All necessary documentation, including a power of attorney where necessary, the State of Louisiana for deposit to _____

First National Bank Account Number 278-9908 (6)
(Name of Bank and Account Number)

without the payee's endorsement have been received and are in this depository's custody. The depository's deposits are insured by FDIC (7)

The Account identified above is a non-interest bearing Account.

First National Bank
(Name of Bank)

202 Main St., Sampleville 70809 (8)
(Address and ZIP Code where checks should be mailed)

The Depository hereby agrees to immediately notify the Contractor Organization when a deposit is made in the above account.

Rich E. Rich, Vice President
(Name and Title of Authorized Bank Officer)
(Please Type or Print)

Rich E. Rich (9) 3/21/03
(Signature of Authorized Bank Officer) (Date)

INSTRUCTIONS FOR DESIGNATION OF DEPOSITARY FORM

Line Section I: To be completed by Recipient Organization

- 1. Insert name and address, including zip code, of the Bank into which you want your contract funds deposited.**
- 2. Leave this line blank, State staff will insert your contract number.**
- 3. Insert the account number into which your funds will be deposited. This account must be a non-interest bearing account.**
- 4. Insert the name of the City or Parish receiving the funds and its mailing address, including zip code.**
- 5. Type or print the Title and Name of the City/Parish Executive Officer, have him/her sign the form and date it.**

Section II: To be completed by Bank Depository

- 6. Insert Name of Bank and Account Number into which LCDBG funds will be deposited.**
- 7. Indicate Agency which insures depository's deposits (FDIC or governmental entity insuring the first \$100,000 of deposits). If deposits exceed \$100,000, arrangements must be made for additional insurance coverage.**
- 8. Insert Name of Bank and Mailing Address, including zip code, to which checks should be sent.**
- 9. Type or print Name and Title of Authorized Bank Officer, have him/her sign the form and date it.**

For your convenience, an enrollment form and the instructions are sent with your Community Development Block Grant contract. Completed forms and a copy of a voided check should be mailed or faxed directly to the address below. **For confidentiality reasons, do not return this form to any state agency other than the Office of Statewide Reporting and Accounting Policy (OSRAP)**. Should you have any questions, please direct those inquiries to OSRAP:

Office of Statewide Reporting and Accounting Policy
 P.O. Box 94095
 Baton Rouge, LA 70804-9095
 OSRAP Help Desk (225) 342-1097
 FAX (225) 342-1053

COMPLETING THE ENROLLMENT FORM:

You are to complete the unshaded portions of the enrollment form. Please complete the fields with the following information:

Vendor Name - The name of your company or organization as it appears on the bank account referenced.

Please Check One – Select New Enrollment or Change.

Vendor Address - The mailing address of your organization to which all payments are sent.

Vendor FEIN/SSN - The Federal Tax Identification Number or Social Security Number of your organization.

ABA Number - The 9 digit routing code of the financial institution for the specified savings or checking account to which funds will be deposited. If funds are deposited into your checking account, the routing number usually precedes your checking account number on the bottom of your checks.

Check/Savings Ind - Circle the appropriate letter. "C" denotes a checking account and "S" denotes a savings account.

Bank Account Number - The bank account to which funds are to be deposited.

Bank ACCT DESCR - A general description of the bank account. For example, "Company XYX corporate checking account."

Bank Name - The name of the financial institution to which funds will be deposited.

Bank Address - (lines 1 - 3) The mailing address of the financial institution to which funds will be deposited.

City/State/Zip - The Bank's City/State/Zip for the mailing address listed.

Bank Telephone Number - The telephone number of the branch or bank office to contact for assistance with transmission problem resolution.

Vendor's Authorized Signature - The signature of the individual completing this form (Payee).

Print Name - Print or type the name of the individual completing this form.

Title - The title of the individual completing this form.

Date - The date the form is completed.

Phone Number - The telephone number of the individual completing the form.

NOTE: Please include a copy of a voided check or a letter from your financial institution for depository accounts as verification of account information. A representative from your financial institution must complete and sign the shaded area at the end of the form.

CDBG

ELECTRONIC FUNDS TRANSFER ENROLLMENT FORM		Please review instructions before completing this form. Please print or type.	
Vendor Name: _____		Please Check One: <input type="checkbox"/> New Enrollment <input type="checkbox"/> Change	
Vendor Address: _____ _____		Vendor FEIN/SSN: _____	For OSRAP use only. Location Code: ____
ABA NUMBER: _____	Circle C for Checking or S for Savings Check/Savings Ind: C or S	Bank Account Number: _____	
Bank ACCT DESCR: _____			
Bank Name: _____		Bank Address: _____	
Bank Address: _____		Bank Address: _____	
City: _____	State: ____ ZIP _____	Bank Telephone Number: (____) ____ - ____ Ext _____	

By completing the information listed above, I hereby authorize the State of Louisiana, Division of Administration and their designees (*State*) to initiate ACH credit entries to the financial institution account listed as requested by the individual or organization above (Vendor) for payment of goods and services received. This authorization is to remain in full effect until such time as the *State* is notified in writing by the vendor. This notification must include such time and be in such a manner as to afford reasonable time for the *State* to act on it. I certify that I am authorized to complete the information listed above in the unshaded areas on behalf of the individual or organization named above and resolve issues related to enrollment. The information presented above is true and correct for the individual or organization named above. I understand that by utilizing the State's EFT payment process, I will no longer receive remittance advices from the State of Louisiana for payments issued. I am instead to contact my financial institution for remittance information and I am utilizing a financial institution which has the capability to receive such information. I am solely responsible for any fees assessed by my financial institution for their services. The *State* reserves the right to issue a check for payment when the situation warrants. **I agree to notify the *State* of changes to the information listed on this form immediately. Failure to provide the State with correct information or failure to notify the State of changes to bank and/or account information will result in the Vendor bearing sole liability for lost and/or misdirected payments.**

Vendor's Authorized Signature:		Print Name:	
Title:		Date: ____/____/____	Phone #: (____)____-____ ext _____

FINANCIAL INSTITUTION:			
I confirm that the routing and account information listed above is correct and our financial institution has the ability to receive ACH credit files and remittance information electronically.			
Name:		Date:	
		Title:	Phone #:

CDBG**ELECTRONIC FUNDS TRANSFER ENROLLMENT FORM**Please review instructions before completing this form.
Please print or type.

Vendor Name: <u>Town of Madison</u>		Please Check One: <input checked="" type="checkbox"/> New Enrollment <input type="checkbox"/> Change	
Vendor Address: <u>P.O. Box 3297, Madison, La. 71477</u>		For OSRAP use only. Location Code: <u> </u>	
ABA NUMBER: <u>091000349</u>	Circle C for Checking or S for Savings Check/Savings Ind: <u>C or S</u>	Vendor FEIN/SSN: <u>726000343</u>	
Bank ACCT DESCR: <u>TOWN OF MADISON CDBG ACCOUNT</u>			
Bank Name: <u>HANCOCK BANK</u>		Bank Account Number: <u>713243953</u>	
Bank Address: <u> </u>		Bank Address: <u>P.O. Box 734</u>	
City: <u>MADISON</u>		Bank Telephone Number: <u>(225) 731-8509 Ext</u>	

By completing the information listed above, I hereby authorize the State of Louisiana, Division of Administration and their designees (*State*) to initiate ACH credit entries to the financial institution account listed as requested by the individual or organization above (Vendor) for payment of goods and services received. This authorization is to remain in full effect until such time as the *State* is notified in writing by the vendor. This notification must include such time and be in such a manner as to afford reasonable time for the *State* to act on it. I certify that I am authorized to complete the information listed above in the unshaded areas on behalf of the individual or organization named above and resolve issues related to enrollment. The information presented above is true and correct for the individual or organization named above. I understand that by utilizing the State's EFT payment process, I will no longer receive remittance advices from the State of Louisiana for payments issued. I am instead to contact my financial institution for remittance information and I am utilizing a financial institution which has the capability to receive such information. I am solely responsible for any fees assessed by my financial institution for their services. The *State* reserves the right to issue a check for payment when the situation warrants. **I agree to notify the *State* of changes to the information listed on this form immediately. Failure to provide the State with correct information or failure to notify the State of changes to bank and/or account information will result in the Vendor bearing sole liability for lost and/or misdirected payments.**

Vendor's Authorized Signature: <u>Joseph Mecalision</u>	Print Name: <u>Joseph Mecalision</u>
Title: <u>Town Clerk</u>	Date: <u>05/01/04</u> Phone #: <u>(225) 695-3736 ext</u>
FINANCIAL INSTITUTION:	
I confirm that the routing and account information listed above is correct and our financial institution has the ability to receive ACH credit files and remittance information electronically.	
Name: <u> </u>	Title: <u> </u>
Date: <u> </u>	Phone #: <u> </u>

LOUISIANA CDBG REQUEST FOR PAYMENT

A. Name, Address, and Telephone Number of Contractor (City/Parish)	B. Date of Request
C. Contract Number/Fiscal Year/CDBG Grant Representative	D. Request #
E. Actual Delivery Date (A.D.D.) - The most recent date of delivery of services for each State fiscal year.	A.D.D. FY 1:
	A.D.D. FY 2:

1. Status of LCDBG Funds	Amount	State Use Only
A. LCDBG Funds Received to Date		
B. Program Income Received to Date		
C. Subtotal		
D. Funds Disbursed to Date		
E. Cash on Hand at Time of this Request		
F. LCDBG Funds Requested but not yet Received		

2. Amount of Funds Requested by Activity	A.D.D. FY 1	A.D.D. FY 2	Amount	State Use Only
A. Acquisition of Real Property				
B. Public Works, Facilities, Site Improvements				
1. Sewer				
2. Streets				
3. Water (Fire Protection)				
4. Water (Potable)				
5. Community Center				
6. Other				
C. Rehabilitation Housing (includes rehab for public works)				
D. Rehabilitation Administration				
E. Clearance, Demolition				
F. Relocation Payments				
G. Economic Development				
1. Commercial/Industrial Infrastructure Development				
2. Loan				
3. Other				
H. Planning and Management Development				
I. Administration				
1. Pre-agreement Costs				
2. Public Facilities, Housing, and Economic Development				
3. Technology - Program Consultant				
4. Technology - Grantee Administrative Costs				
J. Total				

3. Certification

I certify that this Request for Payment has been drawn in accordance with the terms and conditions of the contract for the grant or loan and that the amount for which drawn is proper for payment to the drawer at the drawer's bank. I also certify that the data reported above is correct and that the amount of the Request for Payment is not in excess of current needs. **Approved and detailed invoices that equal or exceed the amount are attached.**

A. Date	Signature	Title
B. Date	Signature	Title

4. Approval (For State Use Only)

A. Reviewed By	Date
B. Approved By	Date

INSTRUCTIONS FOR REQUEST FOR PAYMENT FORM

LINE

- A Enter name, address, including zip code, and telephone number of the City/Parish receiving funds.
- B Enter the date this request is being submitted.
- C Enter the Contract Number, Fiscal Year (FY) & Grant Type (i.e. FY 2005-ED) and the name of LCDBG Representative assigned to your grant.
- D Enter number of request. Requests for Payment (RFP) are numbered sequentially. Your first request is #1, your second is #2, etc. If, for some reason, a request is returned to you for correction and resubmission, the resubmission would have the same number with an A after it, 2A.
- E Enter the most recent date of delivery of invoices for each State fiscal year covered in the invoices for this RFP. Each invoice must have the date of delivery or, in the case of services rendered, a beginning and ending date. Any services that cover 2 fiscal years must be in separate invoices or the amount allocated to each fiscal year must be indicated. Ex. FY1 May 5, 2005 to June 30, 2005 \$2,040, FY2 July 1, 2005 to August 5, 2005 \$1,920. Enter only the dollar amounts in E. If 2 fiscal years are used, break out the amounts in each FY column if more than 1 activity is used under #2.
- 1A Enter total amount of LCDBG funds you have received as of the date of this request.
- 1B Enter any program income you have received as of the date of this request.
- 1C Add lines 1A and 1B together to get line 1C.
- 1D Enter total LCDBG funds you have disbursed as of the date of this request.
- 1E Subtract line 1D from line 1C to get line 1E, LCDBG cash and miscellaneous receipts on hand at the time of this request.
- 1F Enter the amount of funds you have previously requested, but have not received at the time of this request.
- 2A-2I Enter the amount requested by activity under the appropriate FY. If only one FY is used enter in FY1.
- 2J Add lines 2A-2I to get line 2J, Total amount requested, in each column.
- 3A-3B Have two of the persons authorized to sign the Request for Payment on lines 3-6 of the authorized signature card sign and date the Certification.
- 4 Leave blank.

BUDGET RECONCILIATION REPORT

1. Grantee Name		2. Person's Name Preparing Form				
		Phone Number				
3. Contract Number:		4. Date Prepared		5. Period Covered		
ACTIVITY	FUNDS BUDGETED		BUDGET BALANCES	DRAWDOWNS RECEIVED	ACTUAL EXPENDED	DIFFERENCES
	ORIGINAL	CURRENT				
6	7	8	9	10	11	

INSTRUCTIONS

BUDGET RECONCILIATION REPORT

1. Enter the name of the City/Parish receiving the funds.
2. Enter the name of the person preparing the papers.
3. Enter the contract number.
4. Enter the date the report is prepared.
5. Enter the period covered by this report.
6. Enter the name of each activity. Use the activity names that appear in Exhibit A, Item 2 of your approved contract.
7. Enter the LCDBG funds originally budgeted in the contract and the current amount budgeted. If there have been no revisions or amendments, these amounts should be the same.
8. Enter the amounts remaining in the current budget, according to your records.
9. Enter the cumulative drawdowns received in each activity category, as requested as of the date of the report.
10. Enter the actual cumulative amounts expended in each category. If the funds were expended for a different activity than requested, enter how they were actually expended, not requested.
11. Enter the differences for each activity between the figures in Column 9 and Column 10.

LCDBG BUDGET REVISION FORM

1. Grantee Name:

2. Contact Person's Name and Phone Number:

3. Contract Number:

4. Date:

5. Budget Revision Number:

6. Activity/Line Item	Original/Current Budget (A)	Revised Budget (B)	Reasons for Change (C)
A. Acquisition of Real Property			
B. Public Works, Facilities, Site Improvements			
1. Sewer			
2. Water (Potable)			
3. Water (Fire Protection)			
4. Streets			
5. Multi-Purpose Community Centers			
6. Other			
C. Clearance, Demolition			
D. Rehabilitation Loans and Grants (Housing & PF hookups)			
E. Rehabilitation Administration			
F. Provision of Public Services			
G. Relocation Payments and Assistance			
H. Economic Development			
1. Acquisition Land Building			
2. Infrastructure Improvements			
3. Building Construction/Improvements			
4. Industrial and Commercial Facilities			
5. Inventory			
6. Working Capital			
7. Capital Equipment			
8. Other			
I. Administration (Total)			
1. Pre-Agreement Costs (architectural/engineering/consulting)			
2. Housing Rehabilitation			
3. Public Facilities			
4. Economic Development			
J. Other			
K. Other			
L. TOTAL			

LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
REQUEST FOR PROGRAM AMENDMENT

1. Grantee Name _____ 2. Contact Person's Name _____
 Phone Number _____
 3. Contract Number: _____ 4. Date _____ 5. Program Amendment Number _____

Name of Activity	Approved Work To be Completed	Proposed Work to be Completed	Reasons for Change	Low/Moderate Income Beneficiaries		Extremely Low/ Low Income Beneficiaries				Minority Beneficiaries		Total Beneficiaries												
				Original	Revised*	Original	Revised*	Original	Revised*	Original	Revised*													
6	7	8	9	#	%	10	#	%	#	%	11	#	%	#	%	12	#	%	#	%	13	#	%	

14. Date of public hearing on proposed amendment: _____ Attach a copy of the public notice and minutes of the public hearing.
 Also, attach a map which identifies the location of any proposed activities.

* Methodology for determining revised beneficiaries:

15. Activity/Line Item	Original/Current Budget (A)	Proposed Budget (B)	Comments (C)
A. Acquisition of Real Property			
B. Public Works, Facilities, Site Improvements			
1. Sewer			
2. Water (Potable)			
3. Water (Fire Protection)			
4. Streets			
5. Multi-purpose Community Centers			
6. Other			
C. Clearance, Demolition			
D. Rehabilitation Loans and Grants (Housing & PF hook-ups)			
E. Rehabilitation Administration			
F. Provision of Public Services			
G. Relocation Payments and Assistance			
H. Economic Development			
1. Acquisition Land Building			
2. Infrastructure Improvements			
3. Building Construction/Improvements			
4. Industrial and Commercial Facilities			
5. Inventory			
6. Working Capital			
7. Capital Equipment			
8. Other			
I. Administration (Total)			
1. Pre-Agreement Costs (architectural/engineering/consulting)			
2. Housing Rehabilitation			
3. Public Facilities			
4. Economic Development			
J. Other			
K. Other			
L. TOTAL			

INSTRUCTIONS

LCDBG REQUEST FOR PROGRAM AMENDMENT

1. Enter grantee name.
2. Enter name and phone number of person to contact if there are questions concerning this request.
3. Enter contract number.
4. Enter date request prepared.
5. Enter program amendment number. If this is your first program amendment, enter number 1, your second, enter number 2, et cetera.
6. In column 6, list current activities as shown in your contract. Use the same activity name as used in Exhibit A of your Contract.
7. Identify the specific items of work that were approved in your application, be detailed and specific (such as water well, water distribution system, water storage tank).
8. Identify the specific items that will be completed if the amendment is approved. For example, if 30 houses were initially approved to be rehabilitated enter that number in column 7: if the amendment is requesting that only 28 houses be rehabilitated, enter that number in column 8.
9. In column 9 explain the reason for the proposed changes.
10. In column 10 provide the number and percentage of low and moderate income beneficiaries. Show the original number and the number of beneficiaries if the amendment is approved. The methodology for determining the revised beneficiaries must be given at the bottom of the page or on a separate sheet of paper.
11. In column 11 provide the number and percentage of extremely low and low income beneficiaries. Show the original number and the number of beneficiaries if the amendment is approved. The methodology for determining the revised beneficiaries must be given at the bottom of the page or on a separate sheet of paper.
12. In column 12 provide the number and percentage of minority beneficiaries. Again, show the original figures and the figures if the amendment is approved. Identify the methodology for determining the revised minority beneficiaries.
13. In column 13 provide total number of beneficiaries based on the original activity and the proposed activity. Again, identify the methodology for determining the revised number.
14. Enter the date of the public hearing and attach a copy of the minutes.
15. Complete item 15 on the second page by showing the appropriate dollar amounts based upon the original or current budget and the proposed budget based upon the requested amendment.

NOTE: Attach a map showing the location of any proposed activities.

date

A-33

Honorable

Re: Notice of Removal of Contract Conditions / Transmittal of Executed Contract
FY 2008 Louisiana Community Development Block Grant Program
project

Dear :

The Notice of Removal of Contract Conditions and a copy of the executed contract on the referenced program are enclosed for your information and files. The contract authorizes you to requisition funds in accordance with the "Schedule of Payment" provisions. The requisition of funds is authorized as of the date of this letter, not the date of the contract. The Office of Community Development will accept no more than two requisitions per month. Request for Payment forms are available on our website at www.state.la.us/cdbg/cdbg.htm, or can be emailed to you as needed.

The project's plans and specifications have been reviewed by our staff engineer. The **xxx** is now authorized to advertise for bids.

The **xxx** must advertise for bids within thirty days of the date of this letter, or day, date. A copy of the bid advertisement inclusive of the dates published must be sent to us. Failure to comply with this 30-day bid requirement will result in the assessment of \$250 per working day against the amount of grant funds allowed for engineering services. If the **xxx** or administrative consultant is responsible for the failure to advertise by date, then the penalty will be assessed accordingly. If extenuating circumstances exist that prevent the publication, you must notify us in writing prior to the end of the 30-day period and request a time extension. We reserve the right to grant an extension when the reasons are valid.

A resume of the engineer's inspector and a completed "Qualification Certification" form must be sent to this office before construction begins. [Please see Exhibit B-xx on page xxx in the 2007 LCDBG Grantee Handbook for the qualification certification form.]

If you have questions regarding the implementation of your program, please do not hesitate to call or email **xxxxx** at 225/342-7412 or xxxxxxx@la.gov.

Sincerely,

Carol M. Newton
Director, Louisiana Community
Development Block Grant Program

Enclosures: 2

NOTICE OF REMOVAL OF CONTRACT CONDITIONS

<u>Contractor Name</u> grantee	<u>Name/Title of Chief Executive Officer</u> Honorable xxx
<u>Contractor Address</u> xxx	<u>Date</u> xxx

On date, the State received your Request for Release of Funds and Certification. Your contract contained the following conditions.

1. Environmental Review	Cleared
2. Section 504 Assurance	Cleared
3. Community Development Plan	Cleared
4. Financial Certifications	Cleared
5. Residential Antidisplacement Plan and Certification	Cleared
6. Application Revisions	Cleared
7. Engineer's Plans, Specifications and Final Cost Estimate	Reviewed

|x| Any and all conditions in the contract number xxxxxxx, signed by the State on date, respecting said activity(ies) and funding thereof are hereby removed.

| | Additional materials are needed before funds can be released. See back for detail.

<u>Name/Title of Authorizing Officer</u> Carol M. Newton Director, LCDBG Program Office of Community Development	<u>Signature of Authorized Officer</u>	<u>Date</u> xxx
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COMMUNITY DEVELOPMENT PLAN

1. Period of Applicability

Grantee: _____

FROM: _____ TO: _____

2. Community Development and Housing Needs:

(Provide a brief narrative in accordance with instructions for each listed area)

A. NEIGHBORHOOD REVITALIZATION NEEDS

(Describe all needs. All needs listed may or may not be resolved with the current LCDBG Grant.)

B. COMMUNITYWIDE HOUSING NEEDS

(Describe all needs. All needs listed may or may not be resolved with the current LCDBG Grant.)

C. COMMUNITYWIDE NEEDS FOR PUBLIC FACILITIES AND IMPROVEMENTS

(Describe all needs. All needs listed may or may not be resolved with the current LCDBG Grant.)

D. ECONOMIC DEVELOPMENT NEEDS

(Describe all needs. All needs listed may or may not be resolved with the current LCDBG Grant.)

Additionally, identify any population group(s) with high unemployment or a statement that there is no high unemployment population group(s).

_____ Check here if continued on additional pages.

3. Data Sources

COMMUNITY DEVELOPMENT PLAN (Continued) Grantee: _____

4. Comprehensive Strategy:
(Provide a narrative in accordance with instructions for each listed area.)

A. NEIGHBORHOOD REVITALIZATION STRATEGY

(State how the needs listed in 2A will be addressed to include objectives, activities, timing, monetary amounts and funding sources.)

B. COMMUNITY-WIDE HOUSING STRATEGY

(State how the needs listed in 2B will be addressed to include objectives, activities, timing, monetary amounts and funding sources.)

C. STRATEGY FOR PROVIDING COMMUNITYWIDE PUBLIC FACILITIES IMPROVEMENTS

(State how the needs listed in 2C will be addressed to include objectives, activities, timing, monetary amounts and funding sources.)

D. ECONOMIC DEVELOPMENT STRATEGY

(State how the needs listed in 2D will be addressed to include objectives, activities, timing, monetary amounts and funding sources.)

_____ Check here if continued on additional pages.

- NOTE: 1) Borders are not recommended.
2) Do not submit a CD Plan in ALL CAPS.
3) See Task A-7 for further clarification.
4) Font size 12 and single spacing is recommended.

Community Development Plan Form Instructions

Item 1: Enter the beginning and completion dates for the three-year period covered by the Community Development Plan. It is acceptable to enter the date of the Authorization to Incur Costs letter for the beginning date.

Item 2: Community Development and Housing Needs - Briefly describe your major community development and housing needs, with particular emphasis on the needs of low-moderate income households and any special needs of identifiable segments of the total group of lower-income persons. This description shall include the following categories, headed as shown and in the following order:

- A. Neighborhood Revitalization Needs. Briefly describe your major needs for maintaining viable neighborhoods and upgrading neighborhoods affected by housing, public facilities and improvements, and other related neighborhood needs. To the extent feasible, this description should present a neighborhood by neighborhood analysis of those areas having significant concentrations of low-moderate income persons and/or substandard and deteriorated housing.
- B. Community-wide Housing Needs. Briefly describe your major community-wide housing needs regarding the general supply and maintenance of housing, increasing the choice and availability of housing for low-moderate income persons, and providing fair housing opportunities.
- C. Community-wide Needs for Public Facilities and Improvements. If you have any major community-wide needs for public facilities and improvements which are eligible for assistance with Community Development Block Grant funds which will serve the overall community, briefly describe those needs here.

In contrast, public facilities and improvements which will serve a particular neighborhood should be described under “Neighborhood Revitalization Needs.”

- D. Economic Development Needs. Briefly describe your major economic development needs. This description should include a discussion of the needs of identifiable population groups experiencing significant unemployment or under-employment, **and at a minimum must identify these population groups or state that there are no identifiable groups.**

Item 3: Data Sources - Indicate the data sources on which you based your summary of community development and housing needs (i.e., census data, capital improvement program, special local surveys, studies or plans, etc.).

Item 4: Comprehensive Strategy - Describe how you propose to meet the community development and housing needs identified above and in particular the needs of low-moderate income households residing in the community. Include any special needs of identifiable segments of the total groups of lower income persons (e.g., minority groups or female-headed households). This narrative description should include the categories described below in the order shown. In describing how you propose to provide improved community facilities and public improvements (including the provision of supporting health, social and similar services where necessary and appropriate), indicate how the handicapped will benefit from those actions.

- A. Neighborhood Revitalization Strategy. Describe your strategy for maintaining and preserving viable neighborhoods and for upgrading neighborhoods affected by blight and deterioration. Emphasize actions to be taken that will improve conditions for low-moderate income persons residing in the community. You must address at least one of the two areas described below, based on the program of activities that you have selected.

- (1) Defined concentrated areas. Identify as defined concentrated areas those areas in which you plan to concentrate sufficient community development and other resources to produce substantial long-term improvements within a reasonable period of time. Your discussion of defined concentrated areas should include:
- (a) the objectives to be achieved, both long-term and short-term,
 - (b) the physical improvement programs to be carried out with block grant funds, such as code enforcement, rehabilitation, acquisition, demolition, or public improvements,
 - (c) any related programs proposed such as Section 8 Substantial Rehabilitation Special Procedures,

- (d) public services to be carried out in support of the physical improvements projects, if any,
 - (e) the coordination of block grant funded activities and local community development actions,
 - (f) the anticipated resources, including block grant funds, other Federal, State, parish, local funds, or private investment, and
 - (g) the role of any neighborhood organization(s).
- (2) Other neighborhood improvement efforts. Describe neighborhood improvement efforts other than those planned for defined concentrated areas. This strategy should include specific actions designed to prevent or eliminate slums and blight. It should also include actions designed to provide improved community facilities and public improvements to neighborhoods principally occupied by persons of low and moderate income. The strategy shall describe:
- (a) the objectives to be accomplished (short and long-term),
 - (b) the activities to be carried out that will meet the listed objectives,
 - (c) the anticipated timing needed to complete the activities, and
 - (d) the amount of the block grant and/or other funds if applicable.

B. Communitywide Housing Strategy. Describe your communitywide strategy for improving housing assistance needs that have been identified.

- (1) Describe a strategy for any housing programs to be carried out on a communitywide basis, such as provision of rehabilitation financing for low-moderate income persons. It should also include the goals to be accomplished, a timetable of actions to be taken, and the amount of block grant and/or other funds if applicable.
- (2) Identify any regulatory or other actions proposed to foster housing maintenance and improvements (e.g., actions to eliminate redlining with respect to property insurance and the availability of credit for

the purchase and rehabilitation of housing, or actions such as provision of tax incentives to promote investment in restoration of deteriorated or abandoned housing).

- (3) Describe your strategy for increasing the choice of housing opportunities for low-moderate income persons, (including members of minority groups and female-headed households), efforts to achieve expanded housing opportunities and actions to affirmatively further fair housing.
- (4) Identify any community facilities and improvements to be provided which are intended to further your housing strategy.
- (5) Identify where displacement or other hardships to low-moderate income persons will result from Community Development Block Grant funded acquisition, demolition, code enforcement, or rehabilitation. The strategy shall describe what steps will be taken to minimize involuntary displacement and to enable displaced persons to remain in the same neighborhood when desired.

C. Strategy for Providing Community-wide Public Facilities and Improvements. Describe your strategy for meeting the identified needs for public facilities and improvements which serve the community in general, such as certain senior citizen centers and centers for the handicapped. You should also describe;

- (1) the objectives to be accomplished,
- (2) the activities to be carried out that will meet the listed objectives,
- (3) the anticipated timing needed to complete the activities, and
- (4) the amount of the block grant and/or other funds if applicable.

D. Economic Development Strategy. (A description of a strategy for economic development is required **only** from those applicants who propose block grant funded economic development activities. If no Economic Development activities are proposed, indicate 'not applicable' here.) The strategy shall include;

- (1) a description of the activities proposed to further economic development and to attract investment, including the coordination of block grant funded activities with other local actions, and a timetable for provision of additional Federal, State or other resources.
- (2) the number and types of permanent jobs expected to result from economic development projects, particularly jobs for unemployed or underemployed population groups and low-moderate income

- persons and the types and extent of any job training or other efforts to assist such residents, and
- (3) evidence of commitments or interest on the part of developers for new or expanded employment facilities, if any.

PROCUREMENT

TITLE 24--HOUSING AND URBAN DEVELOPMENT

PART 85--ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE, LOCAL AND FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS—

Table of Contents

Subpart C--Post-Award Requirements

Sec. 85.36 Procurement.

(a) States. When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) Procurement standards.

(1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- (i) The employee, officer or agent,
- (ii) Any member of his immediate family,
- (iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local

law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--

(i) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for

that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) Competition.

(1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of Sec. 85.36. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business,

(ii) Requiring unnecessary experience and excessive bonding,

(iii) Noncompetitive pricing practices between firms or between affiliated companies,

(iv) Noncompetitive awards to consultants that are on retainer contracts,

(v) Organizational conflicts of interest,

(vi) Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement, and

(vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements,

contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) Methods of procurement to be followed.

(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in Sec. 85.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) Contracting with small and minority firms, women's business enterprise and labor surplus area firms.

(1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) Contract cost and price. (1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or

based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 85.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) Awarding agency review.

(1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

SAMPLE

(This is a sample only. Each local governing body should revise the Policy to reflect its own specific needs/criteria.)

PROCUREMENT POLICY

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the LCDBG Program. These guidelines meet the standards established in 24 CFR 85.36 and state requirements.

CODE OF CONDUCT

No employee, officer, or agent of the _____ (City/Parish) shall participate in the selection or in the award or administration of a contract supported by LCDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the _____ (City/Parish) shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the _____ (City/Parish) Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

PROCUREMENT PROCEDURES

The director or supervisor of each department or agency of the _____ (City/Parish) responsible for procurement of services, supplies, equipment, or construction obtained with LCDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the Director or Supervisor, an analysis to determine which approach would be the most economical shall be undertaken.

The _____ (City/Parish) shall take affirmative steps to assure that small and minority firms, women's business enterprises, and labor surplus firms are solicited whenever they are potential qualified sources. The _____ (City/Parish) shall also consider

the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, women's business enterprises, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.

The _____ (City/Parish) shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

SELECTION PROCEDURES

ALL procurement carried out with LCDBG funds, where _____ (City/Parish) is a direct party, shall be carried out in a manner that provides maximum free and open competition. Procurement procedures will not restrict or eliminate competition. _____ (City/Parish) shall not place unreasonable requirements on firms in order for them to qualify to do business. Nor will _____ (City/Parish) encourage or participate in noncompetitive practices among firms. The _____ (City/Parish) is alert to organizational conflicts which would jeopardize the negotiation process and limit competition. _____ (City/Parish) will not require unnecessary experience or bonding requirements.

Pursuant to state law, all solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerers shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerers must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications.

Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

METHODS OF PROCUREMENT

Direct procurement by the _____ (City/Parish) shall be made by using one of the following methods depending on the type of service to be procured.

Small Purchase Procedures. Relatively simple, informal procurement procedures will be used where the purchase of materials, supplies, equipment, and/or other property will not cost in the aggregate more than \$20,000, and for construction with a cost of less than \$100,000, except where further limited by state law or LCDBG policy. The small purchase procedure can also be

utilized to procure administrative consulting and other professional services costing less than \$100,000. The only exception to professional services is for architectural/engineering services that must be procured through competitive negotiation. The procurement officer must obtain a minimum of three oral or written price or rate quotations from qualified sources. Documentation on all quotations received (whether oral or written) shall be made a part of the file.

Competitive Sealed Bids/Formal Advertising. Under this procedure bids are publicly advertised in accordance with the state's Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids.

Competitive sealed bids can be used ONLY when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively; (3) the procurement can be made on a firm fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

When formal advertising is used the following conditions shall be met.

- i. The advertisement for bids shall be publicly advertised in accord with state law.
- ii. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the advertisement.
- iii. All bids shall be opened publicly at the time and place specified in the advertisement for bids.
- iv. A firm fixed-price contract award shall be made by written notice to the lowest responsible bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.
- v. Notwithstanding the above, any or all bids may be rejected when there are sound documented business reasons in the best interest of the LCDBG Program.

Competitive Negotiation: Requests for Proposals/Qualification Statements. This method may be used when formal advertising is not appropriate. Architectural and engineering services must be procured via requests for qualification statements; administrative consulting services must be procured via requests for proposals. Other professional services may also be procured by requests for proposals. The following procedures will be used for competitive negotiation:

- i. Requests for proposals or qualification statements must be advertised in a newspaper in the nearest metropolitan area in accordance with the rules of the state's LCDBG Program. All submittals will be honored and entered into the competition.
- ii. The package for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements.

- iii. The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made.
- iv. Contract award will be made to the responsible offerer whose submission is deemed most appropriate to the _____ (City/Parish) _____ with consideration for price, qualifications, and other factors set by the local governing body. Unsuccessful offerers shall be notified in writing within ten working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.
- v. Following the review of the qualification statements received, the most qualified competitor will be selected to enter into contract negotiation. This shall always include negotiation of price to insure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

Noncompetitive Negotiation/Sole Source. Noncompetitive negotiation shall be used when small purchase, formal advertising, or competitive negotiation procedures are not feasible. Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. Noncompetitive negotiation shall only be used when written authorization has been obtained from the state's Office of Community Development, with the one exception noted. In order to qualify for this type of procurement, one of the following circumstances must apply:

- i. The item or service is available only from a single source;
- ii. It is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.
- iii. After solicitation of a number of sources, competition is determined to be inadequate.

The one exception to this method is that the non-competitive negotiation method may be used, without written authorization from the state, when an area-wide planning agency or regional planning and development district is utilized for administrative consulting services.

CONTRACT PRICING

Cost plus percentage of cost and percentage of construction cost methods of contracting MUST NOT be used. _____ (City/Parish) _____ shall perform cost or pricing analysis in connection with EVERY procurement action including contract modifications. Costs or prices based on estimated costs for LCDBG projects shall be allowed only to the extent that the costs incurred or the cost estimates included in negotiated prices are consistent with federal cost principals. Cost reimbursement, fixed price, per diem contracts, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract, and must

identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

A per diem contract expected to exceed \$10,000 will not be considered unless _____ (City/Parish) has determined that a cost reimbursable or fixed price contract is not appropriate. Cost and profit included in the per diem rate MUST be specifically negotiated and shown separately in the proposal. The contract must clearly establish a ceiling price that may not be exceeded without formally amending the contract.

The _____ (City/Parish) may use a multiplier type of compensation under either the cost reimbursement or fixed price contract. The multiplier and the portions of the multiplier applicable to overhead and profit must be specifically negotiated and separately identified in the contract.

PROCUREMENT RECORDS

The _____ (City/Parish) shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions:

- i. Contracts other than small purchase shall contain provisions that allow for administrative, contractual, or legal remedies if contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate.
- ii. All contracts in excess of \$10,000 shall provide for termination for cause and for convenience by the _____ (City/Parish) including the manner in which it will be done and the basis for settlement.
- iii. All construction contracts and subcontracts in excess of \$10,000 shall include provisions which require compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in DOL regulations (41 CFR Part 60).
- iv. All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick-Back" Act (18 USC 874) as supplemented by DOL regulations (29 CFR Part 3).
- v. All contracts or subcontracts in excess of \$2,000 for construction or repair shall include a provision for compliance with the Davis-Bacon Act (40 USC 276a to a-7) as supplemented by DOL regulations (29 CFR Part 5).
- vi. All construction or repair contracts or subcontracts in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment or mechanics or laborers, shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by DOL regulations (29 CFR Part 5).

- vii. Each contract shall include a notice of state requirements and regulations pertaining to reporting and patent rights under any contract involving respect to any discovery or invention which arises or is developed in the course of or under such contract, and of the state requirements pertaining to copyrights and rights in data.
- viii. All negotiated contracts shall include a provision that makes it possible for the state, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, to have access to any books, documents, papers, or records of the contractor/firm that are directly pertinent to the contract, for the purpose of making audit examination excerpts and transcriptions. Further, the contract must include a provision that all required records will be maintained by the contractor/firm for a period of four years after the _____ (City/Parish) _____ formally closes out each LCDBG program.
- ix. All contracts, subcontracts, and subgrants in amounts in excess of \$100,000 shall contain a provision which requires compliance with the requirements of Section 306 of the Clean Air Act (42 USC 1857 h), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- x. Contracts shall recognize mandatory standards and policies relating to energy efficiency that are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).
- xi. The _____ (City/Parish) _____ will be permitted to require changes, remedies, changed conditions, access and record retention, and suspension of work clauses approved by the state.

CONTRACT ADMINISTRATION

The _____ (City/Parish) _____ shall maintain contract administration systems that insure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/ firms will be a factor in subsequent contract negotiations and award. Remedial action by the _____ (City/Parish) _____ through legal processes shall be considered in instances of identified significant nonperformance.

§ 570.611 Conflict of interest.

- a) *Applicability.*
 - 1) In the procurement of supplies, equipment, construction, and services by recipients, and by subrecipients (including those specified at § 570.204(c)), the conflict of interest provisions in 24 CFR 85.36 and OMB Circular A-110, respectively, shall apply.
 - 2) In all cases not governed by 24 CFR 85.36 and OMB Circular A-110, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient, by its subrecipients, or to individuals, businesses or other private entities under eligible activities which authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202, or grants, loans and other assistance to businesses, individuals and other private entities pursuant to § 570.203, § 570.204 or § 570.455).
- b) *Conflicts prohibited.* Except for the use of CDBG funds to pay salaries and other related administrative or personnel costs, the general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or to gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. For the UDAG program, the above-stated restriction shall apply to all activities that are a part of the UDAG project, and shall cover any financial interest or benefit during, or at any time after, the person's tenure.
- c) (c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or subrecipients which are receiving funds under this part.
- d) (d) *Exceptions: threshold requirements.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it determines that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project. An exception may be considered only after the recipient has provided the following:
 - 1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - 2) (2) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- e) (e) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d) of

this section, HUD shall consider the cumulative effect of the following factors, where applicable:

- 1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
- 2) Whether an opportunity was provided for open competitive bidding or negotiation;
- 3) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
- 4) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
- 5) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;
- 6) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- 7) Any other relevant considerations.

SAMPLE ADVERTISEMENT*
**REQUEST FOR PROPOSALS FOR
ADMINISTRATIVE CONSULTING SERVICES**

A-38

The _____ (City/Parish) _____ is applying for a grant under the *FY 20xx/20xx* Louisiana Community Development Block Grant (LCDBG) Program for the purpose of _____ (identify the specific type of project for which funds will be requested) _____. _____ (City/Parish) _____ is interested in procuring the services of an administrative consulting firm to prepare the application package and to administer and implement the project if it is successful in being funded.

The procedures for the selection of this firm will be in accordance with the procurement requirements of the LCDBG Program. All responses received will be evaluated in accordance with the selection criteria and corresponding point system that is identified in the request for proposals package. That package also identifies the scope of services to be performed by the selected firm.

The _____ (City/Parish) will **

Interested parties are invited to secure a proposal package from _____ (name of person) _____ at _____ (address and telephone number) _____. The response to this request must be hand-delivered or mailed to the above named person at the above named address in such a manner that it is received no later than _____ (time) _____ on _____ (date) _____.

The _____ (City/Parish) _____ is an Equal Opportunity Employer. We encourage all small and minority-owned firms and women's business enterprises to apply.

*This is a sample notice soliciting proposals for an administrative consulting firm. Each local governing body must prepare a request for proposals that is specific to its own needs. Refer to the sample request for qualifications for a similar, acceptable format. This notice may also be revised as a combined notice requesting qualification statements from engineering/architectural firms and requesting proposals from administrative consulting firms.

**The local governing body must state one of the following:

- a) award the contract to the respondent obtaining the highest score in the evaluation process; or,
- b) conduct oral interviews with those firms receiving points within the range of ___ to ___ for the purpose of obtaining a "best and final offer"; following those interviews the proposals will be re-scored and the highest scoring firm will be selected.

(This is only a sample. Each governing body must prepare a request for proposals that is specific to its own needs.)

REQUEST FOR PROPOSALS FOR AN ADMINISTRATIVE CONSULTANT

The _____ (City/Parish) _____ is accepting proposals from consultants for management and administrative services required by the _____ (City/Parish) _____ for the preparation of a Louisiana Community Development Block Grant (LCDBG) Program and subsequent administration/implementation of that program if funded by the state. The project for which funds will be requested consists of

PART ONE: MANAGEMENT AND ADMINISTRATION

The level and scope of services, if any, will be determined by the _____ (City/Parish) _____. A fixed sum contract on a cost reimbursement basis will be negotiated with the actual fees for services subject to approval by and funding from the state. Local funds will be used to pay for costs, if any, for applications that are not funded under the LCDBG Program. If the application is not funded by the state, no services beyond the application stage will be required. Therefore, neither the state nor the local governing body will be liable for any other expenditure under the contract. If the application is funded, LCDBG funds can be utilized for the payment of pre-agreement costs and overall program administration costs that are associated with the funded LCDBG program; such costs must be within the amounts allowed under the LCDBG Program. The scopes of services that the consultant must be prepared and qualified to provide are as follows:

- a. Prepare the FY 20xx/20xx LCDBG Application. If a fee will be charged for the preparation of the application, then a separate cost must be identified for pre-agreement services.
- b. Prepare Environmental Review Record and submit all other items required to clear the contract conditions. All contract conditions must be cleared within six months of the _____ (City/Parish) _____ receipt of an "Authorization to Incur Costs" letter from the state.
- c. Prepare the Requests for Payment to ensure consistency with the procedures established for the LCDBG Program.
- d. Ensure that the City/Parish has an acceptable financial management system as it pertains to finances of the LCDBG program. An acceptable system includes, but is not limited to,

cash receipts and disbursements journal and accompanying ledgers, and should conform to generally accepted principles of municipal accounting.

- e. Establish project files in the local governing body's office. These files must demonstrate compliance with all applicable state, local, and federal regulations. The project files must be monitored throughout the program to ensure that they are complete and that all necessary documentation is being retained in the community's files.
- f. With the assistance of the community, help conduct public hearings. This includes, but is not limited to, such things as assisting with public notices, conducting hearings, etc.
- g. Assist City/Parish in complying with regulations governing land acquisition (real property, easements, rights of ways, donation of property, etc).
- h. Assist the project engineer in the preparation of bid documents and supervise the bidding process consistent with state and federal regulations.
- i. Secure the Department of Labor's federal wage decision and include it in the bid documents.
- j. Prepare construction contracts which comply with state and federal regulations. Examples are Conflict of Interest, Access to Records, Copeland Anti-Kickback Act, Safety Standards, Architectural Barriers, Flood Insurance, Clean Air and Water Act (for contracts over \$100,000), HUD Handbook (6500.3), 24 CFR 85.36, Section 3, Section 109, Title VI, Civil Rights Act, EO 11246 (for contracts over \$10,000), Section 503, etc.
- k. Obtain contractor clearance(s) from the state.
- l. Check weekly payrolls to ensure compliance with federal wage decision(s). Conduct on-site interviews and compare the results with the appropriate payrolls.
- m. Monitor construction to ensure compliance with equal opportunity and labor standards provisions.
- n. Make progress inspections and certify partial payment requests.
- o. Attend and assist the City/Parish during the state's monitoring visit(s). Prepare City/Parish's response to all monitoring findings.
- p. Assist in a final inspection of the project and in the issuance of a final acceptance of work.
- q. Prepare the Section 504 self-evaluation and transition plan, if applicable.
- r. Prepare analysis of impediments to fair housing.
- s. Assist City/Parish in meeting the state's financial reporting requirements.
- t. Prepare close-out documents.

PART TWO: PROPOSALS

Proposals will be considered by the *City/Parish* at a meeting to be held at _____ (a.m./p.m.) on the _____ day of _____, 20xx. In order to be considered,

proposals must be received by the *City/Parish* prior to _____ (a.m./p.m.) on the _____ day of _____, 20xx. The *City/Parish* reserves the right to reject any or all proposals.

All proposals should be sealed and identified on the outside as;

*FY 20xx/20xx LCDBG APPLICATION
Preparation and Implementation Proposal
Administrative Consultant*

All proposals will be scored and ranked with the highest rated firm being awarded a contract.*

The proposal must include a brief history of the firm and a resume of each person in the firm who will be assigned to the project. The proposal must also include a list of local governing bodies for which the firm has been under contract with for LCDBG administration during the last four calendar years; this list will be used for reference purposes. All references must indicate excellent program performance.

Two copies of the proposal and the required supplemental information should be provided.

PART THREE: SELECTION CRITERIA**

All responses to the proposal will be evaluated according to the following criteria and corresponding point system. The proposals will be evaluated on the basis of written materials. Sufficient information must be included in the proposal to assure that the correct number of points is assigned. Incomplete or incorrect information may result in a lower score.

■ **REQUIRED PRICE CONSIDERATION*** _____ pts.**

The lowest proposal will receive the maximum points. Other, more expensive proposals will receive reduced points based on the following formula with rounding to the nearest tenth:

***If a competitive range and oral interviews will be held, then the package must state that procedure.*

$$\frac{\text{Lowest Proposal}}{\text{More expensive proposal}} \times \text{Total Possible Price Points} = \text{Points allocated to a more expensive proposal}$$

Example:

100 points is the total possible points. (Other point scales may be chosen.)
10% of total possible points are the price consideration. (Percents greater than 10% may be chosen.)

Proposal 1 is for \$ 27,000
 Proposal 2 is for \$ 20,000
 Proposal 3 is for \$ 30,000

Step 1: Determine points allocated for price -- $100 \times 10\% = 10$ points
 Step 2: Award ten points to the lowest priced proposal (Proposal 2 is awarded **10 points**)
 Step 3: Allocate a proportionally reduced amount of points to the higher proposals

Proposal 1	$\frac{20,000}{27,000} \times 10 = $	7.4 points	Proposal 3	$\frac{20,000}{30,000} \times 10 = $	6.7 points
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OPTIONAL CONSIDERATIONS: (These are sample criteria and may be modified.)

Educational background of project manager who will be assigned to project - the highest level attained will receive the assigned number of points shown for that level:

High school diploma	_____ pts.
College degree	_____ pts.
Masters or PhD	_____ pts.

Firm's experience in administering LCDBG projects during the last four calendar years; name of locality under contract with the firm and type of project administered:

Administered no LCDBG projects	_____ pts.
Administered 1-5 LCDBG projects	_____ pts.
Administered more than 5 LCDBG projects	_____ pts.

Length of time the firm has been in business:

less than 5 years	_____ pts.
5 to 10 years	_____ pts.
Over 10 years	_____ pts.

Previous experience with the city/parish:

Very satisfactory	_____ pts.
Satisfactory	_____ pts.
Unsatisfactory or no previous experience	_____ pts.

Total Points for Required and Optional Considerations _____ pts.

Questions concerning this proposal should be addressed to _____ (city clerk/parish administrator) at _____ (phone number) _____. Proposals should be hand-delivered to _____ (city clerk/parish administrator) _____, at the _____ (city hall/parish office) _____ at _____ (address) _____ or mailed to _____ (city

clerk/ parish administrator) _____, at the _____ (city hall/parish office) _____ at _____
(address) _____.

*If a competitive range and oral interviews will be held, then this procedure must be stated.

**These are sample criteria only. Each local governing body must develop its own criteria and identify those along with the corresponding point system (including ranges) which will be used to evaluate the proposals received.

***Price must be one of the criteria utilized in evaluating proposals and must be evaluated using a point system which allocates at least ten percent of the total possible points to price consideration.

(This is only a sample. Each city/parish must prepare a request for qualification statements that is specific to its own needs.)

REQUEST FOR QUALIFICATION STATEMENTS FOR A ENGINEERING SERVICES

The _____ (City/Parish) _____ is seeking assistance for engineering services needed to prepare the application for *FY 20xx/20xx* LCDBG funds and subsequent implementation of that program, if funded by the state. The type of project involved is _____

The _____ (City/Parish) _____ is soliciting qualification statements for engineering services to assist the _____ (City/Parish) _____ with preliminary engineering, design engineering, and inspections of this project in compliance with LCDBG Program requirements. The agreement will be on a lump sum, fixed price basis (or cost reimbursement "not to exceed" basis), with payment terms to be negotiated with the selected offerer. Reimbursement for services will be contingent on the _____ (City/Parish) _____ receiving funding from the state. Local funds will be used to pay for costs, if any, for applications that are not funded under the LCDBG Program. If the application is not funded by the state, then no services beyond the application stage will be required. Therefore, neither the state nor the local governing body will be liable for any other expenditure under the contract. The maximum amount of pre-agreement and program implementation engineering fees that can be paid for implementation with LCDBG funds will be determined by the state and may require adjustments in the proposed contract amount.

The services to be provided will include, but not be limited to:

- a. Assisting in the preparation of the application package (pre-agreement costs).
- b. Designing system improvements and construction engineering. The preliminary plans and specifications must be completed within six months of the _____ (City/Parish) _____ receipt of the "Authorization to Incur Costs" letter from the state's Office of Community Development. Submit plans and specifications to the Louisiana Department of Health and Hospitals, if applicable, and to the Office of Community Development within the aforementioned six month period.
- c. Assisting the administrative consultant with the construction bid package in conformance with applicable federal requirements and supervising the bid advertising, tabulation, and award process, including preparing the advertisements for bid solicitation, conducting the bid opening, and issuing the notice to proceed. The first advertisement for bid must appear within 30 days of receiving authorization to advertise for bids from the state.
- d. Assist in conducting the preconstruction conference.
- e. Field staking, on-site supervision of construction work, and preparing inspection reports.
- f. Reviewing and approving all contractor requests for payment and submitting approved requests to the governing body.
- g. Providing reproducible plan drawings to the _____ (City/Parish) _____ upon project completion.
- h. Conducting final inspection and testing.

Respondents will be evaluated on the basis of the written materials submitted and according to the following factors: *

1. Experience of the firm with this type of construction project under the LCDBG Program during past five calendar years
 - No previous experience _____ pts.
 - Under contract with 1-10 grantees during past five calendar years (identify grantee and type of project) _____ pts.
 - Under contract with more than 10 grantees during past 5 calendar years (identify grantee and type of project) _____ pts.

2. Proximity of firm to local governing body**
 - Less than 60 miles away _____ pts.
 - More than 60 miles away _____ pts.

3. Length of time the firm or project engineer has been in business:
 - Less than 5 years _____ pts.
 - 5 to 10 years _____ pts.
 - Over 10 years _____ pts.

4. Previous experience with the city/parish:
 - Very satisfactory _____ pts.
 - Satisfactory _____ pts.
 - Unsatisfactory or no previous experience _____ pts.

In the event of a tie, oral interviews will be held with those firms. As a result of the interviews, the (City/Parish) will determine which firm will be selected to enter into contract negotiations. Unsuccessful firms will be notified as soon as possible.

Questions should be addressed to (city clerk/parish administrator) at (phone number) . Responses should be hand-delivered to (city clerk/parish administrator) , at the (city hall/parish office) at (address) or mailed to (city clerk/ parish administrator) at the (city hall/parish office) at (address) .

Responses must be received no later than (date) . Please state "FY 20xx/20xx LCDBG Qualifications Statement-Engineering Services" on the cover.

*The corresponding point system and breakdown of points must be specifically identified.

**Geographic preference may be used as a selection factor for engineering services if adequate competitions (two or more firms that are responsive and responsible) are located within the distances identified.

SCOPE OF SERVICES
LCDBG HOUSING PROGRAM

This scope of services should be helpful in defining areas of responsibility for the administration of an LCDBG Housing Program or a Physical Accessibility Program. In contrast, the scope of services listed in Part One of Exhibit A-39 is for use on non-housing programs. This scope of services, or parts of it, can be used as an example for drafting an appropriate scope of work for the request for proposals and, later, inclusion in a contract between the grantee and an administrative consultant.

1. Help conduct public hearings.
2. Prepare the Housing or Physical Accessibility applications on behalf of the grantee for submission to the Office of Community Development for funding.
3. Prepare Environmental Review Record and clear all contract conditions within six months of the grantee's receipt of the State's "Authorization to Incur Costs" letter.
4. Assist with the planning and formulation of housing program policies and standards. This includes such things as general applicant eligibility criteria; eligible types of housing improvements; selection procedures; and application processing and unit eligibility.
5. Prepare all required reports and forms to be submitted to the State.
6. Prepare Requests for Payment.
7. Develop and maintain all files and records necessary for compliance with the State and federal regulations as well as develop all forms and documents necessary to administer the Housing (or Physical Accessibility) Program.
8. Interview and advise grant applicants on the design and objectives of the rehabilitation program; the availability and benefits of a rehabilitation program; and the specific conditions under which a rehabilitation grant is made.
9. Take homeowner applications; rate and rank them in accordance with the selection criteria set forth in the rehabilitation program guidelines; and advise applicants of the disposition of their application.
10. Obtain from each applicant a verification of income; ownership; etc.
11. Prepare contract for approval by local officials. Review conditions of grant with homeowner and obtain homeowner's signature on all necessary documents.
12. Coordinate preliminary and formal work write-ups, and cost estimates.
13. Initiate advertisement for contractors to work with the LCDBG Program and orient them to the policies and regulations governing the program.
14. Request, receive, and review on behalf of homeowner all bids from contractors for rehabilitation construction work.
15. Assist in selecting an acceptable contractor from bids submitted.

16. Prepare construction contract documents in accordance with provisions which pertain to the LCDBG Program.
17. Inspect construction and rehabilitation work on a regular basis to see that all code violations are rectified and check on the quality of materials and workmanship.
18. Arbitrate disputes and/or complaints arising between contractors and homeowners regarding work to be performed, underway or completed.
19. Prepare change orders, if necessary, and obtain the approval of the homeowner, the contractor, and the grantee.
20. Make a final inspection of rehabilitation work and issue a final acceptance of work signed by both the housing rehabilitation inspector and the homeowner.
21. Obtain from the contractor the manufacturer's and supplier's warranties prior to final payment for rehabilitation work.
22. Prepare Section 504 self-evaluation and transition plan, if applicable.
23. Prepare an Analysis of Impediments to Fair Housing.
24. Prepare response to State's monitoring letter.
25. Prepare close-out documents.
26. Assist the grantee in meeting all of the State's LCDBG Program requirements.

Cost and Price Detail

A-42

Name:		Date:	
Address:		Federal ID Number:	
City, State, Zip:		Total Price: \$	
<p>A. <u>Direct Labor</u> (<i>specify personnel by name</i>): Attach a copy of the scope of services identified in the contract. Each task identified in the scope of services should be assigned an estimated amount of time for completion. The total amount of time identified on the scope of services should correspond to the estimate in this section.</p>			
	<u>Estimate # of Days</u>	<u>Daily Rate</u>	<u>Estimated Cost</u>
1.			
2.			
3.			
4.			
5. Total Direct Labor:			
B. <u>Overhead/Indirect Costs:</u>	<u>Rate</u>	<u>Base</u>	<u>Estimated Cost</u>
C. <u>Other Direct Costs:</u>			<u>Estimated Cost</u>
1. Transportation	_____ # of on-site visits		\$
2. Per Diem	_____ # of days @ \$____/day		\$
3. Reproduction	_____ # of pages @ \$____/page		\$
4. Other (<i>specify</i>)			\$
a.			\$
b.			\$
c.			\$
d.			\$
5. Total Other Direct Costs:			\$
D. <u>Subcontracts</u>			
	<u>Name of Subcontractor(s)</u>	<u># of days of effort</u>	<u>Estimated Cost</u>
1.			\$
2.			\$
3. Total Subcontractor Cost:			\$
Total Estimated Costs (Line A5+B+C5+D3):			\$
Profit:			\$
Total Price:			\$

CERTIFICATIONS

Contractor

A. Has a federal agency or a federally certified state or local agency performed any review of your accounts or records in connection with any other federal grant or contract within the past 12 months? ____ YES ____ NO

If yes, give name, address, and telephone number of the reviewing office:

-

-

B. This summary conforms to the applicable cost principals.

C. This proposal is submitted for use in connection with and in response to . This is to certify that to the best of my knowledge and belief the cost and pricing data summarized herein are complete, current, and accurate as of _____ and that a financial management capability exists to fully and accurately account for the financial transactions under this project. I further certify that I understand that the sub agreement price may be subject to downward renegotiation and/or recoupment where the above costs and pricing data have been determined, as a result of audit, not to have been current complete and accurate as of the day above.

- Date of Execution

Signature and Title of Proposer

Grantee Reviewer

I certify that I have reviewed the cost/price summary set forth herein and the proposed costs/price appears acceptable for sub-agreement award.

- Date of Execution

Signature and Title of Reviewer

Additional Reviewer, if needed

- Date of Execution

Signature and Title of Reviewer

SAMPLE

(This is a sample; each governing body must prepare a contract that is specific to its needs.)

CONTRACT FOR PROFESSIONAL SERVICES

PART I -- AGREEMENT

This Agreement for professional services is by and between the _____ (City/Parish) _____, State of Louisiana (hereinafter called the "City/Parish"), acting herein by _____ (chief elected official), hereunto duly authorized, and _____ (administrative consulting firm) _____, a corporation organized under the laws of the State of Louisiana (hereinafter called the "CONSULTANT"), acting herein by _____ (name) _____, President, hereunto duly authorized;

WITNESSETH THAT:

WHEREAS, the _____ (City/Parish) _____ intends to apply for and hopefully receive funding under the *FY 20xx/20xx* Louisiana Community Development Block Grant (LCDBG) Programs pursuant to Title I of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the _____ (City/Parish) _____ desires to engage the CONSULTANT to render certain technical assistance services in connection with its Community Development Program:

NOW, THEREFORE, the parties do mutually agree as follows:

1) Employment of CONSULTANT

The _____ (City/Parish) _____ hereby agrees to engage the CONSULTANT on a contingency basis, and the CONSULTANT hereby agrees to perform the Scope of Services set forth herein under the terms and conditions of this agreement.

2) Scope of Services

The CONSULTANT shall, in a satisfactory and proper manner, perform the following services:

- a. Assist community in conducting public hearings. This includes but is not limited to such things as assisting in public hearings, preparing public notices, etc.
- b. Prepare the FY 20xx/20xx LCDBG Application.
- c. Prepare the Environmental Review Record.
- d. Prepare the Requests for Payments to ensure consistency with the procedures established for the LCDBG Program.
- e. Ensure that the _____ (City/Parish) _____ has an acceptable financial management system as it pertains to finances of the LCDBG Program. An acceptable system includes, but is not

limited to, cash receipts and disbursements journal, cash control register, property register, and accompanying ledgers, and should conform to generally accepted principles of municipal accounting.

- f. Establish project files in the _____ (City/Parish) office. These files must demonstrate compliance with all applicable state, local, and federal regulations. Monitor project files throughout the program to ensure they are complete and that all necessary documentation is being retained in the community's files.
- g. If applicable to the program, assist _____ (City/Parish) in complying with regulations governing land acquisition (real property, easements, rights of ways, donation of property, etc).
- h. Assist the project engineer in the preparation of all bid documents and supervise the bidding process consistent with state and federal regulations.
- i. Secure the Department of Labor's federal wage decision and include it in the bid documents.
- j. Prepare construction contracts which comply with state and federal regulations.
Examples of the regulations include, but are not limited to, Access to Records, Copeland Anti-Kickback Act, Safety Standards, Architectural Barriers, Flood Insurance, Clean Air and Water Act (if contract over \$100,000), HUD Handbook (6500.3), 24 CFR 85.36, Section 3, Section 109, Title VI, Civil Rights Act, EO 11246 (if contract over \$10,000), Section 503, etc.
- k. Obtain clearance from the state on all "prime" contractors.
- l. Check weekly payrolls to ensure compliance with federal wage decision(s). Conduct on-site interviews and compare the results with appropriate payrolls.
- m. Monitor construction to ensure compliance with equal opportunity and labor standard provisions.
- n. Make progress inspections and certify partial payment requests.
- o. Attend and assist the _____ (City/Parish) during the state's monitoring visit(s).
Prepare _____ (City/Parish) response to all monitoring findings.
- p. Assist _____ (City/Parish) in meeting the state's financial reporting requirements.
- q. Make a final inspection and issue a final certificate of payment.
- r. Prepare close out documents.

Services in each of the work areas shall be performed under and at the direction of the chief elected official or their designated representative.

3) Time of Performance

The services of the CONSULTANT shall commence on _____, and be provided on a per-day basis as requested by the chief elected official or his designated representative. Such

services shall be continued in such sequence as to assure their relevance to the purposes of this Agreement. The CONSULTANT must take whatever steps are necessary to assure that the _____ (City/Parish)'s contract conditions are cleared within six months of the date of the _____ (City/Parish)'s "Authorization to Incur Costs" letter. If at the end of the six month calendar period, all contract conditions (with the exception of the preparation of engineering/architectural plans and specifications) are not cleared, \$250 per working day will be deducted from the amount of administrative funds contracted to the CONSULTANT. The state reserves the right to grant an extension where the reasons for not meeting the required timeframe were clearly beyond the control of the CONSULTANT. In any event, all of the services required and performed hereunder shall not be completed until the _____ (City/Parish) has received notification of final close out from the state.

4) Access to Information

It is agreed that all information, data, reports, records, and maps as are existing, available, and necessary for the carrying out of the work outlined above, shall be furnished to the CONSULTANT by the _____ (City/Parish). No charge will be made to the CONSULTANT for such information, and the _____ (City/Parish) will cooperate with the CONSULTANT in every way possible to facilitate the performance of the work described in this contract.

5) Compensation and Method of Payment

Payment under this contract is contingent upon the _____ (City/Parish) receiving approval from the state for funds under the *FY 20xx/20xx* LCDBG program. CONSULTANT shall only be paid for services rendered under this agreement from funds allowed by the state for pre-agreement and administrative costs under the provisions of the grant awarded to the _____ (City/Parish).

CONSULTANT will not be entitled to any reimbursement for pre-agreement costs and program administration either from the _____ (City/Parish) or the state, if the _____ (City/Parish) does not receive a grant award and an authorization to incur costs from the state's Office of Community Development. There will be no charge by the Consultant for pre-agreement services if the _____ (City/Parish) does not receive a grant award. If the grant is awarded, reasonable pre-agreement costs as well as program administration costs will be allowed under the LCDBG Program. Upon the _____ (City/Parish)'s receipt of an award of a grant and an authorization to incur costs letter from the state's Office of Community Development, the amount of compensation and reimbursement to be paid CONSULTANT under this contract for pre-agreement and program administration costs shall not exceed Thirty-Nine Thousand Seven Hundred and No/100 (\$39,700.00) Dollars.

The (City/Parish) shall retain 10 percent of CONSULTANT's overall program administrative fees until the (City/Parish) receives a letter of conditional close out from the state, whereupon this retainage shall be paid to CONSULTANT. CONSULTANT will be compensated for travel in accordance with the state's Policy and Procedures Memorandum Number 49. The CONSULTANT shall submit invoices to the (City/Parish) for payment. These invoices shall summarize the number of persons and days provided in performing assigned tasks, the tasks completed, and travel and per diem expenses incurred in the preceding month.

6) Ownership Documents

All documents, including original drawings, estimates, specifications, field notes, and data are the property of the (City/Parish). The CONSULTANT may retain reproducible copies of drawings and other documents.

7) Professional Liability

The CONSULTANT shall be responsible for the use of reasonable skills and care benefiting the profession in the preparation of the application and in the implementation of the LCDBG Program.

8) Indemnification

The CONSULTANT shall comply with the requirements of all applicable laws, rules and regulations in connection with the services of the CONSULTANT, and shall exonerate, indemnify, and hold harmless the (City/Parish), its officers, agents, and all employees from and against them, and local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and Income Tax Laws. Further, the CONSULTANT shall exonerate, indemnify, and hold harmless the (City/Parish) with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this contract by the CONSULTANT. This shall not be construed as a limitation of the CONSULTANT's liability under this Agreement or as otherwise provided by law.

9) Terms and Conditions

This Agreement is subject to the provisions titled, "Part II, Terms and Conditions" consisting of seven pages, attached hereto and incorporated by reference herein.

10) Address of Notices and Communications

(Chief Elected Official)

(Consultant's name)

(City/Parish address)

(Consultant's address)

11) Captions

Each paragraph of this Contract has been supplied with a caption to serve only as a guide to the contents. The caption does not control the meaning of any paragraph or in any way determine its interpretation or application.

12) Authorization

This Agreement is authorized by ____ (City/Parish) ____, Resolution _____, adopted _____, copies of which are attached hereto and made a part hereof.

ATTEST:

_____ (City/Parish)

By: _____ (Chief Elected Official)

Date: _____

_____ (Consultant's Firm)

By: _____ (Consultant)

PART II -- TERMS AND CONDITIONS

A. Termination of Contract for Cause.

If, through any cause, the CONSULTANT shall fail to fulfill in a timely and proper manner his obligations under this Contract, or if the CONSULTANT shall violate any of the covenants, agreements, or stipulations of this Contract, the _____ (City/Parish) shall thereupon have the right to terminate this Contract by giving written notice to the CONSULTANT of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the CONSULTANT under this Contract shall, at the option of the _____ (City/Parish), become its property and the CONSULTANT shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder. Notwithstanding the above, the CONSULTANT shall not be relieved of liability to the _____ (City/Parish) for damages sustained by the _____ (City/Parish) by virtue of any breach of the Contract by the CONSULTANT, and the _____ (City/Parish) may withhold any payments to the CONSULTANT for the purpose of set-off until such time a the exact amount of damages due the _____ (City/Parish) from the CONSULTANT is determined.

This contract for pre-agreement (application preparation) services and overall program administration will be automatically terminated if the application(s) is not funded by the state's Office of Community Development. CONSULTANT will not be entitled to any reimbursement for pre-agreement costs and for program administration either from the _____ (City/Parish) or the state, if the _____ (City/Parish) does not receive a grant award and an authorization to incur costs from the state's Office of Community Development.

B. Termination for Convenience of the _____ (City/Parish)

The _____ (City/Parish) may terminate this contract at any time by giving at least 10 days notice in writing to the CONSULTANT. If the Contract is terminated by the _____ (City/Parish) as provided herein, the CONSULTANT will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the CONSULTANT, paragraph 1 hereof relative to termination shall apply.

This contract for pre-agreement services and program administration will be automatically terminated if the application(s) is not funded by the state's Office of Community Development. CONSULTANT will not be entitled to any reimbursement for pre-agreement services and

program administration either from the _____ (City/Parish) _____ or the state, if the _____ (City/Parish) _____ does not receive a grant award and an authorization to incur costs from the state's Office of Community Development.

C. Changes

The _____ (City/Parish) _____ may, from time to time, request changes in the scope of the services of the CONSULTANT to be performed hereunder. Such changes, including any increase or decrease in the amount of the CONSULTANT's compensation, which are mutually agreed upon by and between the _____ (City/Parish) _____ and the CONSULTANT, shall be incorporated in written amendments to this Contract.

D. Personnel

- a) The CONSULTANT represents that he has, or will secure at his own expense, all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the _____ (City/Parish) _____.
- b) All of the services required hereunder will be performed by the CONSULTANT or under his supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.
- c) None of the work or services covered by this Contract shall be subcontracted without the prior written approval of the _____ (City/Parish) _____. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.

E. Assignability

The CONSULTANT shall not assign any interest in this Contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the _____ (City/Parish) _____ thereto. Provided, however, that claims for money by the CONSULTANT from the _____ (City/Parish) _____ under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the _____ (City/Parish) _____.

F. Reports and Information

The CONSULTANT, at such times and in such forms as the _____ (City/Parish) _____ may require, shall furnish the _____ (City/Parish) _____ such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.

G. Records and Audits

The CONSULTANT shall maintain accounts and records, including personnel, property, and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the _____ (City/Parish) to assure proper accounting for all project funds, both federal and non-federal shares. These records will be made available for audit or other financial reporting purposes to the _____ (City/Parish) or any authorized representative, and will be retained for four years after the state has officially closed-out the LCDBG Program unless permission to destroy them is granted by the _____ (City/Parish).

H. Findings Confidential

All of the reports, information, data, et cetera, prepared or assembled by the CONSULTANT under this Contract are confidential and the CONSULTANT agrees that they shall not be made available to any individual or organization without the prior written approval of the _____ (City/Parish).

I. Copyright

No materials, to include but not limited to reports, maps, or documents produced as a result of this contract, in whole or in part, shall be available to CONSULTANT for copyright purposes. Any such materials produced as a result of this contract that might be subject to copyright shall be the property of the _____ (City/Parish) and all such rights shall belong to the _____ (City/Parish), and the _____ (City/Parish) shall be sole and exclusive entity who may exercise such rights.

J. Compliance with Local Laws

The CONSULTANT shall comply with all applicable laws, ordinances and codes of the state and local government, and the CONSULTANT shall hold the _____ (City/Parish) harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.

K. Civil Rights Act of 1964/Equal Employment Opportunity

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. During the performance of this Contract, the CONSULTANT agrees as follows:

- a) The CONSULTANT will not discriminate against any employee or applicant for employment because of race, creed, sex, color, national origin, handicap or familial status. The CONSULTANT will take affirmative steps to ensure that applicants are

employed, and that employees are treated during employment, without regard to their race, creed, sex, color, national origin, handicap or familial status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms or compensation; and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the _____ (City/Parish) _____ setting forth the provisions of this non-discrimination clause.

- b) The CONSULTANT will, in all solicitations or advertisements for employees placed by or on behalf of the CONSULTANT; state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, national origin, handicap or familial status.
- c) The CONSULTANT will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.
- d) The CONSULTANT will comply with all provisions of Presidential Executive Order 11246 (Executive Order 11246) of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- e) The CONSULTANT will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the _____ (City/Parish) _____ and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- f) In the event of the CONSULTANT's non-compliance with the equal opportunity clauses of this Agreement or with any such rules, regulations, or orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the CONSULTANT may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided by Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- g) The CONSULTANT will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations or orders of the

Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The CONSULTANT will take such action with respect to any subcontract or purchase order as the _____ (City/Parish) _____ may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that in the event the CONSULTANT becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the _____ (City/Parish) _____, the CONSULTANT may request the United States to enter into such litigation to protect the interests of the United States.

L. Section 109 of the Housing and Community Development Act of 1974

No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title. Section 109 further provides that discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973, as amended, is prohibited.

M. "Section 3" Compliance in the Provision of Training, Employment and Business Opportunities

- a) The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b) The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- c) The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, and the name and location of the person(s) taking applications for each of the positions, and the anticipated date the work shall begin.

- d) The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.
- e) The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
- f) Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g) With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

N. Interest of Members of the _____ (City/Parish)

No member of the governing body of the _____ (City/Parish) and no other officer, employee, or agent of the _____ (City/Parish) who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the CONSULTANT shall take appropriate steps to assure compliance.

O. Interest of Other Local Public Officials

No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the CONSULTANT shall take appropriate steps to assure compliance.

P. Interest of CONSULTANT and Employees

The CONSULTANT covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the project area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The

CONSULTANT further covenants that in the performance of this Contract, no person having any such interest shall be employed.

Q. Access to Records

The state grantor agency, the Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Contractor which are directly pertinent to this specific contract for the purpose of audits, examinations, and making excerpts and transcriptions.

All records connected with this contract will be maintained in a central location by the unit of local government and will be maintained for a period of 4 years from the official date of close out of the grant by the state.

Verification of Professional Services Eligibility

Date Received by State _____

24 CFR 85.35

1. Request for Clearance of Professional Services is hereby made by: _____

Name of Grantee _____

LCDBG Contract Number _____

2. Identification of the professional firm for which clearance is requested: _____

Name _____

Address _____

City and State _____

Zip Code _____

Phone Number(s) _____

3. Name of the principles of the firm and their title/position are as follows.

(Complete names preferred: Example—John Buford Brown is preferable to John Brown)

Name of Principals

Title(s)

4. Description of professional services? _____

5. Signed: _____

City/Parish CEO or Representative

Date _____

6. *(To be completed by the Office of Community Development)*

Upon receipt, OCD will determine eligibility status, complete and fax or mail the form to the Grantee.

Professional firm cleared: Yes ___ No ___ Date _____

Signature, State's LCO _____

Faxed or Mailed To _____

Comments: _____

Workforce Analysis Instructions

This information should be compiled and updated annually with notations made, as necessary, of changes in classification, status and personnel actions.

PART I

Total Number:

List total number of persons in each job category.

Females:

- a) Number - total number of females in each job category.
- b) % - percent of females in job category compared to total number of employees in each category.

Minorities:

- a) Number - same as for females.
- b) % - same as for females.

PART II

Employee/Classification:

List each employee by name and/or classification.

Department:

List department in which each employee works (e.g., police, public works, etc.).

Status:

List whether each employee is full or part time.

Sex:

List sex of each employee.

Race:

List race/national origin of each employee.

Birth date:

List birth date of each employee.

Handicap:

State if employee is handicapped.

Personnel Actions:

List dates when each employee was hired, promoted and terminated (if applicable).

This report is to be completed by grantees, developers, sponsors, builders, agencies, and/or project owners for reporting contract and subcontract activities of \$10,000 or more under the following programs: Community Development Block Grants (entitlement and small cities); Urban Development Action Grants; Housing Development Grants; Multifamily Insured and Noninsured; Public and Indian Housing Authorities; and contracts entered into by recipients of CDBG rehabilitation assistance.

Contracts/subcontracts of less than \$10,000 need be reported only if such contracts represented a significant portion of your total contracting activity. Include only contracts executed during this reporting period.

This form has been modified to capture Section 3 contract data in columns 7g and 7i. Section 3 requires that the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. Recipients using this form to report Section 3 contract data must also use Part I of form HUD-60002 to report employment and training opportunities data. Form HUD-2516 is to be

completed for public and Indian housing and most community development programs. Form HUD-60002 is to be completed by all other HUD programs including State administered community development programs covered under Section 3.

A Section 3 contractor/subcontractor is a business concern that provides economic opportunities to low- and very low-income residents of the metropolitan area (or nonmetropolitan county), including a business concern that is 51 percent or more owned by low- or very low-income residents; employs a substantial number of low- or very low-income residents; or provides subcontracting or business development opportunities to businesses owned by low- or very low-income residents. Low- and very low-income residents include participants in Youthbuild programs established under Subtitle D of Title IV of the Cranston-Gonzalez National Affordable Housing Act. The terms "low-income persons" and "very low-income persons" have the same meanings given the terms in section 3(b)(2) of the United States Housing Act of 1937. Low-income persons mean families (including single persons) whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary

may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low-income families. Very low-income persons means low-income families (including single persons) whose incomes do not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Submit two (2) copies of this report to your local HUD Office within ten (10) days after the end of the reporting period you checked in item 4 on the front.

Complete item 7h, only once for each contractor/subcontractor on each semi-annual report.

Enter the prime contractor's ID in item 7i, for all contracts and subcontracts. Include only contracts executed during this reporting period. PHAs/IHAs are to report all contracts/subcontracts.

Community Development Programs

1. **Grantee:** Enter the name of the unit of government submitting this report.
 3. **Contact Person:** Enter name and phone of person responsible for maintaining and submitting contract/subcontract data.

7a. **Grant Number:** Enter the HUD Community Development/Block Grant Identification Number (with dashes). For example: B-32-MC-25-0034. For Entitlement Programs and Small City multi-year comprehensive programs, enter the latest approved grant number.

7b. **Amount of Contract/Subcontract:** Enter the dollar amount rounded to the nearest dollar. If subcontractor ID number is provided in 7i, the dollar figure would be for the subcontract only and not for the prime contract.

7c. **Type of Trade:** Enter the numeric codes which best indicates the contractor's/subcontractor's service. If subcontractor ID number is provided in 7i, the type of trade code would be for the subcontractor only and not for the prime contractor. The "other" category includes supply, professional services and all other activities except construction and education/training activities.

7d. **Business Racial/Ethnic/Gender Code:** Enter the numeric code which indicates the racial/ethnic/gender character of the owner(s) and controller(s) of 51% of the business. When 51% or more is not owned and controlled by any single racial/ethnic/gender category, enter the code which seems most appropriate. If the subcontractor ID number is provided, the code would apply to the subcontractor and not to the prime contractor.

7e. **Woman Owned Business:** Enter Yes or No.

7i. **Contractor Identification (ID) Number:** Enter the Employer (IRS) Number of the Prime Contractor as the unique identifier for prime recipient of HUD funds. Note that the Employer (IRS) Number must be provided for each contract/subcontract awarded.

7g. **Section 3 Contractor:** Enter Yes or No.

7h. **Subcontractor Identification (ID) Number:** Enter the Employer (IRS) Number of the subcontractor as the unique identifier for each subcontract awarded from HUD funds. When the subcontractor ID Number is provided, the respective Prime Contractor ID Number must also be provided.

7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Enter this information for each. Previous editions are obsolete.

firm receiving contract/subcontract activity only one time on each report for each firm.

Multifamily Housing Programs

1. **Grantee/Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report.

3. **Contact Person:** Same as item 3 under CPD Programs.

4. **Reporting Period:** Check only one period.

5. **Program Code:** Enter the appropriate program code.

7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.

7b. **Amount of Contract/Subcontract:** Same as item 7b, under CPD Programs.

7c. **Type of Trade:** Same as item 7c, under CPD Programs.

7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d, under CPD Programs.

7e. **Woman Owned Business:** Enter Yes or No.

7i. **Contractor Identification (ID) Number:** Same as item 7i, under CPD Programs.

7g. **Section 3 Contractor:** Enter Yes or No.

7h. **Subcontractor Identification (ID) Number:** Same as item 7h, under CPD Programs.

7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Same as item 7j, under CPD Programs.

Public Housing and Indian Housing Programs

PHAs/IHAs are to report all contracts/subcontracts. Include only contracts executed during this reporting period.

1. **Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report. Check box as appropriate.

3. **Contact Person:** Same as item 3 under CPD Programs.

4. **Reporting Period:** Check only one period.

5. **Program Code:** Enter the appropriate program code.

7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.

7b. **Amount of Contract/Subcontract:** Same as item 7b, under CPD Programs.

7c. **Type of Trade:** Same as item 7c, under CPD Programs.

7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d, under CPD Programs.

7e. **Woman Owned Business:** Enter Yes or No.

7i. **Contractor Identification (ID) Number:** Same as item 7i, under CPD Programs.

7g. **Section 3 Contractor:** Enter Yes or No.

7h. **Subcontractor Identification (ID) Number:** Same as item 7h, under CPD Programs.

7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Same as item 7j, under CPD Programs.

2529-0043

**U.S. Department of Housing
and Urban Development**

OMB Approval No.

Complaint Register

11/30/2010)

Under Section 3 of the Housing
And Urban Development Act of 1968

Office of Fair Housing
and Equal Opportunity

(Expires

A-47

Name of Complainant (Person or organization)	Home Phone
Street Address	Work Phone
City, State, Zip code	
Against whom is this complaint being filed?	Business Phone
Name of organization or company	
Street Address	
City, State, Zip code	

Name and identify others (if any) who violated the law in this case

You are (check all that apply)	
<input type="checkbox"/> A. Low/Very low income	<input type="checkbox"/> D. Section 3 business concern
<input type="checkbox"/> B. Public housing resident	<input type="checkbox"/> E. A representative of D
<input type="checkbox"/> C. A representative of A or B	

Complaint is against (check one or more boxes)	
<input type="checkbox"/> A. Applicant	<input type="checkbox"/> D. Recipient
<input type="checkbox"/> B. Sub-Recipient	<input type="checkbox"/> E. Contractor
<input type="checkbox"/> C. Subcontractor	<input type="checkbox"/> F. Other (please specify _____)

Basis for non compliance with Section 3		
<input type="checkbox"/> Denied Training	<input type="checkbox"/> Denied Employment	<input type="checkbox"/> Denied Contracting

What did the person you are complaining against do? (Check all that apply – provide documentation)	
<input type="checkbox"/> A. Failed to meet numerical goals, as set out in the Section 3 regulations	<input type="checkbox"/> F. Failed to incorporate the Section 3 clause in Section 3 solicitations or contracts
<input type="checkbox"/> B. Failed to ensure that its contractors and subcontractors comply with Section 3	<input type="checkbox"/> G. Failed to train and/or employ Section 3 residents
<input type="checkbox"/> C. Failed to notify Section 3 residents about training and/or employment opportunities	<input type="checkbox"/> H. Failed to award contracts to Section 3 business concerns
<input type="checkbox"/> D. Failed to notify Section 3 business concerns about contracting opportunities	<input type="checkbox"/> I. Contracted with a contractor found to be in violation of applicable statues and/or HUD regulations
<input type="checkbox"/> E. Failed to notify potential contractors for Section 3 covered projects of the requirements of Section3	<input type="checkbox"/> J. Failed to provide preference to Section 3 residents in training and or employment opportunities.
	<input type="checkbox"/> K. Failed to provide preferences for Section 3 business concerns in contracting opportunities

When did the act(s) checked above occur? (Include the most recent date if several dates are involved):

- Identify HUD assistance program(s). (Check all that apply)
- | | | | |
|--------------------------------------|---|--------------------------------------|--|
| <input type="checkbox"/> A. PIH/DEV | <input type="checkbox"/> D. Other PIH | <input type="checkbox"/> G. CDBG | <input type="checkbox"/> J. Other CPD |
| <input type="checkbox"/> B. PIH/MOD | <input type="checkbox"/> E. 202/811 | <input type="checkbox"/> H. HOME | <input type="checkbox"/> K. Lead-based Paint |
| <input type="checkbox"/> C. PIH/OPER | <input type="checkbox"/> F. Other Housing | <input type="checkbox"/> I. Homeless | <input type="checkbox"/> L. Other |

Summarize what happened? Attach additional information if necessary

Signature	Date
-----------	------

I declare under penalty of perjury that I have read this compliant (including any attachments) and that it is true and correct.

Instructions for the Complaint Register
Section 3 of the Housing and Urban Development Act of 1968

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB number.

The information is given voluntarily and provides the basis for HUD's investigation of the complaint to determine if the allegations of noncompliance are valid. The Department will use the information provided as the basis for its determination of jurisdiction over a complainant's allegations. All information collected complies with the Privacy Act of 1974 and OMB Circular A-108. The information is not of a sensitive nature. The information is unique to the processing an allegation of noncompliance with the Section 3 statute or implementing regulations.

This form is to be used to report allegations of noncompliance with Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations at 24 CFR Part 135.

What does Section 3 of the Housing and Urban Development Act of 1968 provide?

The law describes the HUD programs directly affected by Section 3, receiving Federal financial assistance from the Department, and dictates how these programs are to provide employment and other economic opportunities for low and very low income persons.

What does the law cover?

Section 3 applies to any Public and Indian Housing programs that receive: (1) developmental assistance pursuant to section 5 of the U. S. Housing Act of 1937; (2) operating assistance pursuant to section 5 of the U.S. Housing act of 1937; or (3) modernization grants pursuant to section 14 of the U.S. Housing Act of 1937, and to housing and community development assistance extended for: (1) housing rehabilitation (including reduction and abatement of lead based paint hazards); (2) housing construction or (3) other public construction projects; and for which the contract and subcontract exceeds \$100,000.

What can you do about violations of the Law?

Remember, Section 3 applies to the awarding of jobs, training programs, and contracts, generated from projects receiving HUD financial assistance. If you believe that, as a low-income person or a Section 3 business concern, the responsibilities to provide economic opportunities under Section 3 have been violated, you have a right to file a complaint within 180 days of the last alleged occurrences of noncompliance.

Complain to the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, by filing this form by mail or in person. The information received will be used by HUD to determine jurisdiction under Section 3.

HUD will send the complaint to the appropriate HUD recipient for resolution. If resolution by the recipient fails, HUD will investigate. If HUD finds that the complaint has merit, it will try to end the violation by informal resolution. If conciliation fails, HUD may initiate other steps to enforce the law, including but not limited to suspension and debarment of the recipient or contractors as applicable.

You can obtain assistance in learning about Section 3 or in filing a complaint at the HUD Office listed below:

Assistant Secretary
HUD Fair Housing and Equal Opportunity
451 7th Street SW
Washington, DC 20410
(202)-708-3633

Privacy Act of 1974 (P.L.93-579)

Authority: Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1968, as amended by the Housing and Community Development Act of 1992, U.S.C. 1701u and implementing regulations at 24 CFR Part 135.

Purpose: The information requested on this form is to be used to investigate and process Section 3 complaints.

Use: The information requested will be used to process a complaint filed under Part 135. HUD may disclose certain information for Federal, State, and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law.

Penalty: Failure to provide some or all of the requested information will result in delay or denial of HUD assistance.

Disclosure of this information is voluntary.

PROJECT BENEFIT PROFILE

For Compliance With:
Section 109, Housing & Community
Development Act of 1974, as amended
Title VI, Civil Rights Act of 1964

Project Title: _____
Applicant: _____

1 Total Project Area Beneficiaries: _____

DIRECT BENEFIT

2 Total Direct Beneficiaries (all activities): _____

Activity Number	4	5	6	7	8	9	10	11	12	13	14
Total											
White											
Black											
Hispanic											
Asian											
American Indian											
Handicap											
Elderly											
LMI											
Low											
Female HH											

INDIRECT BENEFIT

2 Total Indirect Beneficiaries (all activities): _____

Activity Number	3	4	5	6	7	8	9	10	11	12	13	14
Total												
White												
Black												
Hispanic												
Asian												
American Indian												
Handicap												
Elderly												
LMI												
Low												
Female HH												

INSTRUCTIONS
DIRECT/INDIRECT BENEFIT FORMS
Housing and Public Facilities

You must identify persons benefiting from each activity you plan to undertake, and distinguish between persons who will benefit directly and those who will benefit indirectly. A direct benefit will accrue to any activity where a personal record must be completed by the resident or maintained by the grantee to receive the service (for example, residential rehab, acquisition, relocation, payment of tap on fees). An indirect benefit will be achieved if all persons in the project area will receive equal benefit from the service (for example, sewer line installation, park development).

1. List total number of project area beneficiaries.
2. List total number of direct/indirect beneficiaries for all activities. Individuals who receive benefit from more than one activity should not be double counted.
3. List all proposed activity numbers and letters if applicable (exclude engineering, planning, administration and contingency activities).
4. List total number of beneficiaries for each activity. This number will be the basis for the percentage determination for items 4 through 11.
5. List number and percent of white persons benefiting. (A person having origins in any of the original people of Europe, North Africa, or the Middle East, but not of Hispanic origin.)
6. List number and percent of black persons benefiting. (A person having origins in any of the black racial groups of Africa, but not of Hispanic origin.)
7. List number and percent of Hispanic persons benefiting. (A person of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race.)
8. List number and percent of Asian persons benefiting. (A person having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.)
9. List number and percent of American Indian persons benefiting. (A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.)
10. List number and percent of handicapped persons benefiting. (A person who is physically disabled or mentally retarded.)
11. List number and percent of elderly persons benefiting.
12. List number and percent of low-moderate income persons benefiting. (Section 8 Lower Income)
13. List number and percent of low income persons benefiting. (Section 8 Very Low Income)
14. List number of female headed households. (A female person regarded as the head of the household by members of the household.)

SUGGESTED ACTIVITIES TO AFFIRMATIVELY FURTHER FAIR HOUSING.

Information Outreach

Requesting Landlords to post Fair Housing Notices, Providing Fair Housing brochures where customers pay utility bills, media campaigns or communities with local oriented media outlets (Town newspaper).

Training Seminar for the General Public

Topics would include overview of the Fair Housing laws, (classes, illegal acts, and penalties) rights and responsibilities in buying/selling homes, tenant selection criteria, family issues (occupancy standards, safety) renting to the disabled etc. See 24 CFR.50, 100.65, 100.80

Training Seminar for Rental Managers, Agents and Landlords

Topics would include overview of the Fair Housing laws, (classes, illegal acts, and penalties) tenant selection criteria, family issues (occupancy standards, safety) renting to the disabled, record keeping, advertising and evictions. See 24 CFR 100.70, 100.75, 100.80, 100.202

Training Seminar for Real Estate Brokers

Topics would include protected classes, violations, penalties and dealing with potentially illegal questions. See 24 CFR 100.65, 100.70, 100.80, 100.90, 100.135

Training Seminar for Real Estate Lenders

Topics would include Fair Housing statues, recording keeping, prohibited inquiries, prohibited credit uses. See 24 CFR 100.50, 100.65, 100.70, 100.120, 100.130

Fair Housing Bill Stuffer

Side 1

	<p>Title VIII of the Civil Rights Act of 1968, As Amended, makes discrimination based on race, color, religion, sex, handicap, familial status, or national origin illegal in connection with the sale or rental of most housing and any vacant land offered for residential construction or use.</p>
---	---

Side 2

	<p>Fair Housing is a national policy of the United States. It's the law, and it's your right.</p> <p>Today, more than ever, America is closer to upholding the inalienable right of all its citizens to live where they choose, when they choose, or for as long as they choose, and can afford to do so. Yet, this year, as many as two million people who want to rent or buy a home will be discriminated against because of race, color, religion, sex, handicap, families with children, or national origin.</p> <p><u>YOU</u> can do something about housing discrimination</p> <p>The city/parish of _____ has passed a fair housing ordinance. Complaints may be filed locally with municipal court or by reporting violations to the U. S. Department of Housing and Urban Development at this Toll-Free number, 1-800-669-9777.</p>
---	---

Fair Housing

**It's Right
It's Fair
It's for Everyone!**

**It's Not an Option
It's the LAW**

April is Fair Housing Month



Equal Housing Opportunity

**Discrimination Complaint
Hotline 1-800-669-9777**

Code of Federal Regulations Title 24--Housing and Urban Development

PART 100--DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

- Sec. 100.5 Scope.
- Sec. 100.10 Exemptions.
- Sec. 100.50 Real estate practices prohibited.
- Sec. 100.65 Discrimination in terms, conditions and privileges and in services and facilities.
- Sec. 100.70 Other prohibited sale and rental conduct.
- Sec. 100.75 Discriminatory advertisements, statements and notices.
- Sec. 100.80 Discriminatory representations on the availability of dwellings.
- Sec. 100.85 Blockbusting.
- Sec. 100.90 Discrimination in the provision of brokerage services.
- Sec. 100.120 Discrimination in the making of loans and in the provision of other financial assistance.
- Sec. 100.130 Discrimination in the terms and conditions for making available loans or other financial assistance.
- Sec. 100.135 Unlawful practices in the selling, brokering, or appraising of residential real property.
- Sec. 100.202 General prohibitions against discrimination because of handicap.
- Sec. 100.203 Reasonable modifications of existing premises.
- Sec. 100.204 Reasonable accommodations.
- Sec. 100.205 Design and construction requirements.
- Sec. 100.400 Prohibited interference, coercion or intimidation.

This page is located on the U.S. Department of Housing and Urban Development's Homes and Communities Web site at <http://www.hud.gov/complaints/housediscrim.cfm>

Housing Discrimination Complaints

Federal law prohibits housing discrimination based on your race, color, national origin, religion, sex, family status, or disability. If you have been trying to buy or rent a home or apartment and you believe your rights have been violated, you can file a fair housing complaint.

There are several ways to file a complaint:

- *You can file a complaint right now, by using our [online form](#) .
- *You can call toll-free 1-800-669-9777.
- *You can [print out a form](#), complete it, and drop it off at your local HUD office or mail it to:

Office of Fair Housing and Equal Opportunity
Department of Housing and Urban Development
Room 5204
451 Seventh St. SW
Washington, DC 20410-2000

For Arkansas, **Louisiana**, New Mexico, Oklahoma, and Texas residents:

Fair Housing Hub
U.S. Department of Housing and Urban Development
801 Cherry Street, 27th Floor
P.O. Box 2905
Fort Worth, Texas 76113-2905
(817) 978-5900
1-800-669-9777
TTY (817) 978-5595

FAIR HOUSING ASSESSMENT

Assessing Fair Housing Conditions in Your Community

Name of Community: _____ Contract #: _____ FY: _____

PART I – HOUSING PROFILE

Census 2000 Summary File 3 Table H32 - Tenure by Units in Structure

(<http://factfinder.census.gov/servlet/BasicFactsServlet>)

1. Owner Occupied Units:
 - a. Single attached and detached (row 2+3) _____
 - b. Mobile Home and others (row 11+12) _____
 - c. Other Units (rows 5+6+7+8+9+10) _____
 - d. Total Number of Owner Occupied Units: (row 2) _____
2. Renter Occupied
 - a. Single attached and detached (row 14+15) _____
 - b. Mobile Home and others (row 22+23) _____
 - c. Two Unit Structure (row 16) _____
 - d. Multiple Unit Structure (rows 17+18+19+20+21) _____
 - e. Total Number of Renter Occupied Units (row 13) _____
3. Total Units (row 1) _____
4. What percent of total occupied housing units are owner occupied single units?
(add 1 a and 1 b then divide by 3) _____
5. What percent of total occupied housing units are multiple unit structure rental units (3 or more units)?
(Divide 2 d by 3) _____
6. How many mortgage lenders are located or have offices in your community? _____
7. How many real estate brokers are located and/or have offices in your community? _____

8. Does your community have a comprehensive zoning ordinance? _____
9. Does your community have or enforce building codes? _____
10. Are there any new subdivisions building or planned for your community?
Yes _____ No _____

PART II – REVIEW OF FAIR HOUSING PRACTICES

For the Housing Activities applicable to your community provide the following information:

1. Rental Units: Description of data sources or contacts made:

Description of policies or practices examined:

2. Public Housing: Description of data sources or contacts made:

Description of policies or practices examined:

3. Mortgage Lending Institutions: Description of data sources or contacts made:

Description of policies or practices examined:

4. Real Estate Brokerage Services: Description of data sources or contacts made:

Description of policies or practices examined:

5. Zoning Ordinances: Description of data sources or contacts made:

Description of policies or practices examined:

6. Building Codes: Description of data sources or contacts made:

Description of policies or practices examined:

PART III – IDENTIFICATION OF IMPEDIMENTS

1. Rental Units: (Mark NA and skip to next question if answer to ONE in PART I is zero)

Are there any identifiable barriers for persons of similar income levels that restrict or have the effect of restricting access to rental housing; because of their race, color, religion, sex, national origin, handicap or familial status? (for example: unnecessary or burdensome application procedures; unreasonable requirements) Yes ____ No ____ NA ____

2. Public Housing: (Mark NA and skip to next question if answer to TWO in PART I is zero)

Are there any identifiable barriers for persons of similar income levels that restrict or have the effect of restricting access to public housing units; because of their race, color, religion, sex, national origin, handicap or familial status? (for example: unnecessary or burdensome qualification requirements) Yes ____ No ____ NA ____

3. Mortgage Lending Institutions: (Mark NA and skip to next question if answer to THREE in PART I is zero)

Are there any identifiable barriers for persons of similar income levels that restrict or have the effect of restricting access to mortgage loans; because of their race, color, religion, sex, national origin, handicap or familial status? (for example: inconsistent appraisal practices, redlining; restrictive lending practices,) Yes ____ No ____ NA ____

4. Real Estate Brokerage Services: (Mark NA and skip to next question if answer to FOUR in PART I is zero)

Are there any identifiable barriers for persons of similar income levels that restrict or have the effect of restricting access to real estate brokerage services; because of their race, color, religion, sex, national origin, handicap or familial status? (for example: uneven appraisal practices, redlining, unnecessary or burdensome application procedures; exclusion from listing services; steering) Yes ____ No ____ NA ____

5. Zoning Ordinances: (Mark NA and skip to next question if answer to FIVE in PART I is no)

Does the communities' zoning ordinances restrict or have the effect of restricting housing choices or availability of housing choices for persons of similar income levels because of their race, color, religion, sex, national origin, handicap or familial status? (for example: restrictive regulations that make low income housing development difficult) Yes ____ No ____ NA ____

6. Building Codes: (Mark NA if answer to SIX in PART I is no)

Does the communities' building code ordinances restrict or have the effect of restricting housing choices or availability of housing choices for persons of similar income levels because of their race, color, religion, sex, national origin, handicap or familial status? (for example: restrictive regulations that make low income housing development difficult) Yes ____ No ____ NA ____

INSTRUCTIONS FOR THE FAIR HOUSING ASSESSMENT

The Office of Community Development has identified six housing activities that present potential barriers to fair housing choice for your citizens. PART I asks questions about the housing activities in your community. PART II asks you what source of information exists about the different housing activities and also what particular policies or practices were examined in order to determine if impediments to fair housing activities exist. PART III asks if after reviewing the information whether any impediments were identified for each activity. If you mark 0 or NO for any item in Part I, then mark NA (*Not Applicable*) for the appropriate activity in PART II and PART III. For example if there are no public housing units in your community or your community does not have zoning ordinances then no comments are necessary for PART II and NA would be the appropriate block for PART III.

If you answered yes to any question in PART III and have determined that are impediments in any of the housing activities that restrict or have the effect of restricting housing choices or availability of housing choices for persons of similar income levels because of their race, color, religion, sex, national origin, handicap or familial status; then you must provide information in PARTS IV and V.

CITIZEN PARTICIPATION PLAN

The _____ has adopted the following Citizen Participation Plan to meet the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1974, as amended. The _____ is committed through adoption of this plan to full and total involvement of all residents of the community in the composition, implementation and assessment of its Louisiana Community Development Block Grant (LCDBG) Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income, residents of slum and blighted areas and of areas in which funds are proposed to be used. A copy of this plan will be made available to the public upon request.

As part of the citizen participation requirements and to maximize citizen interaction, the _____ shall:

- 1) Provide citizens with reasonable and timely access to local meetings, information and records relating to the State's proposed method of distribution, as required by the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
- 2) Provide for public hearings to obtain views and respond to proposals and questions at all stages of the community development program. These hearings will consist of the development of needs and proposed activities and review of program performance. These hearings will be held after adequate notice, a minimum of five calendar days, at times and locations convenient to potential or actual beneficiaries with accommodations for persons with disabilities;
- 3) Provide for and encourage citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
- 4) Provide for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
- 5) Where applicable, identify how the needs of non-English speaking residents will be met in the case of public hearings; and
- 6) Provide for a formal written procedure which will accommodate a timely written response, within fifteen days where practicable, to written complaints and grievances.

Written minutes of the hearings and an attendance roster will be maintained by the_____.

PUBLIC HEARINGS

Notices informing citizens of any public hearings will appear in the official journal of the _____ a minimum of five calendar days prior to the hearing. In addition, notices will also be posted in (parish office buildings/town hall) and the hearing will be publicized through local community organizations, i.e., churches, clubs, etc., and/or dissemination of leaflets in the target area. Hearings will be held at times and locations convenient to potential or actual beneficiaries with accommodations for individuals with disabilities and non-English speaking persons. Whenever possible these hearings will be held within or near the target areas, at times affording participation by the most affected residents.

I. APPLICATION:

First Notice/Public Hearing

- 1) The public hearing to address LCDBG application submittal will be held approximately _____ calendar days prior to the deadline for submission of the application for the current funding cycle. The Citizen Participation Plan will be available at the hearing. The public notice for this hearing will state that the following will be discussed:
 - a) The amount of funds available for proposed community development;
 - b) The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
 - c) The plans of the _____ for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by the _____ to persons actually displaced as a result of such activities; and
 - d) The _____ prior performance of LCDBG programs funded by the State of Louisiana.

In addition, the notice shall state that all citizens, particularly low and moderate income residents of slum and blighted areas, are encouraged to submit their views and proposals regarding community development and housing needs. Those citizens unable to attend this hearing may submit their views and proposals to:

(address of local governing body)

The notice will also state that accommodations will be made for disabled and non-English speaking individuals provided a _____ day notice is received by the _____.

Second Notice

- 1) Seven calendar days, at a minimum, prior to the deadline for submittal of the application, a second notice shall appear in the official journal informing the citizens of the following:
 - a) Proposed submittal date of the application;
 - b) Proposed objectives;
 - c) Proposed activities;
 - d) Location of proposed activities;
 - e) Dollar amount of proposed activities; and
 - f) Location and hours available for application review.

In addition, the notice shall state "all citizens, particularly those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:"

(address of local governing body)

Negative comments received will be forwarded immediately to the State's Office of Community Development, Division of Administration or the application will be withdrawn if necessary.

II. AMENDMENTS

Program amendments, which substantially alter the LCDBG project from that approved in the original application, shall not be submitted to the State without holding one public hearing in accordance with the procedures outlined within this Citizen Participation Plan. Minutes of the hearing will be submitted with the request for the amendment. All interested citizens, particularly the low and moderate income, elderly, handicapped, and residents of the project area, shall be made aware and have the opportunity to comment on proposed amendments and/or submit alternative measures.

III. GRANTEE PERFORMANCE

The _____ will hold one performance hearing to solicit the public's opinion of the effectiveness of the LCDBG Program. The manner of notification will be the same as previously described for all public hearings. Notification will be made in the official journal approximately calendar days prior to the anticipated submittal of close-out documents to the State, and will indicate the date, time, and place of the performance hearing, and invite comments and opinions on the LCDBG activities implemented under the _____ LCDBG Program being closed out. The notice will also state that accommodations will be made for disabled and non-English speaking persons provided a _____ day notice is received by the _____.

This notice shall invite all interested parties, particularly those low to moderate income residents in the target area to attend.

The hearing will be held no sooner than five calendar days from the publication date of said notice.

CONSIDERATION OF OBJECTION TO APPLICATION

Persons wishing to object to approval of an application by the State may make such objection known to:

Office of Community Development
Division of Administration
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

The State will consider objections made only on the following grounds:

- 1) The application description of needs and objectives is plainly inconsistent with available facts and data;
- 2) The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
- 3) The application does not comply with the requirements set forth in the Final Statement or other applicable laws.

Such objections should include both an identification of the requirements not met and, in the case of objections relative to (1) above, the complainant must supply the data upon which he/she relied upon to support his/her objection.

BILINGUAL

Whenever a significant number of persons and/or residents of blighted neighborhoods communicate with a primary language other than English attend public hearings, the _____ will provide a interpreter for dissemination of information to them providing the _____ is given sufficient notification of _____ day(s).

TECHNICAL ASSISTANCE

Technical assistance may be provided directly by the _____ to any citizen, particularly to low and moderate income persons, residents of blighted neighborhoods and minorities, who request assistance in the development of proposals and statement of views concerning the LCDBG Program. The local officials, administrator and engineer will conduct informational meetings with the residents of the low to moderate income areas if a written request is received by the _____ with at least a one week notification. The persons who conducts the technical assistance meetings will disseminate information on the program and answer all pertinent questions.

TIMELY ACCESS AND ADEQUATE INFORMATION

The _____ shall provide timely disclosure of records, information and documents related to the LCDBG program activities. Documents will be made available for copying upon request at the _____, Monday thru Friday, _____ a.m. to _____ p.m. Such documents may include the following:

- 1) All meetings and promotional materials.
- 2) Records of hearings and meetings.
- 3) All key documents, including prior applications, letters, grant agreements, citizen participation plans, and proposed applications.
- 4) Copies of the regulations (final statements) concerning the program.
- 5) Documents regarding other important requirements, such as Procurement Procedures, Fair Housing, Equal Employment Opportunity, Uniform Act, Labor Provisions and Environmental Procedures.

CITIZEN COMPLAINT PROCEDURE

SECTION 1

It is the policy of the (local governing body) to review all complaints received by the (local governing body.)

SECTION 2

The following procedures will be followed on all complaints received by the (local governing body):

- 1) The complainant shall notify the (designated local official) of the complaint. The initial complaint may be expressed orally or by written correspondence.
- 2) The (designated local official) will notify the Mayor or designated representative of the complaint within _____ working days.
- 3) The Mayor or designated representative will investigate the complaint and will report the findings to the (designated local official) within ____ working days.
- 4) The (designated local official) will notify the complainant of the findings of the Mayor or designated representative in writing or by telephone within _____ working days.
- 5) If the complainant is aggrieved by the decision, he must forward the complaint in writing (if previously submitted orally) to the (designated local official) who will forward the complaint and all actions taken by the Mayor or designated representative to the appropriate council committee for their review. This will be accomplished within _____ working days of receipt of the written complaint.
- 6) The reviewing council committee will have _____ working days to review the complaint and forward their decision to the complainant in writing.
- 7) If the complainant is aggrieved with the decision of the Committee, he must notify the (designated local official) in writing that he desires to be afforded a hearing by the (local governing body) Council. The complainant will be placed on the next regularly scheduled council meeting agenda. The (designated local official) will notify the complainant in writing of the date of the hearing.
- 8) The complainant must bring all relevant data, witnesses, etc., to the hearing. The (local governing body) Council, at the hearing, will review the complaint

and forward within _____ days a certified copy of the minutes of the meeting at which the hearing was conducted and a decision was rendered to the complainant. If a decision is not reached at the hearing, the (local governing official) Council will inform complainant of an appropriate date to expect a response. Within _____ working days of reaching a decision, the complainant will be notified in writing of the decision.

Complaints concerning the general administration of the LCDBG Program may be submitted in writing directly to the:

Division of Administration
Office of Community Development
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

SECTION 3

All citizen complaints relative to Fair Housing/Equal Opportunity violations alleging discrimination shall be forwarded for disposition to the:

Louisiana Department of Justice
Public Protection Division
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

The complainant will be notified in writing within 10 days that, due to the nature of the complaint, it has been forwarded to the Louisiana Department of Justice.

or

Complainant may contact the Louisiana Department of Justice Division directly at the Toll Free Telephone number 1-800-273-5718 or 225-342-7900.

SECTION 4

The (designated local official) will maintain a file for the purpose of keeping reports of complaints.

SECTION 5

This policy does not invalidate nor supersede the personnel or other policies of the (local governing body) which are currently adopted, but is intended to serve as a guide for complaints.

SECTION 6

This policy may be amended by a majority vote at any of the _____ regularly scheduled meetings.

ADOPTION

This Citizen Participation Plan is hereby adopted by _____ in regular session on this _____ day of _____, 200__.

WITNESS

CHIEF ELECTED OFFICIAL

The (local community) _____ does hereby assure the Office of Community Development, Division of Administration, that, as a recipient of Louisiana Community Development Block Grant funds, all activities of this grant will be operated in compliance with requirements of Section 504 of the Rehabilitation Act of 1973, as amended.

As a local government with 15 or more employees, the (local community) _____ further assures the Office of Community Development, Division of Administration, that it has appointed (name) _____, (position) _____ as the designated Section 504 Coordinator (24 CFR 8.53), and adopted a Section 504 Grievance Procedure on (Date) _____ (24 CFR 8.53), and made (describe method) _____

_____ as a means of providing for continuing notification of participants, beneficiaries, applicants, and employees that it does not discriminate on the basis of handicap in its federally assisted programs (24 CFR 8.54).

Chief Elected Official

Date

SUMMARY OF ACTIONS TAKEN TO ACHIEVE COMPLIANCE WITH SECTION 504

The City conducted a self-evaluation in 1991 to comply with § 504 of the Rehabilitation Act. It developed a transition plan and the same year, updated its self-evaluation in October 1994 by reviewing the self-evaluation criteria for compliance with Title II of ADA and reviewed them again in December 2002.

The City, in 1991, reviewed its facilities and areas in which services, programs, and activities operate in the following facilities: Old Library, City Hall, City Council Chambers and Police Department, Community Center, Utilities Building, ABC Park, Stadium Park and Field, Municipal Pool, Police Department Sub-Station, VFW Lodge (polling place) and the Main Street Fire Station (polling place).

Based upon the self-evaluation that was conducted in 1991 a transition plan was developed for the following areas found deficient and corrected by physical alterations:

Existing Facilities – Physical Alterations

AREA	DEFICIENCY	CORRECTION	COMPLETED
City Hall	Accessible entrance not designated	Installed signage at inaccessible entrances indicating where accessible entrance is located	Jan 1992
City Hall	Threshold change greater than ½ inch at front entrance	Threshold change altered to ½ inch and beveled the slope	Jun 1992
City Hall	Inaccessible restroom	Altered restroom stall to 60 inches wide and 59 inches deep	Mar 1994
Polling Place VFW Lodge	Lack of designated handicapped parking place	Standard handicapped parking place designated by front entrance	Oct 1993

Existing Facilities – Accessibility Policies

For other areas found deficient in facilities designated as “existing facilities (24 CFR 8.21c)” in the 1991 self-evaluation the City adopted the following policies as corrective action:

AREA	DEFICIENCY	CORRECTION	COMPLETED
City Hall Mayor’s Office	Office located on 2 nd floor which is inaccessible	Adopted policy to relocate upon request to City Administrator’s office on 1 st floor	Jul 1992
Library	Top shelf of library stacks are inaccessible and some stacks lack 36 inch clearance	Adopted policy of providing lists of books located on inaccessible stacks and retrieval by library staff	Sep 1993

Fire Station #3	Does not have accessible bathroom and occasionally host community social events	Adopted policy to relocate any social events upon request	Nov 2002
City Hall Utility Dept.	Utility service counter is more than 36" above the finish floor	Adopted policy that, upon request, city clerk will make a home visit to collect utility payment	Nov 2002

New Facilities

New Library, Second City Park, and new addition to the City Hall annex were all designed and fully comply with the ADA Standards for Accessible Design (ADAAG).

or

The city has no municipal buildings or facilities that are considered "new."

Communications

<u>AREA</u>	<u>DEFICIENCY</u>	<u>CORRECTION</u>	<u>COMPLETED</u>
City Hall Public Meetings hearing impairments	Content of general public meetings not accessible to people with visual and hearing impairments	Adopted policy to provide sign interpreters for hearing impaired persons and readers for visually impaired upon 5 days notice	Feb 1994
City Hall Public Safety	Interactions between hearing impaired citizens and public safety personnel are impeded	Adopted policy to provide sign interpreters or other acceptable communications means for hearing impaired persons within 24 hours of request	Mar 1994
		Police Dept. has a TDD with a published number	Nov 1993
			City Hall
Interactions between hearing Individual	Adopted policy requiring city and visually impaired citizen and general administrative government personnel	personnel to pass written notes to hearing impaired and read documents to visually impaired persons upon immediate request and/or make arrangements for auxiliary services for more complicated transactions	Dec 2002
		City personnel are trained to utilize the LA relay system	Dec 2002

Employment

<u>AREA</u>	<u>DEFICIENCY</u>	<u>CORRECTION</u>	<u>COMPLETED</u>
Hiring	Previously used employment application contained question that were determined to possibly be discriminatory towards the disabled	Application form revised; Sec 504 Notice contains statement that City does not discriminate in hiring	Jun 1993
Working	No policy on accommodating disabled employees	Amended personnel policy to include policy on accommodation of disabled employees	Jun 1993
		Section 504 Grievance Procedure includes procedures regarding discrimination based on handicapped status	Oct 2002
Promotions	No non-discrimination policy regarding promotions and the disabled	Amended personnel policy to include statement of non-discrimination in promotions	Oct 2002

Chief Elected Official

Date

LCDBG DISCLOSURE REPORT

PART I - APPLICANT/GRANTEE INFORMATION

1. Applicant/grantee name and address: _____

Phone # _____ Federal Employer ID # _____

2. This is an: Initial Report _____ Updated Report _____

3. Project Assisted/to be Assisted _____

a. Fiscal year: _____

b. Contract Number: _____

c. Amount requested/received: _____

d. Program income to be used with c. above: _____

e. Total of c. and d: _____

PART II - THRESHOLD DETERMINATIONS

1. Is the amount listed at 3.e. (above) more than \$200,000? Yes _____ No _____

2. Have you received or applied for other HUD assistance (through programs listed in Appendix A of the Instructions) which when added to 3.e. (above) amounts to more than \$200,000?

Yes _____ No _____

If the answer to either 1. or 2. of this Part is "yes", then you must complete the remainder of this report. If the answer to both 1. or 2. of this Part is "no", then you are not required to complete the remainder of this report, but you must sign the following certification

I hereby certify that this information is true.

(Chief Elected Official)

(Date)

PART III - OTHER GOVERNMENT ASSISTANCE PROVIDED/APPLIED FOR

Provide the requested information for any other Federal, State and/or local governmental assistance, on hand or applied for, that will be used in conjunction with the LCDBG program.
(See Appendix A of the Instructions for a listing of the HUD programs subject to disclosure.)

Name and Address of Agency Providing or to Provide Assistance	Name of Program	Type of Assistance (loan, grant, etc.)	Amount Requested or Provided

PART IV - INTERESTED PARTIES

Alphabetical Listing of All Persons With a Reportable Financial Interest in the Project	Social Security # or Employer Identification # (Optional)	Type of Participation in Project	Contract Execution Date	Financial Interest In Project \$ and %

PART V – EXPECTED SOURCES AND USES OF FUNDS

This Part requires that you identify the sources and uses of all assistance, including LCDBG, that have been or may be used in the project.

Source	Use

PART VI - CERTIFICATION

I hereby certify that the information provided in this disclosure is true and correct and I am aware that any false information or lack of information knowingly made or omitted may subject me to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, I am aware that if I knowingly and materially violate any required disclosure of information, including intentional nondisclosure, I am subject to a civil money penalty not to exceed \$10,000 for each violation.

(Chief Elected Official)

(Date)

INSTRUCTIONS FOR COMPLETION OF DISCLOSURE REPORT

All applicants for or recipients of LCDBG Funds must complete and submit, Parts I and II of the Disclosure Report. At the completion of Part II of the report, some applicants/recipients will find that they must also complete Parts III, IV, V and VI of the Report.

Part I requires the applicant's/recipient's name, address, phone and federal employer identification number; indicate as to whether this is an initial report or an updated report (all applicants/recipients will check the initial report box when preparing this report for the first time); provide a brief description of the project and include contract number, if known; identify the fiscal year of the LCDBG funds requested/received; the amount of LCDBG funds being requested or received; the amount of any LCDBG program income that will be used with the LCDBG funds; and, the total amount (funds plus program income). The requirements for update reports are discussed on the following page.

Part II asks two questions. If the answer to both questions is "no", the chief elected official must sign the certification at the end of Part II, but is not required to complete the remainder of the Report. If the answer to either question is "yes" then the applicant must complete the remainder of the Report.

Part III requires information on any other Federal, State and/or local assistance that is to be used in conjunction with the LCDBG program. "Other government assistance" is defined as including any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit or any other form of direct or indirect assistance from the Federal government, the State (other than the LCDBG assistance requested/received in the application/grant award), or a unit of general local government, or any agency or instrumentality thereof, that is available, or is expected to be made available with respect to the LCDBG project or activities. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there is reasonable ground to anticipate that the assistance will be forthcoming or if other funds were identified in the application. If the applicant has no other government assistance to disclose, then state **"No other government assistance has been applied for or will be provided"** on this form.

Part IV requires the identification of interested parties. Interested parties are persons and entities with a reportable financial interest in the project. "Person" and "entity" means an individual (including a consultant, lobbyist, or lawyer, corporation, company, association, authority, firm, partnership, society, State, unit of general local government, governmental entity or agency, Indian tribe, and any other organization or group of people. If an entity is being disclosed, the disclosure in Part IV must include an identification of each officer, director, principal stockholder or other official of the entity. All consultants, developers or contractors involved in the application for LCDBG assistance, or in the planning, development or implementation of the project, must be identified as an interested party. Also, any other person or entity that has a pecuniary interest in the project that exceeds \$50,000 or 10 percent of the LCDBG assistance, whichever is lower, must be listed as an interested party. Pecuniary interest means any financial involvement in the project, including (but not limited to) situations in which an individual or entity has an equity interest in the project, shares in any profit or resale or any distribution of surplus cash or other assets of the project or receives compensation for any goods or services provided in connection with the project. (The following are not considered interested parties: local LCDBG administrative staff, recipients of housing rehab assistance, and rehab contractors as long as the rehab agreement is between the property owner and the contractor.) The financial interest in the project must be identified both as a dollar amount and as a percentage of the total amount of the LCDBG funds.

It is realized that at the time of application, applicants may not be aware of all interested parties since contracts and agreements for goods and services are not generally awarded until after notice of grant award. Subsequent to grant award, as projects are being implemented, funds will be committed to interested parties which will

necessitate the submission of an updated Disclosure Report. However, if other governmental assistance is identified under Part II of the Disclosure Report to be used in conjunction with the LCDBG funds and, if these other funds have been committed to interested parties, then those interested parties must be identified in Part IV of the initial report.

Entry of the social security number or employer identification number is optional.

Part V requires applicants/recipients to identify the sources and uses of all funds to be used in conjunction with the LCDBG funded project. The sources and uses must include all the other assistance identified in Part III as well as the LCDBG funds identified in Part I, items 3c. and 3d.

Part VI requires a signed certification by the Chief Elected Official.

Updated Reports

All applicants/grantees who have submitted initial disclosure reports are required to submit updated disclosure reports whenever any of the following instances occur:

1. The applicant/grantee discovers that information was omitted from its initial report or any updated reports.
2. Additional persons or entities can be identified as interested parties. These are persons or entities that did not have a pecuniary interest when the initial or last updated report was submitted.
3. There is a change in other government assistance that exceeds the amount of assistance that was previously disclosed.
4. There is a change in the pecuniary interest of any person or entity that exceeds the amount of all previously disclosed interests by the lesser of \$50,000 or ten percent of such interest.
5. For all projects receiving a tax credit under federal, state, or local law, there has been a change in the expected sources or uses of funds that were previously disclosed.
6. There is a change in the expected source of funds from a single source that exceeds the lesser of the amount previously disclosed for that source of funds by \$250,000 or ten percent of the funds previously disclosed for that source.
7. There is a change in the expected sources of funds from all sources previously disclosed that exceeds the lesser of \$250,000, or ten percent of the amounts previously disclosed from all sources of funds.
8. There is a change in a single expected use of funds that exceeds the lesser of \$250,000 or ten percent of the previously disclosed uses for all funds.
9. There is a change in the use of all funds that exceeds the lesser of \$250,000 or ten percent of the previously disclosed uses for all funds.

Grantees must constantly monitor their project to ensure that an updated disclosure report is submitted within 30 days of any change that meets one of the nine criteria discussed above. Updated reports are required until the project is closed out.

APPENDIX A

This Appendix contains a list of all the HUD Programs that are subject to the disclosure requirements of the Housing and Urban Development Act of 1989. All applicants for or recipients of LCDBG assistance must review this list to determine if they are receiving, or expect to receive, assistance from other covered HUD programs besides the LCDBG Program. HUD funds that are received either directly from HUD or through the State must also be considered. The State administered LCDBG Program is listed as item 3(v).

It is the total amount of funds received from all of the below sources that the applicant/recipient uses to answer the second question of Part II of the Disclosure Report.

1. Section 312 Rehabilitation Loans under 24 CFR part 510, except loans for single family properties.
2. Applications for grant amounts for a specific project or activity under the Rental Rehabilitation Grant program under 24 CFR part 511 made to:
 - a. A State grantee under Subpart F;
 - b. A unit of general local government or a consortium of units of general local government receiving funds from a State or directly from HUD (whether or not by formula) under Subparts D, F, and G; and
 - c. HUD, for technical assistance under S511.3.

(Excludes formula distributions to States, units of general local government, or consortia of units of general local government under Subparts D and G, within-year reallocations under Subpart D, and the HUD-administered Small Cities program under Subpart F.)

3. Applications for grant amounts for a specific project or activity under Title I of the Housing and Community Development Act of 1974 made to:
 - a. HUD, for a Special Purpose Grant under Section 105 of the Department of Housing and Urban Development Reform Act of 1989 for technical assistance, the Work Study program or Historically Black colleges,
 - b. HUD, for a loan guarantee under 24 CFR part 470, Subpart M;
 - c. HUD, for a grant to an Indian tribe under Title I of the Housing and Community Development Act of 1974; and
 - d. HUD, for a grant under the HUD-administered Small Cities program under CFR part 570, Subpart F; and
 - e. A State or unit of general local government under 24 CFR part 570.

4. Applications for grant amounts for a specific project or activity under the Emergency Shelter Grants program under 24 CFR part 576 made to a State or to a unit of general local government, including a Territory.

(Excludes formula distributions to States and units of general local government [including Territories]; reallocations to States, units of general local government [including Territories] and non-profit organizations; and applications to an entity other than HUD or a State or unit of general local government.)

5. Transitional Housing under 24 CFR part 577.
6. Permanent Housing for Handicapped Homeless Persons under 24 CFR part 578.
7. Section 8 Housing Assistance Payments (only project-based housing under the Existing Housing and Moderate Rehabilitation programs under 24 CFR part 882, including the Moderate Rehabilitation Program for Single Room Occupancy Dwellings for the Homeless under Subpart H).
8. Section 8 Housing Assistance Payments for Housing for the Elderly or Handicapped under 24 CFR part 885.

9. Loans for Housing for the Elderly or Handicapped under Section 202 of the Housing Act of 1959 (including operating assistance for Housing for the Handicapped under Section 162 of the Housing and Community Development Act of 1987 and Seed Money Loans under Section 106(b) of the Housing and Urban Development Act of 1968).
10. Section 8 Housing Assistance Payments - Special Allocations - under 24 CFR part 886.
11. Flexible Subsidy under 24 CFR part 219 - both Operating Assistance under Subpart B and Capital Improvement Loans under Subpart C.
12. Low-Rent Housing Opportunities under 24 CFR part 904.
13. Indian Housing under 24 CFR part 905.
14. Public Housing Development under 24 CFR part 941.
15. Comprehensive Improvement Assistance under 24 CFR part 968.
16. Resident Management under 24 CFR part 964, Subpart C.
17. Neighborhood Development Demonstration under Section 123 of the Housing and Urban-Rural Recovery Act of 1983.
18. Nehemiah Grants under 24 CFR part 280.
19. Research and Technology Grants under Title V of the Housing and Urban Development Act of 1970.
20. Congregate Services under the Congregate Housing Services Act of 1978.
21. Counseling under Section 106 of the Housing and Urban Development Act of 1968.
22. Fair Housing Initiatives under 24 CFR part 125.
23. Public Housing Drug Elimination Grants under Section 5129 of the Anti-Drug Abuse Act of 1988.
24. Fair Housing Assistance under 24 CFR part 111.
25. Public Housing Early Childhood Development Grants under Section 222 of the Housing and Urban-Rural Recovery Act of 1983.
26. Mortgage Insurance under 24 CFR Subtitle B, Chapter II (only multifamily and non-residential).
27. Supplemental Assistance for Facilities to Assist the Homeless under 24 CFR part 579.
28. Shelter Plus Care Assistance under Section 837 of the Cranston-Gonzalez National Affordable Housing Act.
29. Planning and Implementation Grants for HOPE for Public and Indian Housing Homeownership under Title IV, Subtitle A, of the Cranston-Gonzalez National Affordable Housing Act.
30. Planning and Implementation Grants for HOPE for Homeownership of Multifamily Units under Title IV, Subtitle B, of the Cranston-Gonzalez National Affordable Housing Act.
31. HOPE for Elderly Independence Demonstration under Section 803 of the Cranston-Gonzalez National Affordable Housing Act.