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IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.01 - IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (ICDBG)

000. LEGAL AUTHORITY.
In 1981 Congress amended the Community Development Act of 1974 to allow states to assume the Department of Housing and Urban Development's State Community Development Block Grant Program. The Department of Commerce, through these rules, is implementing the state's administration of the State Community Development Block Grant program as authorized by the Housing and Community Development Act of 1974, as amended, (42 USC, Sec. 5301) and Department of Housing and Urban Development Rules 24 CFR, Part 570, Subpart I. Funds which are appropriated annually by Congress are allocated by statutory formula to each state. This chapter is adopted in accordance with Section 67-4702(2), Idaho Code. (7-1-16)

001. TITLE AND SCOPE.
These rules establish the process and procedures for application for and the awarding of Idaho Community Development Block Grants. Since the application process is competitive in nature, close attention to these requirements is necessary to prepare a successful project. Contact with Department staff is helpful, and encouraged, in determining eligibility for a proposed project. Department staff is also available for technical assistance and answers to questions about the rules. (7-6-94)

002. WRITTEN INTERPRETATIONS.
The Department may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. These documents are available for public inspection at the Department's office. (3-29-10)

003. ADMINISTRATIVE APPEALS.
IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, et seq., shall apply. (3-29-10)

004. INCORPORATION BY REFERENCE.
IDAPA 28.02.01 incorporates by reference the following: (3-29-10)

01. 24 CFR 570.489, dated April 1, 2014. Access to this document is available through the Department of Commerce website at http://commerce.idaho.gov/. (7-1-16)

02. 24 CFR 570.611, dated April 1, 2014. Access to this document is available through the Department of Commerce website at http://commerce.idaho.gov/. (7-1-16)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.
The street address of the office of the Idaho Department of Commerce is 700 W. State Street, Boise, Idaho 83720. The mailing address of the Department is P. O. Box 83720, Boise, Idaho 83720-0093. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The telephone number of the Department is (208) 334-2470. The Department's facsimile number is (208) 334-2631. (3-29-10)

006. PUBLIC RECORDS ACT COMPLIANCE.
Department records are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-29-10)

007. -- 008. (RESERVED)

009. DEFINITIONS.
For the purposes of these rules, the following words are defined. (7-6-94)

01. **Allocation**. The state of Idaho's share of the Small Cities Community Development Block Grant Program as determined by the funding formula contained in the Housing and Community Development Act of 1974, as amended. (7-6-94)

02. **Appropriation**. The Federal funding, as set by Congress, for the Department of Housing and Urban Development (HUD). (7-6-94)

03. **CDBG**. The Community Development Block Grants, especially the State Program administered by HUD. (7-1-16)

04. **Department**. The Idaho Department of Commerce. (3-29-10)

05. **Grant**. The transfer of ICDBG funds, in accordance with state and federal law, from the Department to a unit of local government for the specific purpose of accomplishing the project described in the Application. (7-6-94)

06. **ICDBG**. The Idaho Community Development Block Grants. The Idaho Department of Commerce administered Small Cities ICDBG Program. (7-6-94)

010. GENERAL OBJECTIVES.

01. **National Objectives**. The primary objective of this program is to develop viable communities by expanding economic opportunities and providing decent housing, "principally for persons of low and moderate incomes." Consistent with this primary objective, projects funded under Idaho's Community Development Block Grant Program must be designed so that each activity will benefit either low and moderate income persons, will aid in the prevention or elimination of slums and blight, or will meet other community development needs having a particular urgency because of existing conditions which pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. (7-6-94)

02. **State Objectives**. The state's objective of the Idaho Community Development Block Grant (ICDBG) program is to assist Idaho communities in developing their economy, public facilities and housing to provide greater opportunities, principally for low and moderate income citizens, through: increasing economic opportunities by assisting business expansions and job creation; improving community infrastructure to accommodate economic growth and eliminate health and safety problems; improving housing stock and expanding housing choices; and rebuilding or revitalizing blighted areas. (7-6-94)

011. GRANT PROGRAM.

01. **Grant Types**. The following six (6) types of grants are available under the Idaho Community Development Block Grant program: Public Facility or Housing (PFH); Economic Development (ED); Community Center (CC) or Senior Citizen Center (SR); and Imminent Threat (IT). (7-1-98)

02. **General Descriptions**. In any project, eligibility must meet two (2) tests. First, the project must be described by one (1) or more eligible activities (Section 022) and second, the project must qualify in a national objective (Section 015). (7-6-94)

03. **Public Facility or Housing Grants**. (7-6-94)

a. Public facility projects are those that construct or improve facilities including, but not limited to, sewer or water systems, streets, curbs, gutters, and sidewalks, fire stations, public medical and health facilities, libraries, group homes, publicly owned commercial or industrial property. Some public facilities such as city halls, courthouses, police stations, jails, and schools are by definition ineligible (Section 052) or have extreme difficulty meeting a national objective. (7-1-16)

b. Housing projects are those that improve or rehabilitate housing units for low and moderate income families. Projects include, but are not limited to, rehabilitation of public housing, rental rehabilitation, owner-occupied housing rehabilitation, acquisition of real property for rental rehabilitation, acquisition of land and

site development for new rental housing, replacement housing, rehabilitation of school buildings into housing, acquisition of sites, site development and acquisition of manufactured housing for manufactured home parks. (7-1-16)

04. Economic Development Grants. There are two (2) types of Economic Development projects. (7-6-94)

a. The first is the provision of infrastructure, usually sewer, water, or street, to a specific business expansion or new location. Manufacturing or processing companies are the more competitive projects. The grant funds assist with the public costs of extending services in exchange for a commitment from the business to create jobs for low and moderate income persons. (7-6-94)

b. The second grant is to assist with downtown revitalization. The downtown merchants and landowners must organize themselves and develop a plan of specific improvement actions. The downtown area must meet the slum and blight national objective. (7-6-94)

05. Center and Park Grants. Community Center Grants, Senior Center Grants, and Public Park Grants are specific types of public facility projects. Funds are set aside for these facilities only. Community Centers, Senior Centers, and Public Parks must be owned or operated for the benefit of all project area or neighborhood residents. (7-1-16)

06. Imminent Threat Grants. Imminent Threat projects are those which correct or eliminate a recent threat to human health or safety (see Section 021 and Section 108). (7-6-94)

07. Grant Award System. Since demand for grants far exceeds available funds, a competitive system is used to select grants, except for the imminent threat and technical assistance grants. Grant applications shall be submitted, rated and selected for funding according to the criteria and procedures established by these rules. (7-6-94)

012. ELIGIBLE APPLICANTS.

Applicants for the Idaho Community Development Block Grants are limited to general purpose units of government in Idaho. Those include incorporated cities not designated by HUD as an "entitlement city" and counties. Counties may apply on behalf of unincorporated communities (a community not organized, incorporated or chartered under the laws of the state of Idaho) or unincorporated urbanized areas (suburban areas of a city not annexed into the city). Special purpose districts are not eligible, although they may be involved in the execution of a project by mutual agreement. Indian tribes are not eligible to apply since funds are available to them under a special HUD program. (7-6-94)

013. QUALIFICATION OF APPLICANTS.

Applicants shall only apply for a grant for a project which lies within their jurisdictional or impact area boundary. The project must address the needs of the residents of their jurisdiction or impact area. Applications shall not be submitted in behalf of other jurisdictions solely for administrative convenience (see Section 014). Counties may apply in behalf of more than one (1) unincorporated community or unincorporated urbanized area. However, counties may apply for only one (1) grant which has county-wide benefit. Counties or cities may apply on behalf of senior citizen groups for a senior citizen facility grant. Applying for a PFH grant does not disqualify an applicant from applying for a CC or SR grant. Applicants shall apply for only one (1) project from each setaside with the exception of economic development projects. In accordance with Subsection 082.05 of these rules, applicants must be eighty percent (80%) drawn down from any prior PFH grants as of the last date for accepting applications. ED applicants for job creation projects may apply for one (1) ED grant in any quarterly application cycle. If applicants have an existing ED grant it must be under contract prior to submitting a new ED application. A county or a city shall not be eligible to apply for a grant if it has unresolved audit findings, any unresolved disallowed costs, or any unresolved prior performance problems from any previous grants in any category. (3-19-99)

014. JOINT APPLICATIONS.

A city and a county may apply jointly when solving a shared problem requires mutual action. A "shared problem" must lie in areas of contiguous or overlapping jurisdictions, and this must be documented in the Application. One (1) unit must be designated as the responsible unit for administrative purposes. Written cooperation agreements must also be submitted. The cooperation agreement must cover the entire project from application to operation and

maintenance. A joint application solely for administrative convenience or one (1) in which several jurisdictions are addressing similar, but unrelated, circumstances does not qualify as a joint application to solve a mutual problem. (7-6-94)

015. NATIONAL OBJECTIVES.

To receive ICDBG funds, each eligible activity within a project (Section 022) must serve one (1) of the following national objectives: principally benefit at least fifty-one percent (51%) low and moderate income persons; aid in the prevention or elimination of slum and blight; or meet other community development needs having a particular urgency because of existing conditions which pose a serious and immediate threat to the health or safety of residents where other financial resources are not available. (7-6-94)

016. BENEFIT TO LOW AND MODERATE INCOME PERSONS.

01. Definition. Members of a family having an income within family income standards established by HUD for housing and community development programs. Unrelated individuals are considered one (1) person families. Low income is defined as families with income of fifty percent (50%) or less of the county median income. Moderate income is defined as families with income of eighty percent (80%) or less of the county median income. HUD established that county median income is the greater of either the county median income or the median income of the "non-entitlement" area of the state. Activities considered to benefit LMI persons are divided into four (4) categories: area benefit activity, limited clientele activity, housing activity, and job creation or retention activity. (7-6-94)

02. Area Benefit Activity. A grant project which meets the needs of LMI persons residing in an area where at least fifty-one percent (51%) of the residents are LMI persons. The benefits of this project are available to all persons in the area regardless of income. Such an area need not have the same boundaries as census tracts or other officially recognized boundaries but must be the entire area served by the project. A project that serves an area that is not primarily residential in character (i.e. street construction in an industrial park) shall not qualify under this category. (7-6-94)

03. Limited Clientele Activity. A grant project which benefits a specific group of people, at least fifty-one percent (51%) of whom are LMI persons. Limited clientele activities also include special projects to remove material and architectural barriers which restrict the mobility and accessibility of elderly or adults with disabilities to publicly-owned and privately-owned non-residential buildings. To qualify in limited clientele activity, the activity must meet one (1) of the following tests: (7-1-16)

a. Benefits a clientele group who are generally presumed to be principally LMI persons. Currently, the following groups are presumed by HUD to meet this criterion: elderly persons, homeless persons, adults with disabilities, migrant farm workers, abused children, battered spouses, illiterate adults, or adults living with the disease AIDS; (7-1-16)

b. Information on family or household size and income proves that at least fifty-one percent (51%) of the clientele are persons whose family income does not exceed the LMI limit; or (7-1-16)

c. Income eligibility requirements limit the activity exclusively to LMI persons; or (7-6-94)

d. By the nature and location it may be concluded that the clientele will primarily be LMI persons; or (7-6-94)

e. A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or persons with disabilities to publicly owned and privately owned non-residential buildings, facilities and improvements, and the common areas of residential structures containing more than one (1) dwelling unit. (7-6-94)

04. Housing Activity. A grant project which adds to or improves permanent, residential structures which, upon completion, will be occupied by LMI households. This project may include, but not necessarily be limited to, the acquisition or rehabilitation of property and conversion of non-residential structures. (7-1-16)

a. The housing may be either one (1) family or multifamily structures. If the structure contains two (2) dwelling units, at least one (1) must be so occupied, and if the structure contains more than two (2) dwelling units, at least fifty-one percent (51%) of the units must be so occupied. Where two (2) or more rental buildings being assisted are or will be located on the same or contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The unit of general local government shall adopt and make public its standards for determining "affordable rents" for this purpose. (7-6-94)

b. The following shall also qualify under this criterion. When less than fifty-one percent (51%) of the units in a structure will be occupied by low and moderate income households, ICDBG assistance may be provided in the following limited circumstances: the assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project; not less than twenty percent (20%) of the units will be occupied by low and moderate income households at affordable rents; and the proportion of the total cost of developing the project to be borne by ICDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households. (7-6-94)

05. Job Creation or Retention Activity. A grant project which creates or retains permanent jobs, at least fifty-one percent (51%) of which are either taken by LMI persons or considered to be available to LMI persons. (7-6-94)

a. Acceptable documentation on applicant/employee family income includes any of the following: (3-20-97)

i. Notice that employee/applicant is a referral from state, county, or local employment agency or other entity that agrees to refer individuals who they determine to be low or moderate income based on HUD's criteria. These entities must maintain documentation which is to be available for grantee, Department, or federal inspection; or (3-20-97)

ii. Written certification signed by the employee/applicant of family income and size to establish income status showing either: The actual income of the family; or, a statement that the family income is below that required by CDBG standards. These forms must include a statement that they are subject to verification by the local or federal government; or (3-20-97)

iii. Evidence that employee/applicant qualifies for assistance under another program with income qualification criteria at least as restrictive as those used by HUD (e.g., referrals from the Workforce Investment Act (WIA) program), except for referrals under the WIA program for dislocated workers. (4-11-06)

b. For an activity designed to create permanent jobs where at least fifty-one percent (51%) of the jobs, computed on a full time equivalent basis, involve the employment of low and moderate income persons. For an activity that creates jobs, the unit of general local government must document that at least fifty-one percent (51%) of the jobs will be "held by", or will be made "available to", low and moderate income persons. The unit of local government and the business must determine at the time of pre-application whether they will use "held by" or the "available to" criteria as their method of documenting LMI jobs. (7-1-16)

c. For an activity that retains jobs, the unit of general local government must document that the jobs would actually be lost without the ICDBG assistance and that either or both of the following conditions apply with respect to at least fifty-one percent (51%) of the jobs at the time the ICDBG assistance is provided: The job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two (2) years and that it will be filled by, or that steps will be taken to ensure that it is made available to, a low or moderate income person upon turnover. (7-6-94)

d. Jobs will be considered to be "available to" low and moderate income persons for these purposes only if: special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and the unit of general local government and the assisted business take actions to ensure that low and moderate income persons receive first consideration for filling such jobs. First consideration shall consist of the business using

a hiring practices that in all likelihood will result in over fifty-one percent (51%) of persons hired being LMI persons, the business must seriously consider/interview an adequate number of LMI applicants, the availability of transportation must be considered to allow LMI persons to commute to the job site. The hiring practice used to make jobs available to LMI persons shall be identified in the pre-application and approved by the Department. (3-20-97)

e. As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except: in certain cases, such as where ICDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided the businesses are not otherwise assisted by ICDBG funds; and where ICDBG funds are used to pay for the staff and overhead costs of a subrecipient specified in Section 105(a)(15) of the Act making loans to businesses from non-ICDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any one (1) year period. (7-6-94)

f. In any case where ICDBG funds are used for public improvement (e.g., water, sewer and road) and the national objective is to be met by job creation or retention as a result of the public improvement, the requirement shall be met as follows: the assistance must be reasonable in relation to the number of jobs expected to be created or retained by the affected business(es) within two (2) years from the completion of the public improvement. If the ICDBG assistance is under ten thousand dollars ($10,000) per job created or retained, then only businesses applying for ICDBG assistance need to be assessed for low and moderate income job creation or retention. If the ICDBG equals or exceeds ten thousand dollars ($10,000) per job then any business benefiting by the public improvement, for a period of up to one (1) year after the physical completion of the public improvement, must be assessed for low and moderate income job creation or retention. (3-29-10)

017. -- 019. (RESERVED)

020. AID IN PREVENTION/ELIMINATION OF SLUMS AND BLIGHT.

01. Definition. The area impairs the sound growth of a community, constitutes an economic liability or a social liability to the community, or contains conditions which are a menace to public health, safety or welfare. Any Eligible Activity may be used to remove conditions that are contributing to the slum and blighting conditions. Activities may address slum and blight conditions on either an area basis or spot basis. (7-1-16)

02. Elimination of Slum or Blight on an Area Basis. To qualify under the national objective of slum/ blight on an area basis, a project must meet the criteria as defined in 24 CFR 570.483(c)(1). (7-1-16)

03. Elimination of Slum or Blight on a Spot Basis. To comply with the national objective of elimination or prevention of slums or blight outside a slum or blighted area, a project must meet the criteria as defined in 24 CFR 570.483(c)(2). (7-1-16)

021. AID IN MEETING URGENT NEEDS.
An urgent need/imminent threat is a catastrophic or emergency situation which creates an impending or immediate threat, danger or peril to human health or safety; the existence of physical harm to people, but not to their property, welfare, or economic well-being. The danger or harm must be imminent or have occurred. Situations or circumstances which result from neglect or lack of local initiative, or gradually become urgent are not considered imminent threats. The cause of the emergency must be beyond the ability to plan and budget for. (7-6-94)

022. ELIGIBLE ACTIVITIES.
An activity as identified in 24 CFR 570.482 eligible activities that also meets one (1) of the three (3) national objectives is considered eligible and may be financed in whole or in part with Idaho Community Development Block Grant (ICDBG) funds. Each grantee must ensure and maintain evidence that each of its ICDBG-funded activities meets one (1) of the national objectives. A grant project shall consist of a combination of eligible activities. Each activity must also be in compliance with the following conditions: (7-1-16)

01. Environmental Review. An environmental review and clearance procedure (contained in the Code of Federal Regulations (24 CFR Part 58)) must be completed for each project consisting of activities as defined in this Section. (7-6-94)

02. Cost Principles. Costs incurred must conform with the requirements of OMB Circulars A-87 "Cost Principles Applicable to Grants and Contracts with State and Local Governments" or A-122, "Cost Principles for Nonprofit Organizations." (7-6-94)

03. Mixing Eligible and Ineligible Uses. A public facility eligible for ICDBG assistance may be funded even if it is part of a multiple-use building containing ineligible uses if: (7-6-94)

a. The eligible portion of the building is a designated and discreet area of the building; (7-6-94)

b. The applicant can determine the costs attributable to the eligible use or eligible portion of the facility as distinct from the overall costs of the facility. (7-6-94)

04. Special Assessments. (7-6-94)

a. Definition. The recovery of the capital costs of a public improvement, such as streets or sewer lines, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement. The fee amount represents the pro-rata share of the capital costs of the public improvement levied against the benefiting properties. The term does not relate to user fees or taxes or the establishment of the value of real estate for the purpose of levying real estate, property or ad valorem taxes. (7-6-94)

b. Restrictions. For projects funded beginning in 1984, no special assessments will be levied against properties owned and occupied by low and moderate income persons to recover that portion of a capital expenditure funded in whole or in part by ICDBG funds. This includes fees or assessments made as a condition to obtain access to a facility. Grant recipients may levy assessments to recover the portion of a capital expenditure funded from other sources if the assessments of the low and moderate income owner-occupants are paid with ICDBG funds. Funds collected through special assessments are not program income if the assessment of LMI owner-occupants are paid with ICDBG funds. ICDBG funds may be used to pay for assessments levied against property owned and occupied by low and moderate income persons even if the public facility improvements are financed solely from other sources, and if the improvements were carried out in compliance with ICDBG rules. (7-6-94)

05. Beneficiary Data. Each grantee shall collect and maintain data on the persons to directly benefit from the grant project. The data shall include information on race, gender and ethnic characteristics of persons who are applicants for, participants in, or beneficiaries of the grant project. (7-6-94)

06. Administrative Activities. Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development, housing activities, and the costs related to the establishment and administration of federally approved enterprise zones; to carry out management, coordination and monitoring of activities necessary for effective planning and implementation, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities including planning under 24 CFR 570.482. These costs shall not exceed ten percent (10%) of ICDBG grant funds and any program income. (7-1-16)

023. -- 051. (RESERVED)

052. INELIGIBLE ACTIVITIES.
As a general rule, any activity not authorized in Section 022 of these rules is ineligible to receive ICDBG funds. This section identifies two (2) areas that are ineligible and provides guidance in determining eligibility of other activities frequently associated with housing and community development. (7-6-94)

01. The Following Activities May Not Be Carried Out Using ICDBG Funds. (7-6-94)

a. Assistance to buildings, or portions thereof, used predominantly for the general conduct of government. (However, the removal of architectural barriers and historic preservation involving such buildings is eligible.) Such buildings include, but are not limited to, city halls and other headquarters of government where the governing body of the recipient meets regularly, courthouses, jails, police stations, and other state or local government office buildings. Also ineligible are school buildings, school offices, and university and college vo-tech

facilities. Where acquisition of real property includes an existing building and improvements, part of which is to be utilized for the general conduct of government, the acquisition cost attributable to the land is eligible, provided a national objective is met with the other eligible use of the property and building. Of building costs, only the portion of the building required for eligible activity is an eligible grant expense. (7-6-94)

b. Except as specifically authorized in these rules or under OMB Circular A-87, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance with ICDBG funds. (7-6-94)

c. ICDBG funds shall not be used to finance facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration. However, a facility originally financed in whole or in part with ICDBG funds may be used on an incidental basis to hold political meetings, candidate forums, or voter registration campaigns, provided that all parties and organizations have access to the facility on an equal basis and are assessed equal rent or use charges, if any. (7-6-94)

d. Assistance may not be used for construction, rehabilitation, removal of architectural barriers or the operation of active churches or structures used for religious purposes. (7-6-94)

02. Authorization to Use ICDBG Funds. The following activities may not be carried out using ICDBG funds unless authorized under provisions of Section 040, specifically noted herein, or carried out by a sub-recipient under the provisions of Section 045. (7-6-94)

a. The purchase of equipment with ICDBG funds is generally ineligible. The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation or use allowances (pursuant to OMB Circular A-87 or A-122 as applicable) for an eligible activity is an eligible use of ICDBG funds. The purchase of construction equipment for use as part of a solid waste disposal facility is eligible under Section 024. The purchase of equipment, fixtures, motor vehicles, furnishings or other personal property which is not an integral structural fixture is generally ineligible. ICDBG funds may be used, however, to purchase (in accordance with OMB Circulars A-87 or A-122 as applicable) such items when necessary for use by a recipient or its sub-recipients in the administration of activities assisted with ICDBG funds, or when eligible as fire fighting equipment, or as a public service under Section 034. (7-6-94)

b. Payment of operating and maintenance expenses. As a general rule, any expense associated with repairing, operating, or maintaining public facilities and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities and interim assistance and office space for program staff employed in carrying out the ICDBG program. For example, where a public service is being assisted with ICDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are: maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for the handicapped, parking and similar public facilities are ineligible costs. Examples of maintenance and repair activities for which ICDBG funds may not be used include: the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas and the replacement of expended street light bulbs; payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities are ineligible costs; assistance may not be used for the construction of new permanent residential structures or for any program to subsidize or finance such new construction, except: as provided under the last resort housing provisions set forth in 24 CFR Part 42; or, when carried out by a sub-recipient pursuant to Section 045. Activities in support of the development of LMI housing, including clearance, site assemblage, provision of site improvements and provision of public improvements and certain housing preconstruction costs, are not considered as activities to subsidize or finance new residential construction. Assistance shall not be used for income payments for housing or any other purpose. Examples of ineligible income payments include the following: payments for income maintenance, housing allowances, down payments, and mortgage subsidies. (7-6-94)

053. GRANT APPLICATION PROCESS.

01. Grant Application. The Grant Application generally consists of a Notice of Intent to apply, the Application, and an Addendum. These are submitted to the Department at different times in the application process. (7-6-94)

a. Notice of Intent. A one (1) page letter sent to the Department as soon as a community decides to submit a grant application. This is an optional, but strongly recommended, step. It allows the Department to assist the community with eligibility and structuring of the proposed project. (7-6-94)

b. Application. The major required document which describes and documents the applicant's proposed project. It contains the information required to document that the proposed project will meet a national objective and consists of eligible activity(ies). The Application is the basis of the Department's and the EAC's review and ranking of the project. (7-6-94)

c. Addendum. Additional information required by the Department to further document the project or to fulfill additional federal requirements once the Application has been selected by the Economic Advisory Council. (7-6-94)

02. **Project**. A project shall address a single need and may consist of one (1) or more eligible activities which are to be undertaken with the ICDBG funds and any other funds committed to the project. A project also includes all the benefits which are to result from the related activities and from compliance with all federal and state laws and regulations which are conditions of the grant. The principal activity which directly addresses the problem area shall represent a majority of funds requested; other activities must be incidental to, and in support of, the principal activity. For example, a program which addresses a housing need might include housing rehabilitation as the principal activity. Support activities such as street improvements or demolition must be incidental and clearly in support of the principal activity. (7-6-94)

03. **Funding**. In addition to ICDBG funds, the other funds committed to a project are divided into other government funds, local matching funds, and private funds. Other government funds are from state, federal, or foundation sources provided to the grantee for the project. Local matching funds are defined as cash donations, capital reserves, program income (Section 171), cash resulting from debt financing, local improvement districts, general obligation or revenue bonds, tax levies, land sales or miscellaneous revenue. Local matching funds are generally those funds and contributions raised by the residents of the grantee. Also to be considered as local matching funds are the fair market value of the time of local government crews (force account) working on the project, donations of land, materials, and equipment for the project, waiver of local fees, and volunteer labor. Private funds are from individuals, businesses, or corporations which are spent on private property, but are necessary to the completion of the project and the generation of the benefits. Direct loans to individuals on housing projects will not be considered local match. (4-11-06)

04. **Documentation**. Firm evidence of in-kind contributions of equipment or materials will be considered as cash. The market value of land may be considered as local match if the value of the real estate is documented by appraisal or assessment. Architectural or engineering estimates of labor, materials and equipment should be prepared to determine value of these items. Volunteer labor should be estimated by man hour, types of skills needed and wage rates. Documentation of insurance coverage for volunteers should be included in the application. This documentation should be a letter from the insurance agent of the community or civic group. (7-1-16)

054. -- 060. (RESERVED)

061. NOTICE OF INTENT SOLICITED.
The Notice of Intent to apply shall be submitted in a letter from the Chief Elected Official. Notices for ED projects shall be continuously accepted and reviewed. Submittal is optional, but strongly recommended. First priority for technical assistance and staff travel will be given to those applicants which submit a Notice of Intent to apply. IT projects do not submit a Notice of Intent. (7-1-16)

062. SUBMITTAL OF NOTICES OF INTENT, APPLICATIONS, AND ADDENDA.
Applications may be mailed, hand-delivered, or submitted electronically. All Applications and Addenda must be postmarked or dated by a commercial carrier not later than midnight of the announced Application deadline date. Any Application or Addendum not meeting the following closing date criteria will be disqualified and returned to the applicant. An Application and Addendum will be considered to be received on time under either one (1) of the following circumstances: (7-1-16)

01. Sent by Mail or Private Commercial Carrier. It was sent by mail or private commercial carrier no later than the closing date, as evidenced by a U.S. Postal Service date postmark or by a commercial carrier date. Applicants are responsible for assuring that the U.S. Post Office or private commercial carrier dates the application package. Applicants should be aware that not all post offices or private commercial carriers provide a dated postmark unless specifically instructed to do so. (7-6-94)

02. Hand-Delivered. Hand-delivered Applications and Addenda will be accepted during the normal working hours. In establishing the date of receipt of hand-delivered Applications and Addenda, reliance will be placed on documentary evidence of receipt maintained by the Department. (7-6-94)

03. Electronically. Electronically submitted Applications and Addenda must be submitted by midnight of the deadline date. (7-1-16)

063. APPLICATION REVIEW.
The Applications received shall be reviewed for eligibility according to Subsection 074.05. Any applicant or project not meeting the threshold criteria shall be disqualified and the Application shall not be reviewed further. Department staff shall then review the qualified Applications and assign points according to the criteria contained in the applicable grant review and ranking section. The points for each Application shall be totaled and the Applications ranked in descending order to determine the more competitive projects. These points, rankings and any other information shall constitute the staff recommendation to the Economic Advisory Council (EAC). The staff may recommend that projects be redesigned for greater efficiency, better benefits, greater cost effectiveness, or more local effort. (7-6-94)

064. SELECTION OF APPLICATIONS BY ECONOMIC ADVISORY COUNCIL.
Each grant category has different criteria which the EAC will consider in reviewing each Application and making a recommendation to the Governor. These criteria are described within each grant category section. (7-6-94)

065. PRESENTATION TO ECONOMIC ADVISORY COUNCIL.
The applicant's presentation to the Advisory Council shall be optional and may be done through teleconferencing. The presentation shall be made by an elected official of the local government applying for a grant. These elected officials include the mayor or council members or county commissioners. Others may be involved in the presentation to present additional information. The presentation should briefly review the project, the local commitment to the project, the local effort on the project, the degree of local economic impact from the project and the degree to which the project improves the community as a place to live. (4-11-06)

066. INVITATION TO SUBMIT APPLICATION ADDENDA.
For public facility, housing and downtown revitalization applications, the Council will review the staff recommendation and the information presented. The Council will assign their points and will direct the Department to invite the highest rated applicants to submit application Addenda. (3-30-07)

067. ECONOMIC ADVISORY COUNCIL POINTS.
The Council, in assigning these points to the Applications and Addenda, shall consider the degree of impact from the project upon the community and shall compare similar type projects with each other. Consideration may include local ability to finance the project, local effort and commitment to the project, and local and regional economic impact of the project. These points shall be assigned to Applications based upon the Council's review of the information contained in the Application and the staff's review and recommendations. These points shall be assigned to the Addendum by the Economic Advisory Council after their review of the Applications and Addenda. The Council shall decide on the amount of points to be assigned to each Application in the Council's regular meeting for reviewing Applications or at a special meeting according to Subsection 094.04. (4-11-06)

068. -- 070. (RESERVED)

071. APPLICATION.
Sections 072 through 074 shall apply to both the Application and the Addendum. The applicant is responsible, however, to include sufficient detail about the proposed project to demonstrate the worthiness of the Application. It is important to quantify the information wherever possible. Short, concise Applications are encouraged. (7-6-94)

072. FORMAT.
The Application and Addendum form and format shall be submitted to the Department of Commerce as prescribed in the ICDBG Application Handbook. (7-1-16)

073. (RESERVED)

074. SECTIONS.
The Application shall consist of the following sections: (7-6-94)

01. Cover. The cover shall contain "An application for an Idaho Community Development Block Grant by the _____ (City/County) of _____ (Name) _____ Date:_____." (one (1) page) (7-6-94)

02. Cover Letter. A cover letter signed by the Mayor or the Chairman of the Board of County Commissioners on official stationery. This is the official letter of application for a grant. (one (1) page) (7-6-94)

03. Table of Contents. (one (1) page) (7-6-94)

04. ICDBG Application Information Form. Fully completed and signed by the applicant. (one (1) page) (7-6-94)

05. Threshold Factors. The first four (4) factors must all be answered in the affirmative before an Application is to be reviewed and ranked. For public facility, housing and downtown revitalization projects an Application shall include Subsections 074.05.a. through 074.05.d. An Addendum, where required, shall include Subsections 074.05.e. through 074.05.g. All other application types must include Subsections 074.05.a. through 074.05.g. (3-30-07)

a. The applicant must be an eligible applicant (Section 012). Describe how the applicant meets the eligibility criteria. If this is a joint or in-behalf-of application, describe agreements and arrangements for managing the grant and the project. (7-6-94)

b. The project shall be an eligible activity(ies). Describe why the project and the various activities are eligible according to the rules in Section 022. (7-6-94)

c. The applicant shall adopt a citizen participation plan and shall conduct a public participation process. Applicants shall submit a copy of the Citizen Participation Plan and results of citizen involvement in developing the project. A copy of the Citizen Participation Plan must be submitted with the Application. An ICDBG may be awarded only if the grantee certifies that it is following a detailed citizen participation plan which: provides for and encourages citizen participation, with particular emphasis on participation of persons of low and moderate income who are residents of slum and blight areas or provides for participation of residents in low and moderate income neighborhoods as defined by the applicant; provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds; provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including, at least, the development of needs, the review of proposed activities, and review of program performance. Hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for persons with disabilities; provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. (3-19-99)

d. At least one (1) public hearing is required to permit public examination and appraisal of the Application. Public hearings shall be scheduled in ways and at times to provide for full participation of citizens. The building or facility must be accessible to persons with disabilities. All information presented in the hearings shall also be available, upon request, in a form usable by persons with disabilities. Proper notification shall be given by a public advertisement in a local newspaper no less than seven (7) days prior to the meeting date. The seven (7) days shall be counted beginning the date the advertisement appears and ending the day before the date of the hearing. The notice shall include: a brief description of the proposed project; the amount of funds being requested; the time and place of the public hearing, including a statement that the hearing will be held in a handicapped accessible facility;

notification that both written and verbal comments will be accepted; and a description of the availability of services for persons with disabilities, upon request. It is recommended the applicant also post notification of the public hearing at various public locations and use other media notices of the hearing. At a minimum, applicants shall provide in the minutes of the meeting, evidence the following occurred at the public hearing: The Application and Application Handbook were available for review; the amount of funds available for local community development and housing activities was discussed; the range of activities to be undertaken was presented including community impact and benefit to low and moderate income (LMI) persons; verification that citizen's comments and views on the proposed Application were considered prior to submittal and, if determined appropriate, a description of how the Application was modified; a copy of the public notice, minutes and a list of those attending the public hearing(s); a description of any plans for the project regarding citizen participation, i.e., the formation of a citizen's advisory committee; and a description of any assistance for persons with disabilities requested and provided. (3-20-97)

e. The applicant shall have the administrative capacity to administer the grant. This means having started the procurement process for a Department-approved grant administrator in accordance with Section 212. The grant administrator should be included in project development and Application writing efforts. (7-1-16)

f. The applicant shall have adopted a Fair Housing Ordinance or resolution. This ordinance or resolution must have been adopted and publicly advertised within the twelve (12) month period preceding the Addendum deadline date for public facility, housing and downtown revitalization projects and the twelve (12) month period preceding the application deadline date for senior/community center, imminent threat and economic development job documentation projects. Once the Fair Housing Resolution or Ordinance has been adopted, applicants do not have to re-adopt the Resolution or Ordinance. The applicant will be required to show documentation the Resolution or Ordinance was published within the previous twelve (12) month period. (3-30-07)

g. The applicant shall either certify it will follow the Idaho Department of Commerce's Anti-displacement Plan or have adopted an Anti-Displacement and Relocation Plan. If the applicant adopts its own plan, the ordinance or resolution must have been publicly advertised within the twelve (12) month period preceding the Addendum deadline date for public facility, housing and downtown revitalization projects and the twelve (12) month period preceding the application deadline date for senior/community center, imminent threat and economic development job documentation projects. Once the Anti-Displacement and Relocation Plan has been adopted, applicants do not have to re-adopt the Plan. The applicant will only be required to show documentation the Plan was published within the previous twelve (12) month period. (3-30-07)

06. General Project Description. This is the critical section of the Application. It should include enough information for the reviewer to clearly understand the community, its needs, the project, and how the grant will help to solve the community problem. The information in each ranking section should substantively expand upon the project description. The narrative should succinctly describe the following items: a description of the community as to size, location and economy; a thorough assessment of all the community's needs and how the proposed project is a priority in comparison with the other needs addressed. The applicant should also include a description which discusses how the existing condition came about, the number of people affected, and the seriousness of the problem(s); the particular project that is being proposed shall be described in detail. Describe the project, the various components, anticipated costs, schedule of activities, maps showing the location of the project and a map of the boundaries of the project area. This description shall be detailed enough that it can be used to write a contract scope of work; describe the benefits of the project, how it solves the identified need, and how it will enhance the community and its economy. Provide a demographic profile of the persons to benefit. Describe how the project meets the state objectives of the ICDBG program (see Sections 000, 010, and 011); and if program income is expected to be generated, a re-use plan must be developed according to Section 175. (7-1-16)

07. ICDBG Budget Form Fully Completed by the Applicant. (one (1) page) (7-6-94)

08. Assurances. The applicant shall sign the Assurances Form certifying that it will comply with the following federal laws and regulations: National Environmental Policy Act of 1969; Civil Rights Act of 1964 Pub.L 88-352; Civil Rights Act of 1968 Pub.L 90-284; Age Discrimination Act of 1975; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended and the implementing regulations at 49 CFR Part 24; Rehabilitation Act of 1973, Section 504 "Handicapped Accessibility"; Housing and Community Development Act of 1974 as amended Pub. L 93-383; Davis-Bacon Act (40-USC 276a--5); Historic Preservation Act; Anti-Lobbying Certification; Excessive Force Certification; and Section 106 of the Housing and Urban Recovery Act of 1983,

certifying they will: minimize displacement and follow a residential anti-displacement and relocation assistance plan, affirmatively further fair housing, provide citizen participation, not use assessments or fees on low and moderate income owner occupants to recover capital costs of ICDBG-funded public improvements; Prohibition of Use of Assistance For Employment Relocation, Section 588 of the Quality Housing and Work Responsibility Act of 1998 Pub. L 105-276. (one (1) page). (3-30-01)

09. Review and Ranking Narrative. The applicant shall address each point category in the order given in the review and ranking section of the applicable grant category. (7-1-16)

10. Additional Information from Applicant (Appendix). Maps, letters of support, technical studies and appropriate background documentation should be placed in this section and bound into the Application (no page limit). (7-6-94)

075. -- 079. (RESERVED)

080. ALLOWABLE COSTS IN APPLICATION.
In accordance with Subsection 152.07, an applicant which has been invited to submit an Addendum in any grant category may be reimbursed for some of the administrative or engineering costs incurred during the preparation of the Addendum. No such expenses incurred will be reimbursed unless a grant is awarded. Such expenses are the responsibility of the applicant if a grant is not awarded. Any such administrative costs become part of and cannot exceed the ten percent (10%) limitation on administrative costs of the grant. (7-6-94)

081. PUBLIC FACILITIES AND HOUSING GRANTS.
Public Facilities and Housing Grants refers to provision of local government utilities or facilities or the rehabilitation of housing for low to moderate income persons. PFH grants may be funded to a maximum of five hundred thousand dollars ($500,000). The PFH selection process consists of two (2) major components, the Application and the Addendum. See Section 092 entitled "Award Process" for details of the award process. See Subsection 135.02 of these rules for "Tag-on For Accessibility For Persons With Disabilities." (7-1-16)

082. APPLICATION.

01. Notice of Intent. Submitted according to Section 061. (7-6-94)

02. Information to Be Included in Application. Sections 072 through 074. (7-6-94)

03. Deadline. The Application is due in November, the Friday before Thanksgiving. The Addendum is due the first Friday of March. (3-20-97)

04. Presentation. According to Section 065. (7-6-94)

05. Restrictions. An applicant is not qualified to apply for a PFH grant if they have a currently funded PFH grant, the funds of which are not eighty percent (80%) drawn down as shown on the Department's records as of the last dates for accepting Applications. (7-6-94)

083. REVIEW AND RANKING CRITERIA.
Each PFH Application shall be reviewed and ranked by the following criteria. The applicant must address each category in narrative form. If a category is not applicable, please note that in the appropriate section. The evaluation of each criteria is made using the general project description as a reference point. The information provided in each review and ranking section should elaborate upon the general project description. The maximum number of points is one thousand (1,000). (7-6-94)

084. PROGRAM IMPACT.
Three hundred (300) points. Some or all of the points may be granted in each subcategory. The local financing factors, which represents the largest portion of the total number of points each applicant may receive, is intended to ensure that the best overall proposals are selected for funding. The score on this factor is determined by evaluating how effectively local funds are used in comparison with other applicants. The Department may require an applicant to provide supplemental financial information to clarify the local ability to finance all or a portion of a proposed ICDBG

project. The applicant should provide evidence or documentation of the nature, amount and/or value of match committed to the project. Housing projects should (if match is not committed) provide the names of the agency, staff person and program(s) which may provide match, a description of the program and a time table for the match approval process. (7-1-16)

01. Percentage of ICDBG Dollars in Total Project (thirty (30) points). All Applications will be ranked by percentage of (ICDBG) funds requested divided by total project costs. Total project costs are the total funds committed from all sources - federal, state, local and private funds. The applicant must clearly identify the other funding sources with dollar amounts from each. The rankings shall be divided into four (4) equal categories. The lowest ICDBG percent (%) receives the most points and the highest ICDBG percent (%) receives the least points. Points will be assigned according to the following schedule: (7-1-16)

a. First Quartile -- thirty **(**30 points. (7-1-16)

b. Second Quartile -- twenty (20) points. (7-1-16)

c. Third Quartile -- ten (10) points. (7-1-16)

d. Fourth Quartile -- zero (0) points. (7-6-94)

02. Percentage of Local Matching Funds (sixty (60) points). All Applications will be ranked by the percentage of local matching funds divided by the total of local match and ICDBG funds. The highest percentage of local dollars will receive the highest points. See Subsection 053.03 for definition of local match. The rankings shall be divided into four (4) equal categories. The highest local match percentage (%) receives the most points and the lowest local match percentage (%) receives the least points. Points will be assigned according to the following schedule: (4-11-06)

a. First Quartile -- sixty (60) points. (7-6-94)

b. Second Quartile -- forty (40) points. (7-6-94)

c. Third Quartile -- twenty (20) points. (7-6-94)

d. Fourth Quartile -- zero (0) points. (7-6-94)

03. ICDBG Dollars per Person (fifty (50) points). The ratio of total persons directly benefited by the project, compared to ICDBG funds requested (ICDBG dollars per person) shall be ranked and divided into quartiles. The lowest ICDBG dollars receives the most points and the highest ICDBG dollars receives the least points. The points shall be assigned to the ratio of ICDBG dollars per person as follows: (7-6-94)

a. First Quartile -- fifty (50) points. (7-6-94)

b. Second Quartile -- thirty (30) points. (7-6-94)

c. Third Quartile -- fifteen (15) points. (7-6-94)

d. Fourth Quartile -- zero (0) points. (7-6-94)

04. Local Matching Funds per Person (sixty (60) points). The ratio of total persons directly benefited by the project, compared to local matching funds shall be ranked and divided into quartiles. The Department may request supplemental financial data from any applicant to determine local ability to finance a proposed project or clarify a community's financial situation. The Department may take into consideration a community's ability to contribute local matching funds in determining all rating and ranking points. The highest local funds per person receives the most points and the lowest local funds per person receives the least points. The points shall be assigned to the ratio of local matching funds per person as follows: (4-11-06)

a. First Quartile -- sixty (60) points. (3-19-99)

b. Second Quartile -- forty (40) points. (3-19-99)

c. Third Quartile -- twenty (20) points. (3-19-99)

d. Fourth Quartile - zero (0) points. (7-6-94)

05. Eligible Activity Priority Ranking (one hundred (100) points). Each eligible activity (Sections 022 through 051) is assigned a priority point factor. The applicant should list the activities and the ICDBG funds budgeted to each. These points shall be assigned to an Application based upon the percentage of the total ICDBG funds committed to each activity and multiplied by the priority points assigned to each. The total of the priority points so calculated is the total of the priority points for the Application. Health and safety-related projects are defined as sewer, water, fire protection facilities, medical facilities, nursing homes, streets, and other similar projects. Social service facilities are defined to include community centers, senior centers, libraries, assisted housing, shelter care, senior housing, auditoriums, cultural facilities, recreation facilities, and parks.

TABLE 1 -- "Eligible Activity Priority Ranking"	
Acquisition of Real Property	Seventy five (75) points
Public Facilities and Infrastructure	One hundred (100) points
Engineering - Architectural	One hundred (100) points
Code Enforcement	Fifty (50) points
Clearance and Demolition	Fifty (50) points
Removal of Architectural Barriers	One hundred (100) points
Rental Income Payments	Zero (0) points
Disposition of Property	Ten (10) points
Public Services	Zero (0) points
Completion of Urban Renewal Projects	Zero (0) points
Relocation Payments	Twenty-five (25) points
Planning Activities	Zero (0) points
Administration Activities	One hundred (100) points
Grants to Nonprofit Community Organizations	Zero (0) Points
Grants to Nonprofit Community Organizations for Housing Projects	Seventy-five (75) points
Energy Planning	Zero (0) points
Housing Rehabilitation	Seventy-five (75) points

(7-1-16)

085. NATIONAL OBJECTIVES.
Two hundred sixty (260) points. The Application must qualify in one (1) of two (2) national objective categories: benefit to low and moderate income persons or the prevention or elimination of slum and blight. If the Application does not qualify in at least one (1) category it will be declared ineligible for review and ranking. The Application will not be considered further. The applicant must choose only one (1) of the two (2) categories in which to compete. (7-6-94)

01. Benefit to Low and Moderate Income (LMI) Persons (two hundred sixty (260) points). To qualify in the LMI category the applicant shall demonstrate at least fifty-one percent (51%) benefit to LMI persons.

(3-20-97)

a. The applicant shall show that the project shall principally benefit a majority of LMI residents of the project area. Benefit is shown only if it meets one (1) of the following criteria: the activity shall be carried out in a service or benefit area consisting of fifty-one percent (51%) LMI persons and provide services to such persons; the activity shall involve facilities designed for use predominantly by persons of LMI; or the activity shall improve permanent, residential structures which will be occupied by LMI households upon completion. See Section 016 for more information. (7-1-16)

b. LMI beneficiaries shall be verified by an appropriate source(s). Numbers shall be documented either by census data or a reliable survey. This material shall be verifiable by the Department of Commerce Multiplier effects or ratios shall not be considered in assigning benefit points because these numbers do not show direct benefit. The cost of planning, management, and administration shall not be included in calculating benefit of LMI persons. (7-1-16)

c. Applicants shall provide additional beneficiary information and data as instructed in the Application Handbook. (7-1-16)

d. LMI Need points for Public Facility projects will be determined according to the following standards. Critical Need receives the full eighty (80) points. Critical is defined as existing (officially identified) violations of federal or state health or safety regulations. Moderate Need is an officially identified problem related to health and safety regulations, but the situation is not in violation of any regulation. Moderate Need receives sixty (60) points. Potential Need is related to solving a current situation that would become a violation if left uncorrected. Potential Needs receives forty (40) points. Community Need is a general improvement not related to health and safety, but is a major improvement in community services and infrastructure. Community Need receives twenty (20) points. Applicants for fire safety projects can receive up to eighty (80) points in the need category if they can document how the proposed project is directly related to efforts to comply with the state's currently adopted fire code or National Fire Protection Association Standards - fifty (50) points; maintenance and personnel training is conducted and documented - fifteen (15) points; the community participates in the Fire Incident Reporting System to the State Fire Marshal's office - fifteen (15) points. (3-30-01)

e. Identification of Impact (sixty (60) points). The applicant shall submit the following: specific identification of the project activities that will be undertaken to meet identified LMI needs. A distinction must also be made regarding direct and indirect benefits; a discussion of project impact in providing long-term permanent solutions to alleviate the need(s) identified above; identify procedures that are or will be developed to measure impact throughout the project; and describe and provide documentation of the process used to identify the LMI needs. Documented health and safety needs are awarded higher points. Applicants for fire safety projects can receive up to sixty (60) points in the impact category if they document; (7-1-16)

i. How the proposed project affects response time, recruitment of volunteers, and fire insurance rating - sixty (60) points; (7-1-16)

02. Housing Need and Impact. (7-6-94)

a. Identification of Need (eighty (80) points) points). An applicant shall develop a housing needs assessment to determine the need for a housing grant. Information to be collected about the community shall include population and growth, family size, the number of elderly, persons with disabilities, minority persons, and family income. Housing information collected shall be total number of units, number of rental units, age of housing, vacancy rates, overcrowding, number of substandard units in the community, and the number of each type of housing, i.e. owner, rental, institutional and seasonal. The applicant shall address how the proposed housing project will meet the needs outlined in the housing conditions study. The maximum points will be assigned to those housing projects meeting the most need as outlined in the housing needs assessment. (3-19-99)

b. Identification of Impact (sixty (60) points). (7-1-16)

i. In the housing impact area, points would be awarded on the level of income the proposed project would target, based on the following formulas: (3-19-99)

(1) Percent of eighty percent (80%) of median income x forty (40) = (7-1-16)

(2) Percent of fifty percent (50%) of median income x sixty (60) = (7-1-16)

(3) Percent of thirty percent (30%) of median income x sixty (60) = (7-1-16)

ii. Applicants will be required to submit a written management plan showing how the housing units would be allocated to the different income levels and show how the proposed housing matches the needs outlined in the need category. Housing market data will also be required for this category. (3-19-99)

03. Low and Moderate Income Percentage Points (one hundred (100) points). Points will be assigned according to the percentage of LMI in the project area. They are:

TABLE 2 -- "Percentage of LMI in Project Area"

Percentage	Points
0 - 50.00%	zero (0)
51.00 - 60.00%	twenty (20)
60.01 - 70.00%	forty (40)
70.01 - 80.00%	sixty (60)
80.01 - 90.00%	eighty (80)
90.01 - 100.00%	one hundred (100)

(7-6-94)

04. Prevention or Elimination of Slum and Blight (two hundred forty (240) points). To qualify in the Slum and Blight category, the applicant shall receive at least one hundred (100) total points by demonstrating that the proposed project will have a direct impact on the elimination or prevention of slum and blight conditions. In evaluating impact, the information described below shall be considered (see Slum and Blight definition, Section 020). (7-1-16)

a. Provide the following community data: location of the project area including a narrative description and map(s) showing the boundaries of the area; and an official declaration by the governing body that the area is an "Area of Slum and Blight." (7-6-94)

b. Identify need (one hundred thirty (130) points). Describe the nature and seriousness of existing conditions/needs in the project area. References to published engineering studies or surveys or letters from appropriate local agencies shall be included. Use maps to locate the conditions and their relationship to each other. The applicant shall describe the nature and seriousness of the need as it exists in the following areas: the number, location, and type of deteriorating structures present in the project area; the unsafe/unsanitary conditions that exist in the structures and area; the infrastructure and site improvements that are deteriorating (i.e., streets, sidewalks, parking lots, utilities, driveways, fences and landscaping); the danger to life and/or property that exists from fire, hazards or other causes; or the condition of the property that impairs economic growth in the community by being an economic or social liability. (7-6-94)

c. Identify Impact (one hundred ten (110) points). Specify how project activities will eliminate or prevent conditions of slum and blight. Identify the impact of the proposed project in providing permanent solutions to alleviate the identifiable conditions. Identify the procedure that is or will be developed to measure impact throughout the project. (7-1-16)

086. -- 089. (RESERVED)

090. PROJECT CATEGORIES.
Two hundred and twenty (220) points. PFH Applications shall address each of the categories below. The project description and its benefits should be discussed in previous sections. This section is a measure of the preparedness of the project and the community to undertake the project. To earn points, the applicant must demonstrate that the appropriate actions, procedures, agencies, permits, financing and inspections to initiate and complete the project were discovered and show how much has been completed. The object is to have well thought out projects which will then be quickly executed if funded. The items identified in the following categories must be related to each other. (3-30-01)

01. Planning, Previous Actions and Schedule (two hundred twenty (220) points). According to the categories listed below, the applicant shall describe and document the process used to plan the project and describe the components of the project. The completeness of the process and project detail earn more points. (7-1-16)

a. Design Professional (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has issued an RFP and completed a design professional selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, proof of published notice if applicable, and completed evaluation rating sheets must be submitted to receive full points. (4-11-06)

b. Grant Administration (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has issued an RFP and completed the administrator selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, solicitation process, and completed evaluation rating sheets must be submitted to receive full points. (4-11-06)

c. Plan/Studies (thirty (30) points). A maximum of thirty (30) points will be awarded in this category if the applicant documents a plan or a study has been completed which includes a survey of the existing condition of the system or facility, develops and screens alternatives to enable the system to meet future needs, selects a recommended alternative, and evaluates the potential impact of the project on the environment. For pre-fab buildings, provide a letter from local building officials that the building meets state of Idaho building, electrical, and plumbing codes. Include additional information by project type: (7-1-16)

i. Water and sewer system projects. A conditional approval issued by DEQ on the facilities study or the project's specification and drawings. (4-11-06)

ii. Health care facility projects. A letter of intent submitted to the Idaho Bureau of Facilities Standards describing the proposed scope of work. Provide a copy of the letter and any response from the Bureau of Facilities Standards. (4-11-06)

iii. Road and transportation system projects. Conditional approval of construction plans by the Idaho Transportation Department or local highway district. (4-11-06)

iv. Housing projects. Project meets the community's comprehensive plan and zoning ordinance. Also, completed a financial performance and management plan. (4-11-06)

v. Fire or EMT station projects. A public works or design professional facilities review. The review shall include survey of existing condition of the building (if applicable), an analysis of costs including rehabilitation costs versus new construction, site location consideration including environmental issues, existing building problems, and the need for the size of the facility. (4-11-06)

d. Environmental Scoping (ten (10) points). A maximum of ten (10) points will be awarded if the applicant or sub-recipient has completed a Field Notes Checklist as prescribed in the ICDBG Application Handbook and mailed out environmental information request letters before submission of application. (4-11-06)

e. Agency Viability (thirty-five (35) points). A maximum of thirty-five (35) points will be awarded in this category if the applicant documents the following per project type: (7-1-16)

i. Sewer or water projects. Completion of ICDBG financial viability worksheet with the utility rate

reviewed by at least one (1) of the following: The USDA Rural Development, Boise State University Environmental Finance Center, the Rural Community Assistance Corporation, or the Idaho Rural Water Association. (4-11-06)

ii. Health care, transportation, housing, fire/EMT, or other projects. The applicant's or sub-recipient's viability will be based on having the following components: A lawful governing body, completion of ICDBG financial viability profile, a stable funding source and positive cash flow, and capital improvement and facility management plans. (4-11-06)

iii. Youth center projects. Projects must assist youth ages six (6) to eighteen (18) in developing skills to overcome challenges and become responsible leaders. The applicant or sub-recipient must provide information on management and operation of the center, outreach activities, a cost analysis of rehabilitation versus new construction and document that local operating funds are committed. (3-30-07)

f. Property Acquisition (thirty (30) points). A maximum of thirty (30) points shall be awarded if the applicant or sub-recipient has achieved project site control. (7-1-16)

i. The applicant or sub-recipient has ownership of the property including easements or right of way permits. Identify if there are existing buildings on the property and whether or not businesses, individuals, or farms will be displaced and provide documentation of site control; or (4-11-06)

ii. If property (land, buildings, rights of way, easements) is not secured but is identified on a plat map five (5) points will be awarded. Identify if individuals or businesses, including farms will be displaced. (4-11-06)

g. Funding Commitments (forty-five (45) points). A maximum of forty-five (45) points will be awarded if one hundred percent (100%) of match funds are committed to the project. A commitment letter must be included with the application addendum. A support letter is not a commitment. If match is a bond, provide documentation the bond has passed and identify who will buy it. (7-1-16)

h. Schedule (five (5) points). A maximum of five (5) points will be awarded in this category if the dates to start and complete construction have taken into account weather conditions, other funding availability, environmental mitigation issues, real estate site control, and bidding time frame. (4-11-06)

i. Administrative Capacity (twenty-five (25) points). A maximum of twenty-five (25) points will be awarded in this category. (7-1-16)

i. ICDBG project track record and general stability of applicant and sub-recipient. Review may include financial audit reports, board make-up, staff turnover and recall elections (five (5) points). (4-11-06)

ii. Completion of Section 504 Self Evaluation and Transition plan. Submit the transition plan and the name of the ADA coordinator to certify which elements have been completed (five (5) points). (4-11-06)

iii. Document efforts to Affirmatively Further Fair Housing (fifteen (15) points). (7-1-16)

02. Cost Analysis (forty (40) points). Cost estimates for the project should be an accurate and realistic analysis of the administrative, legal, accounting, engineering or architectural services, property acquisition, construction and closeout costs. The various sources of funding should be assigned to the appropriate parts of the project. In order to receive points, construction costs will need to be: (4-11-06)

a. Identified by a licensed design professional's cost estimate within four (4) weeks of the application due date; (4-11-06)

b. Completed Project Cost Estimate. Estimate should reflect: (4-11-06)

i. Acquisition costs including appraisals, land, relocation, and closing costs; (4-11-06)

ii. Construction costs including divisions 1 - 16 as described in the most recent MASTERFORMAT, Davis Bacon wage rate, overhead, profit, contingency, bonding, permits; (4-11-06)

iii. Design professional fees including design fees, construction administration, and reimbursable fees; (4-11-06)

iv. Grant administration fees including writing and administration; (4-11-06)

v. Soft costs including soil studies, market study, environmental; and (4-11-06)

vi. Financing expenses. (4-11-06)

091. ECONOMIC ADVISORY COUNCIL POINTS.
(Two hundred (200) points). The Council, in assigning these points to the Applications and Addenda, shall consider the degree of impact from the project upon the community and shall compare similar type projects with each other. Consideration may include local ability to finance the project, local effort and commitment to the project, and local and regional economic impact of the project. These points shall be assigned to Applications based upon the Council's review of the information contained in the Application and the staff's review and recommendations. These points shall be assigned to Application and Addendum by the Economic Advisory Council after their review of the Applications and Addenda. The Council shall decide on the amount of points to be assigned to each Application in the Council's regular meeting for reviewing Applications. (4-11-06)

092. AWARD PROCESS.
The Applications will be submitted, reviewed, ranked and recommended by the Department to the Economic Advisory Council. The Council will review the Applications, the staff review process, assign the Economic Advisory Council points, then rank and invite the top ranked applicants to submit an Addenda to their Applications. If the Department receives additional funding, to ensure the process remains competitive and that several projects may be selected for standby projects, the Council shall invite at least two (2) more projects than the amount of PFH set-aside amount. The Council may invite Addendums totaling up to one hundred fifty percent (150%) of the PFH set aside. Applicants may then prepare and submit their Addenda. The Addenda shall be reviewed, ranked and recommended to the Economic Advisory Council. The Council shall review the recommendations, assign the Economic Advisory Council points, rank the Applications and recommend to the Governor the top-ranked projects for which funds are available. Several standby projects may also be recommended. The Governor may review the recommendations and then announce the award of grants to the applicants. Once the Governor's announcement has been made, the Department will contact the grantees to begin the process to develop and execute a grant contract. (4-11-06)

093. ECONOMIC DEVELOPMENT GRANTS.
Economic Development (ED) projects are combinations of eligible activities which are directed toward economic development through the stimulation of private investment, community revitalization, and expansion of economic opportunities principally for LMI persons. These projects meet the national objectives through job creation principally for LMI persons or are designed to prevent or eliminate slum and blight for business and commercial areas for the stimulation of economic development. This generally includes projects which provide public infrastructure for business and industrial park development, rehabilitate publicly-owned commercial and industrial buildings, and revitalize downtown areas. The two (2) categories of ED grants, Business Expansion and Downtown Revitalization, have separate review and ranking criteria. See Award Process, Section 098 for Application and award process details. Economic Development Grants will be funded to a maximum of five hundred thousand dollars ($500,000). (7-6-94)

01. Provision of Public Infrastructure. Cities and counties may apply for grant funds to extend publicly owned infrastructure to a commercial or industrial site. The intent is to help pay the public costs of business development. The infrastructure generally may not extend onto or become part of the private property. The infrastructure may include, but not limited to: sewer, water, street, rail, storm drain, power, gas, phone, and similar systems. A business(es) shall commit to occupying the site(s) served by the infrastructure. The applicant must demonstrate a direct relationship between the infrastructure; the business decision to occupy the site and the job creation principally for Low and Moderate Income (LMI) persons. The infrastructure capacity, in excess of the business needs, is not an allowable grant expense. Such unallowable expense should be apportioned to the other property being served by the excess capacity. (3-20-97)

02. Rehabilitation of Publicly Owned Commercial or Industrial Real Estate. Application may be

made for grant funds to acquire and/or rehabilitate commercial or industrial real estate upon meeting the following criteria. (3-20-97)

a. The business cannot secure financing for the proposed property due to local economic conditions and/or bank requirements or restrictions, but could secure financing for similar property in other locations. (3-20-97)

b. If the real estate is already publicly owned, a description of the acquisition of the property, its current and historical use, and written management policies and practices shall be included in the application. (3-20-97)

c. Rental or lease policies and rates must be described and copies of draft lease agreements must be included in the application. (3-20-97)

d. A fair market rent analysis must be prepared to demonstrate the cost of similar property. Rent payments must be at fair market value for the locality. (3-20-97)

e. A program income reuse plan shall be developed in accordance with Section 171 and included in the application. Rent subsidy to the business is not allowed. (3-20-97)

f. Grant assisted construction must be general in nature and not specific to the business' criteria. Leaseholder improvements are not an allowable expense. (3-20-97)

g. Sale of CDBG assisted or improved real estate cannot occur without Department approval. A deed restriction to this effect shall be executed. Sale of the property must be at the appraised value and monies received is considered program income and is subject to all CDBG regulations. (3-20-97)

094. APPLICATION.
Preparation and filing of the Application and Addendum will be assisted by the Department Staff. (7-6-94)

01. Notice of Intent. Accepted continuously. To be submitted following an applicant's decision to prepare an Application (see Section 061). (7-6-94)

02. Information to Be Included. The Application shall contain the information required by Sections 072 through 074. The Application shall be reviewed and ranked according to the criteria contained in Section 096 or Section 097. The Application may be rejected at any time that, in the opinion of the Department, the evaluation process indicates the project is unable to meet the minimum requirements or that the project will receive a point ranking below the minimum required for approval. (7-6-94)

03. Deadline. ED Applications for job creation projects will be due in on the third Monday of the month prior to a quarterly Economic Advisory Council (EAC) meetings held in January, April, July and October. Applications received after this date will not be presented to the Council at that quarterly meeting. ED Applications for slum and blight downtown revitalization projects will be due in November and if invited to submit an Addendum, in March. (3-19-99)

04. Deadline Exception. The EAC may hold a special public meeting, which may be done through teleconferencing, to consider projects when, in the opinion of the Chairperson, a project's urgency will not permit a delay in processing an Application. (4-11-06)

05. Restrictions. If an applicant has a currently funded ED grant(s), they may apply for an additional ED grant(s) if additional administrative capacity is demonstrated, and, if all previous ED grant(s) are under contract. Only one (1) Ed application for job creation projects is allowed in any quarterly funding cycle with the conditions noted above. (3-19-99)

06. Presentation. If the project passes the threshold point total it will be recommended by the staff to the EAC where the applicant may make a presentation, according to Section 065. (7-6-94)

095. THRESHOLD.

01. Applications Shall Be Reviewed, Assigned Points and Ranked. An Application must receive, at minimum, the following points for staff to recommend it to the EAC for consideration: Downtown Revitalization. (six hundred (600) points); and Business Expansion. (five hundred (500) points). (7-6-94)

02. Application Addendum. An Application must receive a minimum of seven hundred (700) points from both the staff assigned points and the Economic Advisory Council points to be invited to submit an Application Addendum. (7-6-94)

096. REVIEW AND RANKING NARRATIVE FOR BUSINESS EXPANSION PROJECTS.
The following are the review and ranking narrative requirements for those projects which assist business expansion through the provision of infrastructure and creation of jobs. The following minimum criteria must be included in the application by the application deadline in order for staff to review and rank the project and recommend it to the Economic Advisory Council for consideration. (3-30-01)

01. Minimum Criteria. (7-6-94)

a. The project must meet the national objective of benefiting LMI persons through job creation. Fifty-one percent (51%) of all the new jobs created or retained must be held by or made available to a member of a low and moderate income family. (LMI as defined in Section 016). Family income must be certified by the employee at time of hire and must be able to be verified or may be documented through a Department of Commerce screening referral agency. (3-19-99)

b. The applicant must certify compliance with applicable federal circulars A-87, A-110, and A-122 and meet the necessary assurances as listed in Subsection 074.08 as applicable. (4-11-06)

c. A public hearing shall be held on the Application in accordance with Subsection 074.05.d. (7-6-94)

d. The project may qualify as a Special Economic Development Project under Subsections 040.02.a. and 040.02.b. if the project meets the Public Benefit Standards described in 24 CFR Part 570.482 (e) and (f). (3-30-07)

e. Attach an eight and one-half inch (8-1/2") by eleven inch (11") map showing the location of the proposed project in the community. Attach a site plan of the proposed project showing existing and proposed improvements both business and infrastructure; existing and proposed land uses in the surrounding area and natural features and conditions on the site and nearby. (3-20-97)

f. Attach a brief analysis of the business to be assisted, including the market for the product/services to be produced, the business' position in the market, and the financial and managerial capabilities of the business(es) to be assisted. This should also include financial statements and balance sheets for the business(es) to be assisted indicating sales, income, and net position for the prior three (3) years, and the names and experience of senior managers of the business. (4-11-06)

g. Attach a letter of commitment from the business(es) stating their agreement to be part of the grant project, their ability to accomplish their expansion, their understanding of and compliance with all applicable federal regulations, their understanding of and compliance with the payback liability if the jobs creation does not meet federal standards; and their willingness to make available all records and information necessary to document all jobs created by completing and signing the Grant Assistance Agreement and Certification of Compliance with Grant Conditions. (4-11-06)

h. Attach a description of the type and number of all the jobs to be created, a calculation of fulltime equivalents (FTE), and a beginning payroll of the business(es) at the location of the proposed project, a detailed description of the hiring process and any training to be provided. The information should include both current job information and the job creation projected for two (2) years beyond the completion of the grant funded construction. If training is necessary, a training plan and schedule outlining the responsibilities must be included in the application. A description of the quality of new and retained jobs shall be included. A description of the median annual income and fringe benefits package for new or retained jobs shall be provided. (4-11-06)

02. Ranking Criteria (one thousand (1,000) points possible). (7-6-94)

a. Direct new or retained jobs, in fulltime equivalents (FTE's), created within two (2) years of grant construction completion. Net new jobs are those created as a result of the ICDBG, over and above employment at the business site prior to the grant, and which do not include relocated jobs from the assisted business in the same labor market area. Retained jobs are those that would be lost without the ICDBG assistance. A job creation cost of more than thirty thousand dollars ($30,000) ICDBG per job will not be considered. If jobs are not being created or retained, a project cannot be funded. (3-29-10)

b. Quality of New or Retained Jobs (one hundred (100) points). Points in this category are assigned based upon a comparison of the full time equivalent (FTE) wages or salaries created (excluding benefits, and the average county starting salary as determined by the Idaho Department of Commerce. To convert part time or seasonal positions, take the total number of hours of employment created for a given pay rate and divide by one thousand five hundred sixty (1,560). If the average county wage exceeds the state average wage; comparison with the state average will be used. The grantee will be awarded points based upon the percentage of FTE's exceeding the state or county average salary. The formula is: Percentage of jobs above state or county average salary x one hundred (100) = Wage Quality Points. (7-1-16)

c. Fringe Benefits (one hundred (100) points). The businesses creating or retaining jobs as a result of ICDBG assistance shall document their fringe benefit plans. Points will be given as follows: fifty (50) points for an employer funded health plan and fifty (50) points for an employer funded pension plan. The business must provide both to receive full points. (4-11-06)

d. Business Risk and Management (zero (0) to one hundred forty (140) points). The probability of achieving the projected jobs and payroll within one (1) and two (2) years, as determined by the Department. The determination may be made on the basis of: the business plan and schedule, the financial position and a credit analysis of the business; the performance record of senior management of the business project; and other criteria reasonably required by the Department. Projects receiving less than ninety (90) points in this category will be eliminated from further consideration. (7-1-16)

e. Planning, Schedule and Cost (one hundred and seventy (170) points possible). Describe planning efforts to enhance economic development. A detailed and reliable cost estimate and a project construction schedule is required of all Applications. Cost analysis and schedule will receive equal emphasis. Because of the priority the Department and Economic Advisory Council places on project costs and schedule, applicants are advised to seek experienced construction management counsel for their Application. (4-11-06)

i. Planning (one hundred ten (110) points). Describe planning efforts to identify and detail all steps related to the implementation of the entire project. Identify all participants in the process. Describe all the partnerships and relationships involved in implementing the project. This will include local government actions, the business actions, other agency and utility actions, real estate, environmental, legal, financial and grant considerations. (7-1-16)

ii. Schedule (fifteen (15) points). A detailed and reliable schedule of all actions identified in the plan. Also a separate grant funded project construction schedule is required of all Applications. (7-1-16)

iii. Cost (twenty-five (25) points). Detailed cost estimates of all actions, permits, construction, real estate, etc. should be prepared by an engineer or architect. Because of the priority the Department and Economic Advisory Council places on project costs and schedule, applicants are advised to seek experienced construction management counsel for their Application. (7-1-16)

iv. Environmental Scoping (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has completed a Field Notes Checklist as prescribed in the ICDBG Application Handbook. (4-11-06)

f. Local Match (maximum of one hundred (100) points). The total of all local match will be divided by the total of all local match plus the ICDBG amount requested to determine the percentage of local match in the project. This percentage will then be multiplied by one hundred (100) to determine the point value. Applicants shall

state if there is a Revolving Loan Fund (RLF) available in their region and, if so, describe what attempts have been made to secure funds from the RLF for the project. Program Income from previous grants to be used in this project may be considered as local match. (7-1-16)

g. Distressed Areas (twenty (20) points). Maximum points will be given if the project is located in a historically underutilized business (HUB) zone or other similar qualifiers. (7-1-16)

h. Existing Idaho Business (twenty (20) points). To qualify for points, a business must have a significant Idaho presence. (4-11-06)

i. Private Leverage (one hundred (100) points). The points in this category will be calculated by dividing the total of all private investment provided by the business in the project by the ICDBG amount requested and multiply it by one hundred (100). The business' private investment is the capital facilities, real estate and site development costs. Applicants shall provide documentation on the status of private investment, i.e. financing approvals. Payroll and start-up costs are not included in this calculation. (4-11-06)

j. Activities (twenty-five (25) points). Points will only be awarded for the percentage of ICDBG dollars committed to the acquisition, construction, or reconstruction of public infrastructure (Section 024); and for publicly-owned commercial building acquisition and/or rehabilitation for the purpose of assisting a business or businesses. (4-11-06)

k. Grant Management (twenty-five (25) points). Previous track record of grantee and/or experience of grantee and grant administrator. (7-1-16)

l. Economic Advisory Council Evaluation (two hundred (200) points). The EAC will evaluate each Application on the basis of overall value, including its ability to make a significant impact on the Idaho economy and the commitment of the community to the project. The EAC evaluation process shall be prescribed in the ICDBG Application Handbook. (4-11-06)

097. REVIEW AND RANKING OF DOWNTOWN REVITALIZATION.

01. Introduction. Downtown Revitalization occurs only as merchants and landowners and other community representatives implement a series of actions which take advantage of community strengths and the economic and market forces operating in their community. An Idaho Community Development Block Grant program is only one (1) of the resources which can assist a downtown revitalization process. Therefore, the grant Application must be reviewed against the background of the total revitalization efforts. The following areas are reviewed by staff to evaluate the project. (3-19-99)

02. Organization (seventy-five (75) points). This is a measure of the strength and depth of the local commitment to downtown revitalization. Obvious problems and lack of cooperation will detract from the points. The Application should describe how the community is actively organized to plan and implement a downtown revitalization process. At the center of the process there should be a take-charge steering committee representing the major community actors, such as merchants, city officials, local economic development organizations, utilities, and banks. Active subcommittees shall undertake components of the process in promotion, design, and economic restructuring. Other areas include infrastructure, finance, historic preservation, architecture, and various regulations. The process will be unsuccessful without the participation of, communication with, and cooperation from, various local, state and federal governmental agencies. (7-1-16)

03. Assessments (seventy-five (75) points). This is a measure of the accuracy, completeness and comprehensiveness of each of the assessments which underlie the implementation plan. Knowing and understanding the market forces which support a community's downtown is the foundation of any revitalization effort. Consequently, an analysis of the local economy's market or trade area is critical to determine the effort's direction. Only with this information can plans be made to select the mix of goods and services that can be supported and to decide the nature of the improvements to infrastructure, regulations, buildings, and promotional campaigns. The downtown area may no longer be a retail center and maybe some other use is appropriate. This should be identified and the plans accordingly developed around this activity. Therefore, the Application must contain the background studies that were conducted to assess the local economic forces, market conditions, demographics, and sales volumes;

the present conditions of streets and sidewalks, sewers, water and storm drain systems, and traffic patterns; the mix of land uses, conditions of buildings and vacancy rates, physical design, including accessibility for persons with disabilities, and environmental conditions. To receive full points, a community assessment must include market analysis which includes a survey of the primary trade areas, customer market and business and property owner information. (4-11-06)

04. Implementation (two hundred (200) points). The Implementation Plan, by its very nature, needs to be action-oriented, with resources, time frames, and assigned responsibilities for each activity. The Plan should begin with an estimate of the economic potential of the downtown and the effect that revitalization will have upon the businesses and services. Next should be the goal statement(s) of the revitalization effort. Goals should be stated in general terms with implementation activities in specific, measurable terms. Suggested goal statements include marketing, promotion, regulatory, cleanup, and infrastructure. The Implementation Activities should be set out in detail with the responsible party(ies) identified, a completion time frame established, and the needed resources identified. Since revitalization will take a partnership of the public and private sectors to accomplish the goals, the activities may be divided into public and private categories. Points will be assigned to the Implementation Plan as follows: (7-6-94)

a. Preparedness (one hundred (100) points). This is a measure of completeness of downtown revitalization plan. The detail of a downtown revitalization plan should include goals, action items, timelines, costs, visioning, and assessment. (7-1-16)

b. Design Professional Activities (fifty (50) points). This will measure the extent of architectural design or engineering procurement undertaken and to determine the scope of the grant project and estimate costs. (7-1-16)

c. Previous Amount Accomplished (fifty (50) points). This is a measure of all other action items in the implementation plan, how many have been started, and the progress towards completion. (7-6-94)

05. Slum and Blight (two hundred (200) points). This is a threshold which shall be met for the Application to be eligible for review. An Application will be disqualified if, in the opinion of the Department, the project does not meet the definition of Slum and Blight, (Section 020) or does not receive more than one hundred twenty-five (125) points in this category. The geographic boundaries of the downtown area shall be reasonable and officially designated. The conditions within the area shall be described and shall include the condition of all the infrastructure, the conditions of buildings and structures, and the economic forces which are causing the conditions of slum and blight. The Application shall describe the need for the proposed ICDBG project and the impact the project will have on the conditions of slum and blight. This will include the overall impact on the downtown revitalization efforts and the long-term impact on the community. Some project activities may, more appropriately, meet another national objective. If so, it should be described in detail and documented according to the standards for that national objective. (7-6-94)

a. Need and impact (one hundred (100) points). This is a measure of the proposed area's need to prevent or eliminate conditions of slum and blight. It is also a determination of the project's impact on the conditions of slum and blight. A project must address the critical need of the slum and blighted area, have an impact on the economics of the downtown area, and have a measurable impact. The criteria for measuring the impact of the project on the conditions of slum and blight must be described in measurable terms, such as increase in private investment, establishment of new businesses or business expansions, sales growth, improvement in the appearance and value of property, reduction in vacancy rates and increase in housing units. This includes the economic impact and community impact. (7-6-94)

b. Relationship to overall plan (one hundred (100) points). This is a measure of: how the proposed grant project is related to the other actions and needs of the Implementation Plan; whether it is foundational to the revitalization of the downtown economy or it is peripheral to the needs of the economy; and how logically sequenced the activities being proposed are in relation to the other activities. If another national objective is included in the justification for some of the activities, include the description here and it will be judged upon its need and impact as described in this section. (7-6-94)

06. The ICDBG Project (three hundred fifty (350) points). The Application shall generally describe

the eligible activities being proposed for funding. Any combination of eligible activities may be considered in designing the project. The eligible activity(ies) should be located on a detailed map. The relationship of the block grant project to the other implementation activities must be clear. Any matching funds shall be committed with the sources and schedules identified. All the other collateral implementation activities should be discussed and the funds expended documented. The Application shall describe the following items: (4-11-06)

a. Project Local Match (one hundred (100) points). The amount and percentage of "local match" firmly committed to the grant project shall be described. Evidence of commitment shall be provided by letter or agreements. Applicants shall state if there is a Revolving Loan Fund (RLF) available in their region and, if so describe what attempts have been made to secure funds from the RLF for the project. Program income from previous grants to be used in this project may be considered as local match. This total local cash match will then be added to other local match i.e. revenue bonds, in-kind match, etc. The total of all local match will then be divided by the total of all local match plus the ICDBG amount requested to determine the percentage of local match in the project. This percentage will then be multiplied by one hundred (100) to determine the point value. (7-1-16)

b. Project Other Match (one hundred (100) points). The percentage of other funds committed to the proposed ICDBG project from private and other state and federal sources. The percentage shall be calculated by dividing the total of the other sources by the sum of total project costs which is all match plus the ICDBG request. The percentage times the points (one hundred (100)) will determine the amount of points assigned. (7-1-16)

c. Related Implementation Expenditures (sixty (60) points). The percentage of private investment or related expenditures spent on the other implementation plan action items compared to the ICDBG funds being requested. Amounts spent within one (1) year prior to the grant Application submittal and those committed to be spent during the year following the submittal of the Application may be counted for this section. The percentage shall be calculated by dividing the total of the other funds by the sum of other funds plus the ICDBG request. The percentage multiplied by the points (sixty (60)) will determine the amount of points assigned. (4-11-06)

d. Long-term Program Involved (ninety (90). The use of grant funds to leverage a payback mechanism so that funds will sustain the downtown redevelopment efforts over the long term. For example, this can be done through various types of loans, fees, bonds and tax increment financing, improvement districts, urban renewal, or resort city tax. The pool of funds is to be dedicated to the downtown area. (7-1-16)

07. Economic Advisory Council Points (one hundred (100) points). The EAC, after reviewing the staff's ranking and recommendation, shall award its points based upon both the information presented and the Application. The EAC may award all or some of the points depending upon its opinion that the grant will promote the revitalization of the downtown economy. Projects which only fix a problem but do not leave the downtown in a better economic condition would receive fewer points. (4-11-06)

098. AWARD PROCESS.

01. Evaluation of Proposal. Upon receipt of an Application, Department staff shall conduct an evaluation of the proposal and verify the information contained therein. Such evaluation and investigation will ensure the availability of all information necessary for rating the Application. The review will also establish a high probability that the project is viable, the business is committed, and that a national objective can be met. The Applications will be submitted, reviewed, ranked, and recommended by the Department to the EAC to make a presentation according to Section 065. (4-11-06)

02. Ranking. The EAC will review the Applications, staff review process, assign the EAC points, and rank the Applications. The top-ranked applicants will be invited to submit their Addenda to the Department. The Addenda shall amend and expand upon the Application. Department staff shall inform the applicant as to additional information, documents and actions necessary to complete full application. The staff will review and rank the Addenda, checking that all requirements are met. Applications will be recommended to the Governor for funding if submitted before the next EAC quarterly meeting, and if the Application and Addenda contain sufficient assurances and commitment. (4-11-06)

099. COMMUNITY CENTER AND SENIOR CITIZEN CENTER GRANTS.

01. Community Center Grants. Community Center Grants are part of a competitive application process which is separate from the PFH project grants in the annual grant selection process. They are only for Community Centers, not for other facilities such as shelter homes, nursing homes, and housing. Only cities or counties may apply. CC grants will be funded to a maximum of one hundred fifty thousand dollar ($150,000). See Section 107 entitled Award Process, for details on the award process. (7-1-16)

02. Senior Citizen Center Grants. Senior Citizen Center Grants, which address the need for community centers for senior citizen groups, are part of a competitive application process which is separate from the PFH project grants in the annual grant selection process. They are only for Senior Citizen Centers, not for other facilities such as shelter homes, nursing homes, senior housing and other geriatric facilities. Only cities or counties may apply. SR grants will be funded to a maximum of one hundred fifty thousand dollar ($150,000). See Section 107 entitled Award Process, for details on the award process. (7-1-16)

03. Public Parks Grants. Public Parks Grants are part of competitive application process which is separate from the PFH project grant in the annual grant selection process. They are only for public parks, not for recreation facilities. Only cities and counties may apply. PK grant will be funded to a maximum of one hundred fifty thousand dollars ($150,000). (7-1-16)

04. Eligible Uses. The following are eligible uses of Community Center, Senior Citizen Center, and Public Park Grants: construction of facilities; purchase of facilities; rehabilitation of facilities; purchase of essential fixtures (a fixture is defined as equipment that is permanently attached to the building); and removal of architectural barriers for the handicapped. (7-1-16)

05. Local Match Committed to the Project. Match can be in the form of dollars, land, building materials and fixtures, volunteer labor, and waived fees. In the case of new construction or purchase and rehabilitation, the appraised or assessed value of donated real estate can be part of the match. Value of an existing facility cannot be used as match when the grant is for rehabilitation and/or expansion of the facility. Firm commitments of donated money, material and/or real estate must accompany the Application. (7-1-98)

06. Priorities in Funding. (7-6-94)

a. For Community Centers, the first priority for funding will be remodeling existing facilities to meet Title III Standards, to meet building codes, to provide adequate handicapped access and facilities and to provide adequate kitchen facilities for serving community or neighborhood residents. The second priority for funding will be construction of a new facility to replace an existing center. This will be considered only when the applicant demonstrates that the existing facility cannot be restored to adequate facility standards or that the cost of rehabilitation exceeds the cost of new construction, or that the facility is too small for the number of persons who presently use the facility and expansion costs of the existing structure exceed new construction costs; or the construction of a community center facility is in a community where no facility now exists; but only where other Community Center facilities are not available, and if adequate local operating funds are committed. (7-1-98)

b. For Senior Citizen Centers, the first priority for funding will be remodeling existing facilities to meet Title III Standards, to meet building codes, to provide adequate handicapped access and facilities and to provide adequate kitchen facilities for serving the current senior citizen membership. The second priority for funding will be: construction of a new facility to replace an existing center. This will be considered only when the applicant demonstrates that the existing facility cannot be restored to adequate facility standards or that the cost of rehabilitation exceeds the cost of new construction, or that the facility is too small for the number of Seniors who presently use the facility and expansion costs of the existing structure exceed new construction costs; or the construction of a Senior Center facility in a community where no facility now exists; but only where: other Senior Center facilities are not available; and if adequate local operating funds are committed. (7-1-98)

c. For Public Parks, the first priority for funding will be for cities or counties who are area-wide low-to-moderate income. The second priority for funding will be improving existing park facilities to meet playground equipment standards, ADA compliance, and to provide adequate facilities and fixtures for serving community and neighborhood residents. The last priority for funding will be construction of a new park. New park construction will only be considered when the applicant can demonstrate there is sufficient need and demand for the park. Existing or new, priority will be given to parks whose service area (typically one-half (½) mile radius) is lower income when

compared to other neighborhoods or areas of the community. (7-1-16)

100. APPLICATION.
The Application shall identify the eligible components of the center or park and define which items are critical, necessary, or potential concerns for the health and safety of persons using the facility. The projects with the highest needs and the greatest preparedness to proceed would be recommended for funding. (7-1-16)

01. Notice of Intent. (See Section 061) (7-6-94)

02. Deadline. CC, SR, and PK Applications will be due on the first Friday of March, June, or September each year, as specified in the Application Handbook. The Application shall be submitted according to Section 062. The EAC will review the Applications and make funding recommendations at the April, July, or October Council meeting. (7-1-16)

03. Information to Be Included. The Application shall contain the information required by Section 074. The general project description (Subsection 074.06) shall contain the additional information described below. The Application shall be on the forms provided by the Department and according to the format described in Sections 072 and 073. The Application shall also address the center's geographic service area, the number of beneficiaries in the service area, other demographic data including minority and handicapped status, and the needs and impact of the project upon the lives of the residents, neighborhood, or senior citizens. (7-1-98)

04. Restrictions. An applicant is not qualified to apply for a CC, SR, or PK grant if it has a currently funded community center, senior citizen facility grant, or public parks grant, the funds of which are not eighty percent (80%) drawn down as shown on the Department's records as of the last date for accepting Applications. (7-1-16)

05. The General Project Description Shall Address the Following Information. (7-6-94)

a. Health Services. If the center is a designated meal site, provide information of the number of meal days weekly and the number of meals served weekly, monthly, and annually. This information should include any outreach services. Other health services provided at the center should be described. Also, the average number of education activities scheduled per month should be included. Any provision or plans to provide adult day care should be described. (7-1-98)

b. Building Information. The Application shall describe the building's physical condition including the square footage of the building, roof condition, exterior conditions, foundation conditions, parking and floor and other structural conditions. (7-6-94)

c. Interior Building. The conditions of the interior of the center should be described, including electrical and plumbing conditions, handicapped access to building and interior spaces, handicapped bathrooms, heating and air conditioning equipment conditions, energy efficiency and weatherization of building, kitchen and food storage conditions and fire safety conditions. (7-6-94)

d. Match Committed. The amount of local funds and in-kind match that the center can commit to the project should be described and documented. (7-6-94)

e. Planning of the Project. The planning efforts for the center or park should be described. This may include the efforts to determine the needs of the center or park, and the solicitation of community and local government support. Items such as Health and Safety inspections, architectural or engineering designs, Area Agency inspections and recommendations, schedules of project construction and cost estimates may be included. (7-1-16)

f. Park Information. The Application should describe the park's physical condition including size, apparatus or playground fixtures for older children, playground equipment, section for pre-school children, open space for informal play, surface area for court games, field for group games, splash pad, porticos, restrooms, picnic areas, sidewalks, parking, and ADA accessibility. (7-1-16)

06. Presentation. Following selection of the Application by the Department staff. According to Section 065. (7-6-94)

101. REVIEW AND RANKING PROCESS.
The Application shall be reviewed according to the following point categories and shall be based upon the information submitted and any additional information requested by the Department. (one thousand (1,000) points possible). (7-6-94)

01. Physical Conditions (three hundred fifty (350) points). Points will be assigned to the needs of the center or park based upon the number of needs and the urgency of the needs. Department staff shall, upon review of the documentation and descriptions in the application, determine a rating from one (1) to nine (9) based upon the criticalness and urgency of each of the following problems. The ratings will be totaled and ranked. Those Applications ranking the highest will receive the most points. The Application should also include a facility plan or building assessment.

TABLE 5 -- "CRITICALNESS AND URGENCY OF PROBLEMS"				
		Problem or Need Rating		
		Violation of Laws/ Bldg. Codes/ Health and Safety Concerns	Health and Safety Problems	No Violations or Health and Safety Concerns
Identified in Project Description Narrative	Identification of Problem	Critical 9	Urgent 5	Potential Con-cern 1
	Physical Conditions: Structural Problems			
	Roof			
	Walls			
	Foundation			
	Floors			
	Weatherization			
	Expansion for adult day care			
	New Center			
	Other			
	Interior Problems:			
	Asbestos/lead based paint			
	Bathrooms			
	Access for persons with Disabilities			
	Electrical/plumbing/ lighting			
	Heating/air conditioning			
	Fire safety			

TABLE 5 -- "CRITICALNESS AND URGENCY OF PROBLEMS"				
		Problem or Need Rating		
		Violation of Laws/ Bldg. Codes/ Health and Safety Concerns	Health and Safety Problems	No Violations or Health and Safety Concerns
Identified in Project Description Narrative	Identification of Problem	Critical 9	Urgent 5	Potential Con-cern 1
	Unusable space			
	New Center			
	Unusable space			
	Other			
	Kitchen and Food Storage:			
	Health inspection			
	Capacity of dry storage			
	Capacity of cold storage			
	Equipment			
	New Center			
	Other			
	Access for Persons with Disabilities			
	Parking			
	Entry			
	Bathrooms			
	New Center			
	Parks			
	Playground fixtures for older children			
	Playground fixtures for preschool children			
	Open space for informal play			
	Surface area for court games			
	Fields for group games			
	Splash pads			
	Porticos			

TABLE 5 -- "CRITICALNESS AND URGENCY OF PROBLEMS"				
		Problem or Need Rating		
		Violation of Laws/ Bldg. Codes/ Health and Safety Concerns	Health and Safety Problems	No Violations or Health and Safety Concerns
Identified in Project Description Narrative	Identification of Problem	Critical 9	Urgent 5	Potential Con-cern 1
	Restrooms			
	TOTALS:			
		ASSIGNED RANKING		

(7-1-16)

02. Project Implementation (two hundred (200) points). Points will be assigned according to the apparent effort made to determine the needs of the center, the nature of the problems, the solutions, and the costs of the project and a realistic schedule for implementing the project. (7-1-16)

a. Planning (forty (40) points). This is a measure of the effort to structure, develop, design, and complete preliminary construction approval steps. (7-1-16)

b. Design Professional (twenty (20) points). This is a measure of the effort made to issue an RFP and complete a design professional selection process. This process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, proof of published notice if applicable, and completed evaluation rating sheets must be submitted. This would include vendors or suppliers. (7-1-16)

c. Schedule Grant Administration (twenty (20) points). This is a measure of the effort made to issue an RFP and complete the administrator selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, solicitation process, and completed evaluation rating sheets must be submitted. (7-1-16)

d. Schedule (five (5) points). This is a measure of the effort to schedule all the project activities including the different grant requirements and contractors that may be involved. This would also include vendors for suppliers. (7-1-16)

e. Costs (twenty (20) points). This is a measure of the effort to determine reasonable cost estimates for various elements of the project. (7-1-16)

f. Environmental Scoping (ten (10) points). This is a measure of the effort made to complete a Field Notes Checklist as prescribed in the ICDBG Application Handbook and mailed out environmental information request letters before submission of Application. (7-1-16)

g. Property Acquisition (twenty (20) points). A measure of the effort of the applicant or sub-recipient to achieve project site control. (7-1-16)

h. Administrative Capacity (sixty five (65) points). A measure of ICDBG project track record and general stability of applicant and sub-recipient. Review may include financial audit reports, board make-up, staff turnover and recall elections, completion of Section 504 Self Evaluation and Transition plan, and documented efforts to Affirmatively Further Fair Housing. (7-1-16)

03. Benefits (one hundred fifty (150) points). (7-6-94)

a. Activities Provided (one hundred (100) points). This is a measure of how well the center or park is meeting the needs of its members, neighborhood, or community. It is based upon the number and quality of activities and services the center or park is providing on an annual basis. Service days will be calculated by taking the number of days an activity or service is offered during the course of the month multiplied by twelve (12). Activities can include health, recreational, social, educational, and transportation services. Quartile points may be assigned to this area.

TABLE 6 - "Ranking By Quartiles"	
Highest Quartile	One hundred (100) points
Second Quartile	Sixty (60) points
Third Quartile	Thirty (30) points
Fourth Quartile	zero (0) points

(7-1-16)

b. Low and Moderate Income and Minority Outreach Activities (fifty (50) points). This is a measure of existing or proposed efforts made to include low and moderate income and minority participation in the center's or park's activities. (7-1-16)

04. Match (one hundred (100) points). Cash and in-kind donations which are committed to the project shall receive points according to the percentage committed up to the total points in the category of match. (4-11-06)

a. The sixty (60) points for cash match shall be assigned on a quartile basis by taking the percentage resulting from the division of cash match by the total project. Quartile points will be assigned to this area in a descending order based upon the percentage of cash match in the project. (3-30-01)

i. First Quartile -- sixty (60) points. (3-30-01)

ii. Second Quartile -- thirty (30) points. (3-30-01)

iii. Third Quartile -- fifteen (15) points. (3-30-01)

iv. Fourth Quartile -- zero (0) points. (3-30-01)

b. The forty (40) points for in-kind match shall be assigned on a quartile basis by taking the percentage in-kind match divided by the total project. Quartile points will be assigned to this area in a descending order based upon the percentage of in-kind match in the project. (3-30-01)

i. First Quartile -- forty (40 points. (3-30-01)

ii. Second Quartile -- twenty (20) points. (3-30-01)

iii. Third Quartile -- ten (10) points. (3-30-01)

iv. Fourth Quartile -- zero (0) points. (3-30-01)

102. -- 105. (RESERVED)

106. ECONOMIC ADVISORY COUNCIL POINTS.
(Two hundred (200) points). The EAC, in assigning these points to the Applications, shall consider the degree of

impact from the project upon the community and shall compare similar type projects with each other. Consideration may include local ability to finance the project, local effort and commitment to the project, and local impact of the project. These points shall be assigned to Applications by the EAC after their review of the Applications. The EAC shall decide on the amount of points to be assigned to each Application in the EAC's regular meeting for reviewing Applications. (4-11-06)

107. AWARD PROCESS.
The Department shall review the Applications submitted with the EAC during its April, July, or October meeting. The EAC, after reviewing the Applications, and staff recommendations, will assign the points and recommend Applications to the Governor for funding and standby status. (7-1-16)

108. IMMINENT THREAT GRANTS.
Five percent (5%) of the annual CDBG allocation or three hundred thousand dollars ($300,000), whichever is less, shall be reserved to fund activities which will alleviate an imminent threat to public health or safety which requires immediate resolution. Each grant amount will not exceed one hundred thousand dollars ($100,000). Only imminent threat grant Applications which meet the criteria in Section 109 will be presented to Economic Advisory Council for funding consideration. (7-1-16)

109. APPLICATION.

01. Notice of Intent. Not necessary. (7-6-94)

02. Information to Be Included. An Imminent Threat Grant Application shall contain all the information required in Sections 072 through 074 with the exception of Subsection 074.09. Section 110 entitled Imminent Threat Determination, shall replace Subsection 074.09. (7-6-94)

03. Deadline. Imminent Threat Grant requests may be submitted at any time by any eligible applicant even though they have a current grant. The funding for Imminent Threat Grants not applied for will be carried over into the next fiscal year and added to the allocation as carry over funds. (7-6-94)

04. Presentation. According to Section 065. (7-6-94)

110. IMMINENT THREAT DETERMINATION.

01. An Imminent Threat, as Defined in Section 021. (7-6-94)

02. Documentation. Communities requesting an imminent threat grant shall document the following: (7-6-94)

a. The existence of a threat to public health or safety. Describe the nature of the threat; describe the immediacy of the threat; describe what caused the threat to arise; describe what harm will occur to people if the threat becomes an event; identify how the funding will eliminate the threat and protect human health or safety; and provide an official declaration of emergency by the governing body. (7-6-94)

b. Appropriate agency verification of: the existence of the threat (verified by letter of an appropriate agency); the potential for immediate harm; in their judgment, the need for immediate resolution of the threat to avoid physical harm to people. (7-6-94)

c. Unusual circumstances. Describe how the threat is an unusual circumstance and not a common problem of cities and counties. If the problem is one of long standing (longer than six (6) months), what changes made it become an imminent threat? (7-6-94)

d. No other funding sources are available. List the agencies worked with, including persons contacted and phone numbers or letters of response from agencies; list the reason each agency cannot assist; document why local funds cannot be used to relieve the situation; if the problem is of long standing, what local efforts have been made to solve the problem before it became a threat? (7-6-94)

03. Review and Recommendation. The Department shall review the Application and make a recommendation to the Economic Advisory Council which shall review the recommendation and recommend either funding or no funding to the Governor. (7-6-94)

04. Eligible Costs. In cases where a local government has incurred costs to deal with the imminent threat while the Application is being prepared and reviewed, the Department may authorize those block grant eligible costs to be included in the grant and paid for with grant funds. Those costs must be included in the Application and they must be directly related to the relief of the emergency. By no means shall any such costs create an obligation on, or liability for, the Department to recommend approval of a grant. All costs incurred before grant approval are the responsibility of the local government until approved by the grant award. (7-6-94)

111. SPECIAL ALLOCATIONS -- IMMINENT THREAT URGENT NEED.
Special Urgent Need Allocations shall be administered by the department when: (3-20-97)

01. Presidentially Declared Disaster. The threat is determined to be a Presidentially Declared Disaster; and (3-20-97)

02. Appropriation Allocated. A special Idaho Community Development Block Grant appropriation has been allocated to the Department through the HUD Community Development Block Grant Program. (7-1-16)

112. SPECIAL ALLOCATIONS - APPLICATION.

01. Information to Be Included. Information to be included shall be consistent with Subsection 109.02. (3-20-97)

02. Special Urgent Need Grants. Special urgent need grants under this program can be submitted by eligible applicants when conditions in Section 111 exist. (3-20-97)

113. SPECIAL ALLOCATIONS - IMMINENT THREAT DETERMINATION.

01. An Imminent Threat/Urgent Need. An Imminent Threat/Urgent Need is defined by HUD. (7-1-16)

02. Documentation. Communities requesting an imminent threat grant shall contain all information shown in Subsections 110.02.a., 110.02.b., and 110.02.d., 110.03 to 110.04. (3-20-97)

114. -- 115. (RESERVED)

116. SPECIAL ALLOCATIONS - REVIEW PROCESS.
If staff, through reviewing the project, find that the applicant meets the criteria in Section 110, the Application may be recommended to the EAC for review. (7-1-16)

117. AWARD PROCESS.
The staff shall review the project, the Application, and any additional information requested. The staff shall assist the applicant in the development of the project. If, after the Economic Advisory Council reviews the project and receives the staff's recommendation for funding, it finds that an imminent threat exists, the Council may recommend the project to the Governor for funding. (7-6-94)

118. TECHNICAL ASSISTANCE.
To assist communities and applicants in their planning efforts and discourage uncoordinated piecemeal approaches to solving community problems, one percent (1%) of the annual CDBG allocation shall be set aside for technical assistance. (7-1-16)

119. -- 134. (RESERVED)

135. ACCESSIBILITY TAG-ON FOR PERSONS WITH DISABILITIES FUNDING.

01. Additional Activity. An applicant may include in their PFH or ED application as additional activity to improve the accessibility of public buildings for persons with disabilities, if the applicant meets all of the following conditions: (3-19-99)

a. The applicant has adopted a Section 504 Transition Plan; (3-19-99)

b. The applicant's total grant request does not exceed the maximum grant amount allowed for PFH or ED grants; (3-19-99)

c. The applicant matches the ICDBG access funds requested with local matching funds; (7-1-16)

d. The grant funds requested for this activity does not exceed ten thousand dollars ($10,000); (3-19-99)

e. And the applicant can show previous progress in implementing the Transition Plan. (3-19-99)

02. Separate Description and Cost Estimate. The applicant shall provide a separate description of the handicapped accessibility items to be improved and a separate cost estimate. The activities shall be included in the general project budget and schedule. (7-6-94)

136. -- 151. (RESERVED)

152. GRANT AWARD.

01. Funding Allocations. Each year the Department will receive an allocation from the Department of Housing and Urban Development. This allocation is derived from the formula contained in 42 USC, Sec. 5301, the Housing and Community Development Act of 1974, as amended. The allocation shall be generally divided in the following manner to establish target amounts for decision making by the Economic Advisory Council (EAC): first, the amount specified in 24 CFR 570.489 (see Subsection 004.01) shall be reserved for the Department's administrative costs; second, one percent (1%) of the total shall be reserved for Technical Assistance; third, five percent (5%) or three hundred thousand dollars ($300,000), whichever is less, of the total allocation shall be set aside for Imminent Threat (IT) grants; fourth, ten percent (10%) or nine hundred thousand dollars ($900,000) whichever is less, of the total allocation, shall be set aside for Community Center (CC), Senior Citizen Center (SR), or Public Parks (PK) grants; fifth, any program income, recaptured funds, or carryover funds from the previous fiscal years shall be added to the remainder; and finally, of the remainder, fifty percent (50%) shall be reserved for Public Facilities or Housing (PFH) grants and fifty percent (50%) for Economic Development (ED) grants. These targeted amounts may be more or less than the actual amount funded in each category depending on the needs and requests identified in the applications submitted and may shift according to Subsection 152.02. (7-1-16)

02. Shifting of Funds. The above allocation divisions are to establish target amounts for decision making by the Economic Advisory Council (EAC). This division shall be made for the January EAC meeting. These targets may be modified at any time by the Department Director with the advice of the EAC depending on the needs and requests identified in the applications submitted. If in any quarter there are surplus funds in the ED category, the Department Director, with the advice of the EAC, may shift funds back to the PFH, CC, SR, or PK category to fund standby projects. Otherwise, surplus funds not awarded to ED projects in a quarter shall be carried into the succeeding quarter ED set-aside. (7-1-16)

03. Standby Applications. At its quarterly meeting in April of each year, the Economic Advisory Council (EAC) may recommend PFH, CC, SR, or PK Applications for funding even though not enough funds are available to fund the project(s). These Applications become "standby projects." Standby projects shall be eligible for funding should additional funds become available or surplus funds exist in the ED category. At any subsequent quarterly meeting, the Advisory Council may review and recommend a standby project to the Governor for funding. Standby status shall continue through the fourth quarterly meeting. Any standby projects not funded may be invited to submit an Addendum for the next Fiscal Year, thus bypassing the Application stage of the application process. However, the Application must remain eligible and must continue to meet all requirements of the program rules. The standby applicant shall update its Application during the Addendum process. (7-1-16)

04. Termination of Project Selection for Funding. (7-6-94)

a. If, during the period between the award of a grant and signing of a grant contract, a project loses its viability, its status of being selected for funding may be terminated by the Department. The Department shall, by letter, notify the applicant that in the judgment of the Department, the applicant's project is no longer viable and that the applicant has a clearly stated period of time no less than fourteen (14) days to demonstrate the project's viability. If viability cannot be demonstrated within the stated period of time the award of the grant status shall be considered terminated and the funds be made available for the next standby project. (7-6-94)

b. After a grant contract has been executed, the Department shall periodically evaluate the progress of the project. If, at any time, the project loses viability and/or cannot be completed as described in the Application, the Department shall, by letter, notify the grantee that the grant contract shall be terminated within a clearly stated period of time of no less than fourteen (14) days from the date of the letter. The grantee may, within the stated period of time, demonstrate substantial progress on the project and request the Department revoke the termination. If viability cannot be demonstrated within the specified amount of time, the grant shall be considered terminated. (7-6-94)

c. Loss of viability will be defined to include: the inability to secure the other project financing; the lack of due diligence to pursue the implementation of project requirements; the lack of local coordination with all funding and regulatory agencies; the inability to develop agreements necessary to manage the cash flow and ownership of the project where several different entities are involved in the project; and the inability to complete a project of the same general size and benefits as presented in the application. (7-6-94)

05. Excessive Funds. In the event a project can be completed for less than the grant amount, the difference between actual project costs and the grant amount shall be reserved by the Department for standby projects, or added to the total of the next fiscal year allocation for distribution. The Department shall amend the grant contract to reflect the reduced costs. In extraordinary circumstances the excess funds may be used for an eligible activity which further enhances the project as described in the Application. Before the Department decides to allow the additional activity, the grantee must demonstrate the activity will provide an equal or greater benefit than the original project; it will increase the benefits to low and moderate income persons, it will be completed within the original time frame, and the additional activity will be completed with the excess funds. The grantee must also show completion of the original project, its objectives and benefits. (7-6-94)

06. Amendment of Project. A funded project as described in the Application shall not be changed without prior approval from the Department Director. Any amendment of the project shall be reviewed to determine if the project will retain its competitive ranking in the Application review and ranking system. Any amendment shall provide equal or greater benefits than the original project. In unusual circumstances, the Department Director may approve a grant amendment increasing the grant amount, provided unobligated funds are available. In unusual circumstances the Department Director may waive the ten percent (10%) limitation on administrative costs when, in the opinion of the Department, the complexity of the project warrants an increase. (7-6-94)

07. Allowable Costs. Once an applicant has been invited to submit an Addendum and prior to the effective date of a grant contract an applicant submitting an Addendum may obligate and spend out of local funds for the purpose below. If awarded a grant and after the effective date of the grant contract, the grantee may be reimbursed for these costs provided such locally funded activities are undertaken in compliance with the program requirements (including but not limited to procurement, financial, acquisition, environmental and the ten percent (10%) limitation on administrative costs). Other project costs shall not be incurred until the Special Terms and Conditions of the contract are completed by the grantee and the funds released by the Department. (See Section 080.) (7-6-94)

a. Planning, Design and Administration. Procure and proceed with administrative and architectural or engineering services, adopting the Fair Housing Resolution and the Anti-Displacement Plan, and having public hearings. (7-6-94)

b. Project Costs, such as: preliminary and final Engineering Design, preliminary and final Architectural Design, conducting the Environmental Assessment, and completing procedural requirements for acquisition, but not the cost of the property. (7-6-94)

08. Audit Requirements. All ICDBG projects shall be audited annually or biannually in accordance

with Sections 50-1010 and 31-1701, Idaho Code, the Single Audit Act of 1984, the implementing regulations in OMB Circular A-133, and all applicable federal audit standards, and other applicable state laws. Audits shall include any management letters associated with the audit. The audit shall be submitted to the Legislative Auditors Office within thirty (30) days of completion. Grantees shall require sub-grantees to provide audits conducted according to applicable federal and state laws, regulations and standards. The grantee shall have these audits reviewed as part of the grantee's audit. This review shall be commented and noted in the audit report. This review shall opine that sub-grantees are in compliance with the applicable program laws, regulations, contracts, and standards. (3-19-99)

153. PROCUREMENT.
Grantees and sub-recipients will follow state and federal procurement law as outlined in the most recent ICDBG Grant Administrator's Manual. (4-11-06)

154. -- 163. (RESERVED)

164. CHANGE OF USE OF REAL PROPERTY.

01. Time Frame. These standards apply to real property which was acquired or improved (in whole or in part) with more than twenty-five thousand dollars ($25,000) of ICDBG funds. These standards shall apply from the date of closing on the real property (when title and funds are transferred) until five (5) years after grant closeout. (7-6-94)

02. Standards. A grantee shall not change the use, planned use or beneficiaries of real property acquired or improved with ICDBG funds without consulting with affected citizens and the Department. A grantee may change the use, planned use or beneficiaries of real property acquired or improved with ICDBG funds after consultation with affected citizens and the new proposed use is determined by the Department to meet one of the National Objectives (See Section 015) and is not an Ineligible Activity (See Section 052). The grantee shall follow its Citizen Participation Plan to provide affected citizens reasonable notice and opportunity to comment on any proposed changes. If, after consultation with affected citizens, the grantee determines to change the use of the real property to a use which does not meet a National Objective or is an Ineligible Use; the grantee shall reimburse the Department's ICDBG program the fair market value of the property. The reimbursement shall be the prorated share of the ICDBG funds initially paid for the property plus any ICDBG funding improvements. The fair market value shall be established by an appraisal. After receipt of the reimbursement to the ICDBG program, the real property is no longer subject to ICDBG and any federal requirements. (7-6-94)

165. -- 170. (RESERVED)

171. PROGRAM INCOME.
Program income will be administered in accordance with 24 CFR 570.489 (see Subsection 004.01). (3-29-10)

172. -- 190. (RESERVED)

191. CONFLICT OF INTEREST.
It is the policy of the ICDBG Program that the grant management shall be conducted in an equitable manner and that public funds shall be expended in a fair, efficient and effective manner. Therefore every effort should be made to assure the public that no conflicts of interest exist in the management of the program funds and that those cases that do occur from time to time shall be disclosed and that appropriate actions have been taken to avoid and abstain from conflict of interest situations. The Conflict of Interest Policy shall be administered in accordance with Sections 59-701 through 59-705, Idaho Code, "Ethics in Government Act of 1990," and 24 CFR 570.611 (see Subsection 004.02). (3-29-10)

192. -- 204. (RESERVED)

205. GRANT CLOSEOUT.
Grant closeout will be in accordance with the federal requirements stated in OMB Circular A-102 or as authorized by the U.S. Department of Housing and Urban Development. (7-6-94)

206. -- 210. (RESERVED)

211. SANCTIONS INVOLVING GRANTEES.

01. Compliance. The Department is responsible for determining when an ICDBG grantee has or has not complied with all appropriate requirements of Title I of the Housing and Community Development Act of 1974, as amended, and the ICDBG rules. If, after notice and consultation, the Department determines that the grantee has failed to take proper action to insure compliance or that the grantee's ICDBG project has not met appropriate requirements of Title I of the Housing and Community Development Act of 1974, as amended, the Department may then take appropriate sanctions against the grantee. (7-6-94)

02. Sanctions. The Department will evaluate the appropriateness of sanctions on a case by case basis. However, the Department will endeavor to allow the grantee the opportunity to propose a workable and timely resolution of matters found to be in non-compliance. In determining the level of sanctions, if necessary, appropriate to a particular grantee or a situation, the Department may decide to use any one (1) or a combination of the following sanctions: letter of warning to the grantee requiring immediate corrective actions; withholding of unexpended grant funds until compliance is achieved; cancellation of unexpended grant funds and termination of the grant contract; requiring all accumulated and/or future program income to be reimbursed to the Department; requiring the grantee to pursue appropriate legal remedies; requiring the grantee to reimburse the state an appropriate amount with funds recovered from appropriate legal remedies; requiring all accumulated and/or future program income to be transferred to another approved Title I activity or project; prohibiting a grantee from participating in the ICDBG program for a period of time determined by the Department; prohibiting a grantee from participating in certain activities with ICDBG funds or program income; and requiring a grantee to reimburse the Department the full amount of the ICDBG funds that are not in compliance with Title I of the Housing and Community Development Act of 1974 as amended, ICDBG rules and/or the grant contract and the assurances. (7-6-94)

212. APPROVED GRANT ADMINISTRATORS.

01. List of Approved Administrators. The Department requires all grantees to use approved grant administrators in all ICDBG projects. The Department will maintain a list of individuals which are approved by the Department to manage block grant projects. (3-30-07)

02. Criteria. The Department will use the following five (5) criteria to evaluate the qualifications of individuals desiring to become approved grant administrators: past record of experience with all types of grants; local government experience and background; record of past performance (if any) in administering ICDBG projects, including: monitoring findings, complaints, and commendations; timeliness of decision making, and successful coordination of projects; successful completion of a technical examination developed and administered by the Department, which may modify the examination to reflect program changes; and division staff review of a person's ability to successfully administer a grant, communicate, solve problems, apply regulations and requirements, and complete project and program requirements in a timely manner. (3-30-07)

213. GRANT ADMINISTRATOR APPLICATION PROCESS AND ANNUAL REVIEW.
To apply for grant administrator certification status individuals shall submit an application to the Department. Applicants shall submit a letter requesting approval and a resume describing their experience and performance. The Department will review the application, the examination results and the Department's experience with the individual (Subsection 212.02). This application and review will occur on an as needed basis beginning with the annual grant awards. The Department will determine when an individual has sufficient qualification and experience to be placed on the approved grant administrator list. (3-29-10)

214. SANCTIONS INVOLVING APPROVED GRANT ADMINISTRATORS.
The Department, in order to ensure the highest level of performance by approved grant administrators, may require remedial actions be undertaken upon receipt of a valid complaint or finding. Such recommendation will be made only after a timely and impartial investigation process in which the rights of all parties are protected. (3-30-07)

215. BASIS OF IMPOSING SANCTIONS.
The Department may take sanctions against an approved grant administrator as a result of any of the following actions: inability to complete project administration; findings of non-compliance or violation of federal or state rules and regulations; termination by a grantee of an administrative contract for cause; lack of cooperation in completing or

complying with program requirements; or gross negligence. (3-30-07)

216. PROCESS TO IMPOSE SANCTIONS.

01. Written Complaint. Upon receipt of a written complaint alleging conduct in the immediate preceding paragraph, or upon discovery of a problem through project monitoring, the Department shall immediately investigate the circumstances giving rise to such complaint, document the findings, and endeavor to make a determination of action within fifteen (15) days of the receipt of the complaint. The actions in Section 215 will serve as a conduct guide. (7-6-94)

02. Response. The approved grant administrator shall be given a copy of the complaint and the investigation report and have fifteen (15) days to respond to the complaint in writing. The Department shall then review the complaint and the response, and determine the appropriate sanction, if any, to be imposed. All parties to the complaint shall be notified in writing of the determination. (3-30-07)

03. Administrative Appeal. Any person who is aggrieved by a decision regarding the imposition of sanctions shall be entitled to an administrative appeal pursuant to Title 67, Chapter 52, Idaho Code, Idaho Administrative Procedures Act. (7-6-94)

217. REMEDIAL ACTIONS.
The Department may decide to use any one (1) or all of the following remedial actions appropriate to approved grant administrators: issue a letter of warning to correct deficient actions; require mandatory ICDBG administrative training to maintain approved grant administrator status; remove an individual from the approved grant administrators list for a time period determined by the Department; require that corrective action be taken by the approved grant administrator to resolve the problem or conflict; or recommend initiation of appropriate legal proceedings in egregious situations. (3-30-07)

218. -- 224. (RESERVED)

225. LEAD BASED PAINT.

01. Abatement of Lead Based Paint. Any applicant or grantee proposing to rehabilitate housing or structures constructed or substantially reconstructed prior to 1978 shall take measures to abate - as far as practicable - lead-based paint hazards. Such measures shall be in accordance with the Lead-Based Paint Poisoning and Prevention Act as amended and Title I of the Community Development Act of 1974 as amended. (7-6-94)

02. Housing. Housing shall be defined as any structure designed for occupation by or occupied by children of six (6) years old or less. This includes such uses as day care centers, nurseries, playgrounds, pre-schools and residential uses etc. (7-6-94)

03. Methodology. Any lead-based paint abatement and disposal shall be by current state-of-the-art methods approved by the Environmental Protection Agency. (7-1-16)

04. Environmental Review. The lead-based paint hazard shall be determined as part of the environmental review. Abatement shall be considered as part of the project and is an eligible grant expense. (7-6-94)

226. -- 999. (RESERVED)

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