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**IDAPA 16
TITLE 04
Chapter 10**

**16.04.10 - RULES GOVERNING THE
COMMUNITY SERVICES BLOCK GRANT PROGRAM**

000. LEGAL AUTHORITY.

This program is authorized by the Community Services Block Grant Act, Sections 670 through 683 of the Omnibus Budget Reconciliation Act of 1981; and by the provisions of Sections 56-202 and 56-203, Idaho Code, which authorize the Department of Health and Welfare to enter into contracts with the federal government to provide assistance. (10-20-82)

001. TITLE AND SCOPE.

This chapter contains the rules for implementing provisions of the Community Services Block Grant Act, Sections 670 through 683 of the Omnibus Budget Reconciliation Act of 1981. The rules are to be cited in full as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 10, "Rules Governing the Community Services Block Grant Program." (12-31-91)

002. (RESERVED).

003. POLICY/PURPOSES.

01. Introduction. (12-31-91)

a. The Omnibus Budget Reconciliation Act of 1981 repealed the Economic Opportunity Act of 1964 and enacted in its place the Community Services Block Grant Act. The result was to shift the major responsibility for self-help antipoverty program planning and implementation from the federal to the state level. (10-20-82)

b. The Community Services Block Grant Act provided that not less than ninety percent (90%) of the funds appropriated in federal fiscal year 1982 be subgranted by the state to organizations which were officially designated as community action agencies or community action programs under the provisions of Section 210 of the Economic Opportunity Act of 1964 for fiscal 1981, or to organizations serving seasonal or migrant farmworkers. This provision has been continued in federal legislation in each succeeding year. (10-1-84)

c. The Director of the Department of Health and Welfare, through these rules, is implementing the state's administration of the Community Services Block Grant Program for FY-83 and succeeding years as authorized by the Omnibus Budget Reconciliation Act of 1981, Subtitle B, as amended. (10-1-84)

d. Funds, which are appropriated annually by Congress, are by law allocated to the states based on the ratio the amount received by the state for fiscal year 1981 under Section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all states for FY-81 under such part. Projects funded under Idaho's Community Services Block Grant Program must be so designed that each activity will ameliorate the causes of poverty in communities within the state. (10-20-82)

02. Objectives. The objectives of the Idaho Community Services Block Grant Program are: (10-20-82)

a. To provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem; and (10-20-82)

b. To provide activities designed to assist low-income participants including the elderly poor: (10-20-82)

i. To secure and retain meaningful employment; and (10-20-82)

ii. To attain an adequate education; and (10-20-82)

iii. To make better use of available income; and (10-20-82)

- iv. To obtain and maintain adequate housing and a suitable living environment; and (10-20-82)
- v. To obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious foods, housing and employment related assistance; and (10-20-82)
- vi. To remove obstacles and solve problems which block the achievement of self-sufficiency; and (10-20-82)
- vii. To achieve greater participation in the affairs of the community; and (10-20-82)
- viii. To make more effective use of other programs related to the purposes of the Community Services Block Grant Program; and (10-20-82)
- c. To provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the low-income; and (10-20-82)
- d. To coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals; and (10-20-82)

004. DEFINITIONS AND ABBREVIATIONS.

For the purposes of the rules contained in this chapter, the following terms and abbreviations are used, as defined herein: (12-31-91)

- 01. Allocation. The state of Idaho's share of the Community Services Block Grant monies as determined by the funding formula contained in the Omnibus Budget Reconciliation Act of 1981, Subtitle B, as amended. (10-20-82)
- 02. CSBG. Community Services Block Grant. (10-20-82)
- 03. Department. The Idaho Department of Health and Welfare. (12-31-91)
- 04. Director. The Director of the Idaho Department of Health and Welfare or his designee. (12-31-91)
- 05. Eligible Entities. The following shall be eligible to apply for CSBG funds: (10-20-82)
 - a. Nonprofit private organizations having a board of directors constituted so as to assure that: (10-20-82)
 - i. One-third (1/3) of the members of the board are elected public officials, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third (1/3) of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third (1/3) requirement; (10-20-82)
 - ii. At least one-third (1/3) of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area to be served. Representatives of the poor may be selected either to represent a specific area or neighborhood served, or at large to represent the entire service area, or to represent a particular organization designated by the board of directors whose membership is composed predominately of low-income persons. Any democratic selection procedure which assures maximum feasible participation of the poor and is representative of the cross section of their characteristics, including age, is potentially acceptable, subject to review by the grantee under the rules and regulations in effect at the time application for funds is submitted. (10-1-84)
 - iii. The remainder of the members are officials or members of business, industry, labor, religions, welfare, education, or other major groups and interests in the community. (10-20-82)

- b. Migrant and seasonal farmworker organizations. (10-20-82)
- 06. Grantee. The Director of the Idaho Department of Health and Welfare or his designee. (12-31-91)
- 07. HHS. The United States Department of Health and Human Services. (10-20-82)
- 08. Income. Total cash receipts before taxes from all sources. (10-20-82)
 - a. These include: (10-20-82)
 - i. Money wages and salaries before any deductions, but not including food or rent in lieu of wages; (10-20-82)
 - ii. Receipts from self-employment or from own farm or business after deductions for business or farm expenses; (10-20-82)
 - iii. Regular payments from: (10-20-82)
 - (1) Public assistance; (10-20-82)
 - (2) Social security; (10-20-82)
 - (3) Unemployment and workmen's compensation; (10-20-82)
 - (4) Strike benefits from union funds; (10-20-82)
 - (5) Veterans benefits; (10-20-82)
 - (6) Training stipends; (10-20-82)
 - (7) Alimony; (10-20-82)
 - (8) Child support and military family allotments or other regular support from an absent family member or someone not living in the household; (10-20-82)
 - (9) Government employee pensions; (10-20-82)
 - (10) Private pensions and regular insurance or annuity payments and income from dividends; (10-20-82)
 - (11) Interest rents; (10-20-82)
 - (12) Royalties or income from estates and trusts. (10-20-82)
 - b. For eligibility purposes, income does not refer to the following money or non-cash receipts: (10-20-82)
 - i. Any assets drawn down as withdrawals from a bank; (10-20-82)
 - ii. Sale of property, house or car; (10-20-82)
 - iii. Tax refunds; (10-20-82)
 - iv. Gifts; (10-20-82)
 - v. One-time insurance payments or compensation for injury. (10-20-82)

- vi. Noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing. (10-20-82)
- vii. The value of other federal program benefits when required by federal law. (10-20-82)
09. Low-Income and Poor Participants. Those persons receiving or eligible to receive services under the CSBG program who reside in households having an income at or below the poverty line. (10-20-82)
10. Poverty Line. The official poverty line established by the Director of the federal Office of Management and Budget as revised by the Secretary of Health and Human Services in accordance with the Omnibus Budget Reconciliation Act Section 673(2). (10-20-82)
11. Service Areas. The state of Idaho is divided into the following seven (7) service areas for the purpose of fund distribution: (12-31-91)
- a. Region I
Kootenai County
Shoshone County
Benewah County
Bonner County
Boundary County (10-20-82)
 - b. Region II
Nez Perce County
Clearwater County
Idaho County
Latah County
Lewis County (10-20-82)
 - c. Region III
Canyon County
Adams County
Gem County
Payette County
Washington County
Valley County
Boise County (10-1-84)
 - d. Region IV
Ada County
Elmore County
Owyhee County (10-1-84)
 - e. Region V
Twin Falls County
Blaine County
Cassia County
Gooding County
Camas County
Jerome County
Lincoln County
Minidoka County (10-20-82)
 - f. Region VI
Bannock County
Bear Lake County

Bingham County
Caribou County
Franklin County
Oneida County
Power County (10-20-82)

g. Region VII
Bonneville County
Butte County
Clark County
Custer County
Fremont County
Jefferson County
Lemhi County
Madison County
Teton County (10-20-82)

12. Subgrantee. Eligible entities applying for and receiving CSBG funds. (10-20-82)

13. Subgrantee's Administrative Costs. Those costs not directly attributable to the delivery of a unit of service. They may include, but not be limited to, agency indirect costs, fiscal recordkeeping and management audit, personnel management and such space and operating cost as are required for these activities. (10-1-84)

14. State's Administrative Costs. Administrative costs are the allocated share of costs from the indirect support services cost centers as allocated by the Idaho Legislature. They may include, but are not limited to, the costs of the state office building, fiscal recordkeeping and management, personnel management, and such space and operating costs as are required for such activities. (12-31-91)

15. Target Population. Persons receiving services under this chapter must be members of households having an income no greater than one hundred percent (100%) of the official poverty line. An individual must be a resident of Idaho, but there is no durational requirement. Citizenship is not required as a condition of eligibility. (12-31-91)

005. -- 149. (RESERVED).

150. PROHIBITED ACTIVITIES.

The following activities may not lawfully be performed using CSBG funds. (10-20-82)

01. Construction. Funds may not be used for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility. (10-20-82)

02. Political Activities. No expenditure may be made for use of equipment or premises for political purposes, sponsoring or conducting candidates' meetings, engaging in voter registration activity or voter transportation, or other political activities. (10-20-82)

03. Lobbying. No CSBG funds may be used for the purpose of influencing the passage or defeat of legislation. (10-20-82)

151. -- 199. (RESERVED).

200. FUNDING DISTRIBUTION.

CSBG funds will be distributed in the following manner: (10-20-82)

01. Administration. No more than five percent (5%) of the funds will be used by the Department for CSBG state program administration and operation. (12-31-91)

02. Technical Assistance. No more than three percent (3%) of the funds will be used by the Department to provide technical assistance to eligible CSBG applicants. (12-31-91)

03. Distribution of Funds to Service Areas. (12-31-91)

a. Each of the seven (7) CSBG service areas will receive a base amount of funding equal to six percent (6%) of Idaho's CSBG allocation. Only those organizations which satisfy the requirements of Subsection 004.04.a. are eligible for these funds. (12-31-91)

b. Seasonal and migrant farmworker organizations will receive only an amount of funding which in total equals seven percent (7%) of Idaho's CSBG allocation. (10-1-84)

c. The remaining funds will be apportioned among the seven (7) service areas on the basis of the proportion of Idaho's low-income population residing within each service area. Only those organizations which satisfy the requirements of Subsection 004.04.a. are eligible for these funds. (12-31-91)

201. -- 299. (RESERVED).

300. TIME FRAME FOR APPLICATION PROCESS.

The following time frame shall be established for the submission of CSBG Program applications and the awarding of subgrants: (10-20-82)

01. Notification of Tentative Funding Level. The Department's Division of Welfare will send eligible entities a notification of tentative funding levels for their service area or group. This will be done the first working day of October and will be based on the anticipated allocation to Idaho. (12-31-91)

02. Receipt of Applications. Applications will be received by the Administrator of the Department's Division of Welfare or his designee no later than 5:00 p.m. of the first working day of November. (12-31-91)

03. Funding of CSBG Projects. Projects shall be designed and funded to operate for one twelve (12) month period. (10-20-82)

301. -- 325. (RESERVED).

326. WAIVER OF RULES.

01. No Proposals Submitted. In the event that no proposal for a given service area is received from an eligible entity in accordance with Subsection 300.02, the Director may waive the provisions of Subsection 300.02 and contract with any eligible entity(ies) for services in that service area. (12-31-91)

02. Failure to Complete a Contract. In the event that the contract of an eligible entity is terminated by either party, as provided in the contract, the unexpended funds from that contract may be distributed to other eligible entities at the discretion of and in a manner determined by the Director. (10-1-84)

327. -- 374. (RESERVED).

375. APPLICATION.

01. Content Requirements. Each application must include the following material: (10-1-84)

a. The application must contain a description and the results of a needs assessment conducted among the poor of their service area during the twelve (12) months preceding the date of application. (10-1-84)

b. The applicant will describe the administrative capacity to administer the grant. This means having or contracting for the staff and talents available to maintain the proper records, keeping the financial accounts and fulfilling contract requirements. (10-1-84)

c. The applicant must propose provision of services to an entire service area, except that migrant and seasonal farmworker organizations will not be geographically limited within Idaho in the service of their constituency. (12-31-91)

d. The applicant must show that the activities proposed will have a significant and measurable impact on the causes and/or effects of poverty on their target population. (10-1-84)

e. The applicant must propose to provide a broad range of services from those areas specified in Subsections 003.02.b. through 003.02.d. (12-31-91)

f. The applicant must propose to distribute services throughout the service area based on the location of relative numbers of low-income population. (10-1-84)

g. The applicant must propose the significant use of private sector resources in carrying out the activities for which the application is made. (10-1-84)

h. The applicant must show that, taken as a whole, the activities proposed will aid participants to become more self-sufficient. (10-1-84)

i. The applicant must show that the activities proposed will aid a substantial number of low-income persons in the service area. (10-1-84)

02. Format.

and a. An application shall be submitted on eight and one-half inch by eleven inch (8-1/2" by 11") paper; (10-20-82)

b. It shall be printed on only one (1) side of the paper; and (10-20-82)

c. Pages shall be numbered; and (10-20-82)

d. The types of headings and numbering systems are optional to the applicant; and (10-20-82)

e. Supporting documents shall be noted and placed in an appendix; and (10-20-82)

Welfare. f. The original and two (2) copies of an application shall be submitted to the Department's Division of (12-31-91)

03. Sections. (10-20-82)

the preparer. a. Cover. The cover shall contain the name, address, and the phone number of the eligible entity and (10-20-82)

b. Table of Contents. (10-20-82)

c. Eligible Applicant. Name, mailing address and phone numbers of the following: (10-20-82)

i. Board chairman; and (10-1-84)

ii. Local person with direct responsibility for the project; and (10-20-82)

iii. Person who prepared application if different from Subsections 375.03.c.i. and 375.03.c.ii. (12-31-91)

d. Project Description. This is a statement describing the project goals, activities, schedule, benefits to the low-income community, how the project meets the objectives of the Community Services Block Grant Act, and the dollar amount requested. This section must include the material required in Subsection 375.01. (12-31-91)

e. A description of the appeals process for persons who have been denied benefits or services in accordance with Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Section 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

f. Budget. This is a detailed budget to be submitted on forms HWW-0051, Budget Summary; HWW-0052, Administrative Budget Support Sheets; HWW-0053, Program Costs Budget Support Sheet - Part I; and, HWW-0054, Program Costs Budget Support Sheet - Part II. Forms are provided by the Department's Division of Welfare. (10-20-82)

g. Assurances. The applicant shall sign the form of assurance certifying that they will comply with the following federal laws and regulations: (10-20-82)

i. Civil Rights Act of 1964, Pub. L. 88-352. (10-20-82)

ii. Civil Rights Act of 1968, Pub. L. 90-284. (10-20-82)

iii. Age Discrimination Act of 1975. (10-20-82)

iv. Section 504 of the Rehabilitation Act of 1973. (10-20-82)

376. -- 399. (RESERVED).

400. AUDIT.

Projects selected for CSBG funding shall be subject to an annual audit. The annual audit will be of a scope and depth defined by the grantee. The grantee reserves the right to join with other interested parties to obtain a single audit of the subgrantee organization. (10-1-84)

401. UNEXPENDED FUNDS.

01. Carry Over. No more than ten percent (10%) of the total subgrant for any contractor may be carried forward to the next program year and added to the base funding of that contractor. (10-1-84)

02. Redistribution. At the end of the grant period any unexpended funds in excess of ten percent (10%) of the total subgrant shall be returned to the grantee no later than ten (10) days after completion of the annual audit. The returned funds may be included in the statewide distribution for the following program year, or utilized as deemed necessary by the Director in meeting crisis, unusual or special needs appropriate within the scope of the CSBG program. (10-1-84)

402. UNANTICIPATED FUNDS.

01. New Monies. Any monies not appropriated under Federal Community Services Block Grant legislation, but added to the Idaho Community Services Block Grant Program, may be distributed to eligible entities in a manner determined by the Director to establish an emergency fund to serve emergency or crisis situations as determined by the Director. (10-1-84)

02. Unexpended Administrative Funds. Unexpended administrative funds may be distributed for use by eligible entities at the discretion of an in a manner determined by the Director. (10-1-84)

403. -- 499. (RESERVED).

500. REPORTING.

The following reports will be required of projects receiving CSBG funds: (10-20-82)

01. Fiscal. (10-20-82)

a. Financial reports will be received no later than the tenth (10th) of each month and cover the

financial transactions of the previous month; and (12-31-91)

b. The reports will reflect an accrual accounting system. (10-20-82)

02. Project.

a. Project progress reviews will be required quarterly for the first three (3) quarters; and (10-20-82)

b. Project progress reports shall be submitted within thirty (30) days of the end of the quarter. (10-20-82)

03. Final. A final evaluation report shall be submitted no later than sixty (60) days following the termination date of the subgrant. (10-20-82)

501. -- 599. (RESERVED).

600. MONITORING.

In addition to desk monitoring of the reports required in Section 500, there will be a minimum of two (2) site visits per year by Department's Division of Welfare staff for monitoring purposes. (12-31-91)

601. -- 699. (RESERVED).

700. TECHNICAL ASSISTANCE.

Technical assistance will be provided by Department's Division of Welfare staff on a limited basis to those CSBG funded projects requiring such assistance when such assistance is determined by the Department's Division of Welfare to be in the best interests of the projects low-income beneficiaries. (12-31-91)

701. -- 799. (RESERVED).

800. CONTRACT COMPLIANCE.

Funds may be withheld and/or the contract terminated if the terms of the contract are not complied with. (10-20-82)

801. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-31-91)

998. INCLUSIVE GENDER.

For the purposes of these rules, words used in the masculine gender include the feminine and vice-versa where appropriate. (10-20-82)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 10 are severable. If any rule or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this Chapter. (10-20-82)