

2020 Application Form and Guide

Community Development Block Grant

CDBG Technology and Innovation



Introduction

The Community Development Block Grant (CDBG) program is a program of the U.S. Department of Housing and Urban Development (HUD). The primary objective of Title 1 of the Housing and Community Development Act of 1974, as amended, is to develop viable communities by providing decent housing, a suitable living environment, and expanded economic opportunities, principally for persons of low- to moderate-income.

All projects funded through this program must fulfill one of three HUD National Objectives, to:

- Benefit low- to moderate-income persons;
- Aid in the elimination of slums or blight; and/or
- Meet an urgent need due to a serious and immediate threat to the health and welfare of a community.

The HUD Consolidated Plan for the State of West Virginia has identified three primary community development objectives, through which this program will:

- Support local government efforts to provide affordable infrastructure systems;
- Support local community efforts to assist low- to moderate-income citizens to achieve an improved quality of life; and
- Support job creation and retention efforts.

In 2016, HUD directed that states evaluate the availability of broadband access and the vulnerability of housing occupied by low- and moderate-income households to natural hazard risks through its rule titled, *“Modernizing the HUD Consolidated Planning Process to Narrow the Digital Divide and Increase Resilience to Natural Hazards.”*

In this rule, HUD directs that where access to broadband is not currently available or is minimally available, as in rural areas, states must consider ways to bring broadband access to residents.

Further, where low- and moderate-income residents are at risk of natural hazards, states must

consider ways to incorporate appropriate hazard mitigation and resilience into community planning, and development goals. These planning considerations reflect two important community development needs.

In response, the FY 2017 General Community Development category was expanded to include Broadband Development and Disaster Recovery and Resilience.

In FY 2018, **Technology and Innovation** was added as a new CDBG funding category with an emphasis on broadband development.

A proposed FY 2020 CDBG program budget is provided with this document. The State will adjust allocation amounts as necessary within each category to align with demonstrated needs and to ensure that all CDBG funding is allocated in an efficient and effective manner.

Funds in excess of demonstrated needs at the end of each CDBG funding cycle will be returned to an “available status” and may be used to fund applications in other categories.

All projects are subject to applicable CDBG regulations, including but not limited to 24 CFR Part 570, Sub-Part I, as amended or revised, and subject to the scope of the State of West Virginia's CDBG Policies and Procedures Manual and other Program Guidelines, as amended or revised.

Note: All broadband maps, reports and data inventory associated with CDBG grants is considered public information, must be documented and becomes property of the State of West Virginia and the West Virginia Broadband Enhancement Council.

Regulatory Citations

[www.federalregister.gov/documents/2016/12/16/2016-30421/modernizing-huds-consolidated-planning-process-to-narrow-the-digital-divide-and-increase-resilience.](http://www.federalregister.gov/documents/2016/12/16/2016-30421/modernizing-huds-consolidated-planning-process-to-narrow-the-digital-divide-and-increase-resilience)

Additional Resources

- **WV Broadband Mapping Program Sites:**

<https://broadband.wv.gov/>
- **FCC Maps:**
<https://www.fcc.gov/reports-research/maps/>
- **HUD CDBG Broadband Infrastructure FAQ:**
<https://www.hudexchange.info/resources/documents/State-CDBG-Program-Broadband-Infrastructure-FAQs.pdf>
- **Hud Low-Mod Data GIS Maps:**
<https://hud.maps.arcgis.com/apps/webappviewer/index.html?id=ffd0597e8af24f88b501b7e7f326bedd>

CDBG Funding for Broadband Development Agency Contacts

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The WVDO will coordinate broadband development projects with the following agencies:

West Virginia Broadband Enhancement Council

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This document is intended as a guide, not as a substitute for a thorough knowledge of state and federal laws and regulations referenced in this manual. In the event of any discrepancy, federal regulations will prevail. The Grantee is responsible for compliance with the most current and stringent of any applicable local, state or federal law or regulation(s). The West Virginia Development Office does not discriminate on the basis of age, race, color, religion, sex, national origin, familial status or disability in the admission, access to, treatment of, or employment in, its federally assisted programs or activities.



CDBG Funding for Technology and Innovation

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CDBG Funding for Broadband Development

Community Development Block Grant (CDBG) funds are available to municipal or county governments for projects to enhance communities by providing decent housing and suitable living environments and expanding economic opportunities. These grants primarily serve persons of low- and moderate- incomes. CDBG funds are granted to the State of West Virginia by the U.S. Department of Housing and Urban Development (HUD), and are administered by the West Virginia Development Office (WVDO).

While funding is primarily utilized for the development of water and sewer infrastructure, the WVDO recognizes that telecommunications, specifically broadband infrastructure, is a critical factor in West Virginia's ability to compete for economic development and job creation opportunities. As communities and economies become more connected, broadband infrastructure is an increasing concern, particularly among rural areas of West Virginia and areas in which low- to moderate-income residents do not have adequate access to this technology.

In FY 2018, **Technology and Innovation** was added as a new CDBG funding category with an emphasis on broadband development and this category is continued for FY 2020. Broadband enables individual users and businesses to accomplish more, in less time, connecting people and ideas faster. CDBG funding will be used to assist West Virginia communities in the development and completion of broadband planning and infrastructure projects. This dedication of funding will assist West Virginia's communities in the pursuit of economic development and job creation through the availability of broadband service, while contributing to the State's overall broadband development strategy. CDBG funding may be dedicated to projects which:

1. Assist in planning, analysis, and assessment activities that further the strategic deployment of broadband across the State;
2. Invest in projects that leverage other Federal, State, and local funding in the deployment of broadband infrastructure; and
3. Provide funding for broadband pilot and demonstration projects that provide for the innovative development of broadband facilities, infrastructure, and technology.

West Virginia received \$13,591,796 in FY 2018 funding. The State dedicated approximately \$2.4 million in FY 2018 funds to broadband development along with recovered grant funding. For FY 2019, the State received \$13,672,767 in CDBG formula funds, of which at least \$2.0 million was directed to broadband projects. A similar amount of the FY 2020 CDBG program budget will also be dedicated to broadband development.

The WVDO will coordinate projects with the West Virginia Broadband Enhancement Council. CDBG funding will be available for broadband development in unserved areas and underserved areas, in accordance with State and Federal regulations. This blended approach recognizes that some areas lack connectivity, while others may have connectivity that is currently insufficient for economic development and job creation.

CDBG Guidelines and Requirements

All HUD CDBG regulations apply and any amendments thereto shall apply as provided in the Federal regulations governing the CDBG program. All CDBG regulations are contained within the FY 2020 Application Forms and Instructions. All applications are subject to at least the following requirements:

1. **Citizen Participation:** Citizen participation requirements apply.
2. **Application:** The **FY 2020** CDBG application must be submitted to the WVDO.
3. **Procurement:** All State and Federal procurement regulations apply.
4. **Environmental Review:** All HUD CDBG environmental review regulations apply.
5. **Labor Standards and Requirements:** Davis-Bacon wage rates will apply to contracted labor for construction, alteration, and/or repair in excess of \$2,000.
6. **Low-Moderate Income Data:** The most current HUD income guidelines apply.
7. **Administrative Costs:** Administrative costs may not exceed 10 percent of the total CDBG grant.
8. **Period of Performance:**
 - Planning projects must be complete within one year.
 - Construction projects must be completed within two years.
9. **Reporting Period:** Job creation goals must be achieved within two years of project completion.

Eligible Applicants

All West Virginia municipalities and counties are eligible to apply for CDBG funds, except entitlement cities that receive funds directly from HUD, including: Beckley, Charleston, Huntington, Martinsburg, Morgantown, Parkersburg, Weirton, Wheeling and Vienna. All CDBG funding is contingent upon full compliance with the application requirements, project qualification satisfying a HUD CDBG national objective, and all other requirements set forth in the FY 2020 Application and program documents.

Eligible Activities

The primary objective of the CDBG program is to benefit low- and/or moderate-income persons. Recognizing that broadband connectivity has become essential for West Virginia's citizens, communities, and economy, the State is focused on increasing broadband access, infrastructure and connectivity throughout the state. To assist in this effort,

WVDO has identified several different eligible activities which can aid in the development of broadband access throughout its communities.

Broadband infrastructure may be eligible for funding under the CDBG program as a public facility or improvement, as a private utility, or as a public service, depending on the nature and design of the project. Broadband investment is **most likely** to meet the low- and moderate-income requirement either by serving a primarily residential area in which at least 51 percent of the residents are low- and moderate-income, or by creating and retaining jobs of which at least 51 percent are held by or made available to low- and moderate-income persons. CDBG funds may be used to install wiring, fiber optic cables, and permanently affixed equipment such as receivers for areas to create broadband access. Eligible activities include:

- The acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements (which include infrastructure improvements) under **24 CFR 570.201(c)**;
- The acquisition, construction, reconstruction, rehabilitation, or installation of distribution lines and facilities of privately-owned utilities, which includes the placing underground of new or existing distribution facilities and lines under **24 CFR 570.201(l)**;
- Planning activities are eligible under **24 CFR 570.205** for eligible planning and capacity building activities. Eligible activities include the costs of research, preparation of plans, studies, analysis, training, and the identification of actions to implement plans

Funding Cycle

Fiscal Year 2020 CDBG funding for broadband development will be available from September 30, 2020 through June 30, 2021, or until all funds are depleted. Units of local government, Regional Planning and Development Councils and Economic Development Authorities will be notified as additional CDBG funding becomes available.

Application Forms

All applicants will complete the FY 2020 CDBG application and comply with all CDBG program requirements.

Matching Fund Requirements

Matching funds **are not** required for FY 2020 funding. The WVDO reserves the right to establish a match requirement in future funding announcements. Applicants are advised that grant funds may not cover the full amount of all planning activities leading to a construction project. Applicants should be prepared to contribute local resources or seek additional funding to develop a successful project.

Citizen Participation Requirements

Two public meetings are required for all first-time applications. Tear sheets or affidavits of publication for the public meetings must be included in the application. Notification of the public meetings must be published in the newspaper at least five (5) days prior to the meeting, with the meeting being held on the sixth (6th) day after the notice appeared. The notification of the second public meeting may not be published until after the first public meeting is held.

Application Planning Teams

Local governments are required to partner with a Regional Planning and Development Council to develop applications and administer CDBG grants, unless explicitly approved by the WVDO program manager. Local governments are required to establish a local management team that will coordinate with a State team consisting of representatives of the WVDO, Council, and others as needed.

Project Development Strategies

As with the design of water and sewer infrastructure projects, broadband projects may be completed in phases. Construction projects must be supported by an overall design, comparable to a preliminary engineering report (PER) or other technical plan. The project design should describe the type of service required and an evaluation of alternatives and preliminary cost estimates for construction. Eligible activities for this funding, include but are not limited to the following:

1. Extension of existing service into underserved and unserved areas;
2. Provision of new service or upgrade of current services for economic development areas and anchors such as central business districts, business and industrial parks and business incubators;
3. Installation of fiber backbone to assist in broadband deployment;
4. Expansion of cellular or wireless broadband coverage into underserved or unserved areas; and
5. Planning for the above.

While planning should be “technology neutral” and should not be skewed to favor one technology over another, the design must evaluate alternatives and recommend the most suitable technology for the project area. A local government’s decision to pursue a specific technology, whether aerial or buried fiber-optic cable, wireless systems, or other technology, should be based on a comprehensive assessment of available assets and community needs.

The design must incorporate an assessment of potential users and usage patterns to determine cost feasibility, as well as GIS mapping, an assessment of existing telecommunications infrastructure and assets, proposed routes and required easements, and recommendations for reaching unserved areas and remote areas.

Performance Thresholds

Planning projects must be completed within one year. Construction projects must be completed within two years.

Grant Categories and Funding Thresholds

Broadband is described by the Federal Communications Commission (FCC) as a benchmark of 25 megabits per second (Mbps) downstream and 3 Mbps upstream, or a rate of 25/3. Should the FCC revise this definition, the State will follow the most current FCC guidelines for broadband, as outlined in West Virginia Code §31-G-1-13. Beyond the technical definition, broadband infrastructure must be a fit for the community and must incorporate the feasible applications of broadband technology.

All applicants are encouraged to utilize CDBG funding as part of an economic development strategy that will result in the creation of a broadband development plan to leverage the additional funds needed to proceed to construction. Applicants are advised that grant funds may not cover the full amount of all planning activities leading to a construction project. Applicants should be prepared to contribute local resources or seek additional funding to develop a successful project.

Local governments are required to partner with a Regional Planning and Development Council to develop applications and administer CDBG grants, unless explicitly approved by the WVDO program manager. Local governments are required to establish a local management team that will coordinate with a State team consisting of representatives of the WVDO, Council, and others as needed. The local management team must include, but not be limited to the following members:

1. Local Elected Official and/or Manager
2. Regional Planning and Development Council
3. Economic Development Authority
4. Project Manager and/or Project Designer

The WVDO reserves the right to partially fund a project. In addition, the WVDO reserves the right to negotiate the budget costs and scope of work with any applicant selected for approval.

Planning Grants

Planning activities are eligible under the HUD CDBG Regulation: § 570.205. It is understood that regional and multi-jurisdictional approaches to broadband planning are critical to the successful deployment of broadband infrastructure. Planning assistance is not limited to the jurisdiction of the applicant and can include both regional and local planning and technical assistance activities.

Regional planning grants require the designation of a lead applicant to comply with all requirements of the application and grant. The lead applicant will execute an agreement with all local jurisdictions included in the project. Planning activities must be related to an activity, that when undertaken, would be eligible under the CDBG program and meet one of the three HUD national objectives - benefit to low- and moderate-income persons, the elimination of slums and blight, or urgent need.

Broadband planning grants are designed to enable local governments to conduct the assessments needed to develop effective strategies for the construction of broadband infrastructure. The WVDO will consider applications for planning, analysis, and assessment activities that further the strategic deployment of broadband across the State. Examples of eligible projects include, but are not limited to, needs assessments, infrastructure analysis, regional plans identifying network gaps, connectivity strategies and identifying comprehensive solutions to existing barriers to broadband connectivity and/or access.

Planning activities are eligible under the HUD CDBG Regulation: § 570.205 for eligible planning and capacity building activities. Eligible activities include the costs of research, preparation of plans, studies, analysis, training, and the identification of actions to implement plans, including:

1. Comprehensive Plans
2. Community Development Plans
3. Functional Plans, in areas such as:
 - Economic Development
 - Floodplain Management
 - Transportation; and
 - Utilities (including broadband)
4. Other Plans and Studies
 - Neighborhood Plans
 - Capital Improvements
 - Individual Project Plans, excluding engineering and design costs related to a specific activity which are eligible under § 570.201-204.

Funds may be used to procure professional assistance as necessary with proper oversight by the applicant. Public/private partnerships are encouraged to help leverage resources of both private providers and local governments to achieve the broadband goals for the community. Grants for broadband planning activities must meet the following criteria:

- Applicants must allow any interested private sector service providers to participate in the planning process including development of solutions.
- Potential private sector as well as public/private solutions must be considered in the final plan.

- The Applicant's planning process should assess the current level of broadband availability, including used and unused capacity, the cost of realizing current unused capacity and the community's desired broadband service level, including prioritization of community's broadband needs (redundancy, reduced costs, increased speeds, etc.) and multiple options for achieving the community's desired broadband service levels (including public and / or private options).

Planning Grant Maximum: \$30,000 to \$50,000 for planning per municipal applicant; \$50,000 to \$75,000 for planning per county applicant; and \$75,000 to \$125,000 per regional applicant.

Construction Grants

Construction Grant applications must be supported by a comprehensive Community Broadband Plan that includes a community profile, project budget and preliminary design, similar to a preliminary engineering report (PER). Funds may be used for engineering, permitting, acquisition, construction, inspection, legal services, project administration and other requirements, according to State CDBG program design requirements. A sample plan is provided with this document. Applicants must submit either:

1. A completed asset inventory and technical design prepared by a local project team that meets the requirements of a Federal funding agency, such as a USDA Community Connect application.
2. A completed design prepared by a project design firm.

Construction Grant Maximum: \$1,250,000 for construction per applicant.

Pilot or Demonstration Grants

The State will consider broadband pilot and demonstration projects that provide for the innovative deployment and installment of broadband facilities and infrastructure. Examples of pilot projects may include:

1. Implementation or enhancement of free public wireless access in a central business district as part of an overall plan for entrepreneurial or e-commerce development resulting in job creation for low- to moderate-income residents.
2. Construction of a specific phase of a broadband network. For example, phase one may include 4.5 miles of fiber to link critical municipal services, 10 businesses and 50 residential customers.

Pilot or Demonstration Grant Maximum: \$500,000 with a design as indicted above.

Matching Grants

The State will invest in projects that leverage other Federal, State, and local funding in the deployment of broadband infrastructure. CDBG funds may be matched to eligible projects also funded by other State, Federal and private sources. Potential sources of broadband funding include the following agencies:

1. U.S. Department of Agriculture Community Connect and ReConnect programs;
2. U.S. Economic Development Administration; and the
3. Appalachian Regional Commission (ARC).

The Matching Grant application may represent the amount or percentage of matching funds **as required** by the funding agency. The application must be supported by a commitment letter from the funding agency, or a copy of the completed application, confirmation of submission, date of anticipated award, program criteria and guidelines, or any additional information requested by the WVDO.

Note: If an activity is eligible but does not meet a HUD national objective, that activity becomes ineligible. Any activity not shown to meet at least one HUD national objectives will not be considered for funding.

Broadband Development Models

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Cities and Counties are becoming aware of the importance of next-generation broadband services to support the future of their communities. Evidence suggests that broadband services have a net positive economic and social impact on communities by enhancing economic competitiveness, workforce development, educational capabilities, municipal operations and smart-city deployment. Each local government must determine the right broadband business model to effectively meet community needs. To select the right model, a locality must understand its community's needs, know the competitive market factors that define its infrastructure options, and assess its organizational and operational capabilities.

Public-Policy-Only Model

In the public-policy-only model, a municipality utilizes its public policy tools to influence how broadband services are likely to develop in its community. It shapes public policies to streamline the processes of designing, constructing and managing broadband infrastructure in its jurisdiction. Focus areas include right-of-way access, permitting processes and costs, construction practices and placement methods, franchises and utility fee assessments. Examples of policies and standards include joint trenching and dig-once policies; utility relocations; and funding mechanisms for design, labor, and materials. This option is not a true business model, but it does impact the local broadband environment and is therefore included in this list.

Public Service Provider

Public services providers utilize fiber and broadband resources to connect multiple public organizations with fiber or wireless connectivity. These organizations are generally limited to the community anchors within their jurisdictions, including local governments, school districts, higher educational organizations, public safety organizations, utilities and health care providers.

The majority of these anchors require substantial connectivity, and often a local government's network can provide higher capacity at lower costs than these organizations can obtain in the commercial market.

- This approach enables Counties and their communities to:
- Share resources among themselves and schools and community colleges
- Aggregate demand for public procurements to attain volume purchasing power
- Provide interjurisdictional public safety communications between the county and cities
- Reduce public organizations' spending on communications services on a countywide basis
- Future proof the communications needs of all organizations connected to the network.

Open-Access Provider

Local governments that adopt open access generally own substantial fiber optic networks in their communities. To provide open access, these governments light the fiber and equip the network with the electronics necessary to establish a transport service or circuit to service providers that connect to the local network.

Open access enables competition among service providers across a network owned by a local government. The municipality remains neutral and nondiscriminatory toward providers that deliver services over the network. It leases access to each service provider based on the amount of bandwidth required by the provider's end customers and establishes a standard rate structure and standard terms of service. Municipalities generally charge retail broadband providers wholesale rates to use their networks. They publish rates to competitive service providers, charging a monthly fee based on bandwidth utilized or a flat fixed fee per month. Services may include internet, telephone, data connectivity (transport) and dark fiber.

Infrastructure Provider

Cities that provide conduit and dark fiber services to local organizations are generally considered infrastructure providers. They lease these assets to community organizations, businesses and broadband providers, which use the fiber to connect to one another and to data centers to reach the internet, cloud services and other content networks. Many municipal providers that have deployed these services began by building their own fiber networks to serve purely municipal functions. As their networks grew, they realized that these networks could provide access to local organizations needing fiber connectivity. Dark fiber is the core product of most infrastructure providers and is utilized by businesses, community anchor organizations and, in a few cases, residents. Commonly, municipalities lease dark fiber strands using a simple, mileage-based price calculation to the end user. However, customers may require new construction to reach their facilities. Construction costs that municipalities incur are charged back to customers to allow municipalities to recoup their investments.

Retail Provider – Business Only

A common goal for municipalities that deploy broadband networks is to support local economic development needs. Local governments equip their business and industrial districts with fiber infrastructure through which they can provide cost-effective, high speed internet and other services to local customers. Municipal business providers offer internet and communications services that are generally priced very competitively against other provider offerings in the small and medium business market. In addition to offering lower prices than other service providers, they offer:

- Higher bandwidth scalable to gigabit speeds
- Symmetrical service (the same upload and download speeds)
- Higher-quality fiber connections with less downtime and stronger service level agreements
- Responsive local customer service.

Retail Provider – Residential and Business

Municipalities that provide direct services to residential and business customers are considered retail service providers. Most commonly, local governments offer triple-play services consisting of phone, television, and internet services. A retail provider is responsible for a significant number of operational functions, including management of retail services, network operations, billing, provisioning, network construction and general management.

Perhaps the most important decision when evaluating a retail business case is whether to provide linear television services. Television is the glue that holds a triple-play service bundle together; without television, many networks fail to achieve strong market share above 30 percent.

Costs vary among municipal retail providers. Therefore, it becomes difficult to set benchmarks consistently, as each provider has a cost structure that differs from those of its peers. We do not advise that a city rely on the performance of other municipal providers to forecast its own expected performance.

Public-Private Partnerships

The emerging business model of public private partnerships (P3s) provides an innovative solution to an ongoing municipal broadband issue: How can a local government invest in municipal broadband without operating a broadband network?

Generally, P3s bring a local government and one or more private organizations into a partnership to plan, fund, build, and maintain a broadband network within the municipality's jurisdiction. Many P3s are still in development, and very few operating networks today use this model.

The tricky part of a P3 is to find the right division of roles between the public and private partner. Public and private partners must agree on workable solutions to the following issues, among others:

- Who has rights to access the network, and is the P3 exclusive or nonexclusive?
- What are the public and private partners' goals, and how are they incentivized?
- What roles and responsibilities do the public and private partner have in the P3?
- What assets are financed through the public and private partners respectively?
- What revenue model do the public and private partners use to recoup their investments?
- What requirements must the private partner meet in terms of service availability, speed, price, locations and time frames?
- How will the partners determine future buildouts, and who pays for them?

Author: John Honker

Project Outcomes and Selection Criteria

Applicants must describe project outcomes in detailed and measurable terms. Data provided must include absolute numbers and specific properties by type. Outcomes must include, at a minimum, the following information:

1. Number of businesses that will be provided with improved and/or new broadband service.
2. Number of households that will be provided with improved and/or new broadband service.
3. Number of key economic development anchors that will be served. Include an inventory of residential properties, businesses, schools, healthcare facilities, community centers, industrial locations, government agencies, nonprofit organizations, technical and training centers, and related facilities.
4. Number and type of new infrastructure assets.
5. Number, type and speed of new services to be pursued. Broadband services may include voice, data, and video over a variety of platforms, including but not limited to, cable modem, fiber optics, fixed wireless, mobile wireless and satellite. **NOTE:** The FCC definition of broadband must be met.

Selection Criteria

Competitive project applications will be those that seek to deploy broadband to underserved and unserved areas, with an emphasis on economic growth and job creation serving low- to moderate-income areas and residents. Projects that demonstrate detailed and measurable outcomes and a high degree of demand from end users in the project area will receive higher priority. Multi-use strategies are highly recommended. The WVDO reserves the right to fund some, all or none of the applications submitted. All applications will be reviewed, according to the following criteria:

1. The relationship to a HUD national objective, the number of low- to moderate-income persons to be served by the project, and the impact on minority areas;
2. The relationship to the CDBG program design objectives and proposed Fair Housing initiatives;
3. The public health, environmental, and economic development benefits of the project;
4. The readiness of the project to proceed;
5. The degree to which the project will correct identified deficiencies or achieve the performance measures provided;
6. The cost effectiveness of the project;
7. The availability of other sources of funds for the project;
8. The degree to which the project achieves state, regional, and local planning goals;
9. The status of any existing open grants;
10. The applicant's capacity to administer the project.
11. Additional criteria for economic development projects will include, as applicable:
 - a) Local financial commitment,

- b) Capital / business investment of benefitting business,
 - c) Wages to be paid and benefits available to employees, and the
 - d) Financial condition of benefitting business(es), according to HUD underwriting guidelines found at 24 CFR Part 570.20.
12. The project's ability to utilize awarded CDBG funds for Planning to develop effective strategies to lead to future infrastructure projects, including funding strategies, which consist of the CDBG program and/or other federal and private-sector based broadband funding programs.

HUD National Objectives

Qualifying the CDBG Project

The primary statutory objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment and by expanding economic opportunities. These grants primarily serve persons of low- and moderate-income. All CDBG assisted activities must be eligible and meet one of three national objectives — benefit to low- and moderate-income persons, elimination of slums/blight, and urgent need.

Planning activities are eligible under the HUD CDBG Regulation: § 570.205 for eligible planning and capacity building activities. Eligible activities include the costs of research, preparation of plans, studies, analysis, training, and the identification of actions to implement plans.

Note: If an activity is eligible but does not meet a HUD national objective, that activity becomes ineligible. Any activity not shown to meet at least one HUD national objectives will not be considered for funding. Eligibility for the HUD national objective of benefit to low-and moderate-income persons may be demonstrated through one of the following methods:

1. Benefit to Low- Mod Area (LMA), or
2. Creation of Low-Mod Jobs (LMJ).

Benefit to Low-Mod Area (LMA)

Income Eligibility: Area-Wide Benefit to Low- and Moderate-Income Individuals

The service area must be in a primarily residential area where not less than 51 percent of the persons residing in the area are low and moderate income. Grantees must also consider the nature of the activity (its size and structure), the location of the activity, and the availability of comparable broadband infrastructure.

The Area-Wide Benefit to Low- and Moderate-Income Individuals category includes activities that benefit all residents in a specific area or neighborhood, where at least **51 percent** of the residents are LMI persons. LMI determination is based upon the income of a family, household, or individual living in the project area whose household income does not exceed **80 percent** of the median income for the area, with adjustments for smaller and larger households or families, based upon HUD data.

Each application must provide information for the Census Tract(s) and Block Group(s) most closely approximating the project area. Income survey results must be compared to the most recent LMISD percentage for the census

geography that most closely matches the service area. The difference between the LMISD and the Income Survey data must be explained in the application.

Income eligibility must be verified by one of the following methods:

1. ACS/Census: HUD Income Summary Data/LMISD in compliance with HUD CPD

Notice 14-10:

To qualify by Census, the census blocks/areas must closely align with the service area and have a 51 percent or greater LMI population, according to HUD generated census data.

The 2020 HUD Income Summary Data/LMISD data, based upon the American Community Survey (ACS), is available at <https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/> If the project area is a census tract(s), select ALL BLOCK GROUPS. If the project area is a whole town or county, select LOCAL GOVERNMENT SUMMARIES.

2. Income Survey: In compliance with HUD CPD Notice 14-013 and Notice 19-02:

To qualify by Income Survey, review HUD CPD Notice 14-013 available at www.hudexchange.info/resource/4103/notice-cpd-14-013, and the **WVDO Income Survey Guide** available at www.wvcommerce.org. Review the WVDO Income Survey Guide and contact the WVDO prior to conducting an Income Survey. The Income Survey should include detailed descriptions of the project area, sample, methodology, tabulations and results. Verify that income surveys are conducted using true **random** sample. Previously completed income surveys should be no more than **three** years old. Applicants with surveys exceeding three years may request a waiver.

Use the most recent HUD Income Limits available. HUD Income Limits are available at https://www.huduser.gov/portal/datasets/il/il2020/select_Geography.odn. Choose West Virginia at this link, and identify the proper County or Metropolitan Statistical Area.

Creation of Low-Mod Jobs (LMJ)

Income Eligibility: Creation or Retention of Jobs for Low and Moderate-Income Individuals

Economic development proposals must lead to the direct retention or creation of jobs, 51 percent of which are **taken by** or will be **made available** to low- and moderate-income (LMI) persons, according to HUD data and consistent with 24 CFR 570.483(b)(4). **Proposals must outline a strategy for making jobs available to low- and moderate-**

income persons. Note: Proposals to utilize the “available to” concept must request authorization from the WVDO. Proposals must demonstrate:

1. The specific number of jobs to be created or retained;
2. That new jobs will be created within two years; and
3. That the project cannot be undertaken without CDBG funds.

HUD has developed guidelines for financially underwriting and selecting CDBG-assisted economic development projects which are financially viable and will make the most effective use of the CDBG funds.

As stated in 24 CFR Part 570.209, where appropriate, HUD underwriting guidelines recognize that different levels of review are appropriate to take into account differences in the size and scope of a proposed project, and in the case of a microenterprise or other small business to take into account the differences in the capacity and level of sophistication among businesses of differing sizes. The objectives of the underwriting guidelines are to ensure:

1. That project costs are reasonable;
2. That all sources of project financing are committed;
3. That to the extent practicable, CDBG funds are not substituted for non-Federal financial support;
4. That the project is financially feasible;
5. That to the extent practicable, the return on the owner's equity investment will not be unreasonably high; and
6. That to the extent practicable, CDBG funds are disbursed on a pro rata basis with other finances provided to the project.

Public Benefit Standards

Funds granted under the Low- Mod Jobs (LMJ) category are subject to the public benefit standards established by HUD. No more than \$25,000 per net new job may be awarded. These projects are subject to a maximum suggested grant of \$500,000, and a limit of \$25,000 per job. A waiver to increase this amount may be obtained upon request.

When the job creation activity undertaken is a public improvement and the activity is designed to also serve a primarily residential area, the activity must meet the dual LMI benefit requirements of 24 CFR 570.483(b)(1) (area wide benefit) and 483(b)(4) (job creation requirements) unless the State agrees in advance that service to the residential area is clearly incidental. The activity must be described in sufficient detail for the affected citizens and the State to understand how a national objective is to be achieved, the service area and the location of the project, the intended use of funds. Documentation as set forth in 24 CFR 506(b)(5) (6) or (7), is required.

The application shall contain a description of the project, the exact physical location by census data of the facility, and the area served in sufficient detail so that the State, HUD, and the public can conclude that the activity is eligible under 570.482 and public benefit justifies the investment.

Job Creation Commitment

A commitment to create a certain number of jobs based on public benefit must be obtained from the benefitting local business(es), as applicable. The businesses must outline affirmative steps and a plan to hire all LMI persons necessary to fulfill its job creation commitment within two years from the date of project completion. To fulfill the LMI job requirements, jobs must either be **taken by** LMI persons, or jobs must be **made available to** LMI persons. Approval must be obtained from the WVDO prior to using the “available to” method.

Without such commitments, the projects will be viewed as speculative and will not be funded. Further, the applicant is at risk for the funds expended until the national objective is met, i.e., the jobs created. CDBG funding is subject to recapture if job creation requirements are unmet. If the actual location of the business is not located in an “presumed benefit” area, the WVDO recommends utilizing the local Workforce West Virginia office to capture all required financial and EEO data from each applicant.

Job Creation Forms

The State has designed job creation commitment forms for private businesses. The applicant may design and utilize its own forms if, at a minimum, the information contained in the applicant’s form contains the information found in the State forms. In addition, 24 CFR 570.482(f) and 570.483(b) (4)(vi)(F) requires the assistance to be reasonable in relation to public benefit and the number of jobs expected to be created or retained by the affected businesses are sufficient to justify the investment.

Anti-Pirating Requirement

The State discourages the use of CDBG funds to relocate a business from one area of the State to another unless for purposes of expansion that cannot be accommodated in the current area. It is not the State’s intention to provide assistance that would create conditions whereby assisted businesses will obtain an unfair competitive advantage in relation to similar businesses within the same market area. Additionally, the State is interested in creating high quality jobs that will provide an income sufficient to elevate LMI persons out of that economic status. High quality jobs are those that provide a livable wage and access to a benefit package.

Regulatory Citations

- The installation, rehabilitation, or reconstruction of public facilities and improvements [24 CFR 570.201(c)].
- Privately-owned utilities [24 CFR 570.201(l)]; and non-profit owned, non-residential buildings as identified at 24 CFR 570.202(a)(4), may meet the national objective of benefit to low- and moderate-income persons on an area basis [24 CFR 570.208(a)].

- Assistance to for-profit businesses under [24 CFR 570.203\(b\)](#) would meet the low- and moderate-income job creation/retention national objective [24 CFR 570.208(a)(4)].
- Businesses that conduct online retail or have call centers are most likely to create jobs directly related to the provision of broadband services.
- Activities assisted under 24 CFR 570.203(b) must also meet the public benefit standards at [24 CFR 570.209](#). The business assisted must either provide goods or services to low- and moderate-income residents or create or retain one full-time equivalent, permanent job per \$25,000 of CDBG funds used. Providing broadband service would fall under the category of goods or services.

ATTACHMENT 1

Terms and Definitions

The following is a list of definitions for commonly used terms from the Federal Communications Commission and other sources.

Backbone - The part of a communications network that connects to the commodity internet and handles major traffic. It employs the highest-speed transmission paths and typically covers the greatest distance for a regional network. Smaller networks are connected to the backbone via short-haul fiber lines and/or a variety of "last mile" technologies.

Bandwidth - The capacity of a telecom line to carry signals. The necessary bandwidth is the amount of spectrum required to transmit the signal without distortion or loss of information. High bandwidth networks can carry more types of data simultaneously than low bandwidth networks.

Bit - A single piece of binary information, a 1 or a 0, represented in electric circuits by a connected circuit or a disconnected circuit respectively. The speed of Internet connections is measured in bits per second, or the total number of ones or zeros transmitted in a second. As the speed of Internet connections has increased, bits are becoming more commonly addressed as Kilobits (1,000 bits) (Kilobits per second – Kbps), Megabits (1,000,000 bits) (Megabits per second – Mbps), and even Gigabits (1,000,000,000 bits) (Gigabits per second – Gbps).

Broadband - Technologies that provide integrated access to voice, data, video, and interactive delivery services, with an FCC defined data transfer rates of 25 Mbps downstream and 3 Mbps upstream.

BPL (Broadband over Powerline) - Delivery of broadband over the existing low- and medium-voltage electric power distribution network at speeds that are comparable to DSL and cable modem speeds.

Byte - In the prevalent computing paradigm, 8 bits compose one byte, whereas bytes represent a single character like the letter 'a.' The size of computer files is often measured in bytes, indicating the total number of characters in that file. Given that file sizes are increasing, larger orders of magnitude are often used such as Kilobytes (KB) (1,000 bytes), Megabytes (MB) (1,000,000 bytes), Gigabytes (GB) (1,000,000,000 bytes), and even Terabytes (TB) (1,000,000,000,000 bytes).

Cable Modem - Enables cable operators to provide broadband using the same coaxial cables that deliver to television. Most are external devices with two connections: the cable wall outlet, and a computer.

Co-Location Facility – The location in which network equipment owned by a customer or competitor can be placed.

Community Anchor Institutions - Schools, libraries, medical and healthcare providers, public safety institutions and other support agencies.

Dark Fiber - Unused fiber-optic cable, installed as extra lines to alleviate future reconstruction. Dark strands can be leased to individuals or companies to establish optical connections among their own locations. In this case, the fiber is neither controlled by nor connected to the phone company. Instead, the company or individual provides the necessary components to make it functional.

Dial-Up connection - A data communications link that is established when the communication equipment dials a phone number and negotiates a connection with the equipment on the other end of the link. It provides the ability to dial-up the Internet, at speeds up to 56 Kilobits per second (Kbps), via a modem over standard telephone lines.

DSL (Digital Subscriber Line) - Broadband internet service delivered over telephone wires, but separate from telephone service. One can utilize DSL while on the telephone.

DSx (Digital Signal) - A classification of digital circuits. The DS technically refers to the rate and format of the signal, while the T designation refers to the equipment providing the signals. In practice, "DS" and "T" are used synonymously; for example, DS1 and T1, DS3 and T3.

Ethernet - The protocol which governs the transmission of packets on a LAN.

Fiber Optic Cable - A technology that converts electrical signals carrying data to light and sends the light through transparent glass fibers about the diameter of a human hair. Fiber optic transmits data at speeds far exceeding current DSL or cable modem speeds, typically by tens or even hundreds of Giga bits per second.

First Mile - The fiber backbone is the part of a communications network that acts like the central nervous system, a central hub from which all parts of the network extend.

Gigabit - This refers to one billion bits of binary information, 1s or 0s, represented in electric circuits by a connected circuit or a disconnected circuit respectively.

Gigabits per second (Gbps) - The transmission rate of one billion bits of binary information per second.

Kilobit - This refers to one thousand bits of binary information, 1s or 0s; represented in electric circuits by a connected circuit or a disconnected circuit.

Kilobits per second (Kbps) - The data transmission rate of one thousand bits of binary information per second.

Last Mile - The final leg of delivering connectivity from a service provider to a customer.

Local Area Network (LAN) - A network of computers in proximity, within an office or organization.

Megabit - One million bits of binary information, 1s or 0s; represented in electric circuits by a connected circuit or disconnected circuit.

Megabits per second (Mbps) - The data transmission rate of one million bits of binary information per second.

Middle mile- Network infrastructure that does not deliver services to customers, but which provides for interoffice transport, backhaul, connectivity, or special access to service providers.

Network - A system of interlinking computers, each with the capability to communicate with each other.

Open Access Network - A broadband telecommunications network that allows for wholesale access to multiple service providers.

POP (Point of Presence) - The point at which a line from a long distance carrier (IXC) connects to the line

of the local telephone company or to the user if the local company is not involved. For online services and Internet providers, the POP is the local exchange users dial into via modem.

Quality of Service (QoS) - A measure of performance for a transmission system that reflects its transmission quality and service availability.

Ring - Fiber-optic networks are often composed of large organically shaped rings of fiber. The ring formation creates redundancy, such that if the ring is broken at one point, all subscribers will still have service because traffic can be rerouted.

Satellite - Wireless broadband used in remote or sparsely populated areas, with variations in speed and availability based on angle, terrain, and weather. Speeds are typically slower than DSL and cable modem wireline access, but faster than dial-up.

T1 - A 1.544 Mbps point-to-point dedicated, digital circuit provided by the telephone companies, typically used in campus and office building networks. T1 carries both voice and data.

T3 - A 44.736 Mbps point-to-point dedicated line provided by the telephone companies. A T3 line provides 672 64-Kbps voice or data channels.

Underserved Area - Service area, consisting of one or more contiguous census blocks, where half the households lack access to minimum internet speeds of at least 25 Mbps, or areas where less than 40% of households subscribe to any service.

Unserviced Area - A community that has no access to broadband service.

Wireless - Connects a home or business to the Internet using an over-the-air radio link between the customer and the service provider's facility. Wireless broadband can be mobile or fixed.

Wi-Fi - Wireless Fidelity refers to the transfer of data using wireless transmitters and receivers which use unlicensed radio spectrums. Wi-Fi equipment is now included in portable computers, handheld devices and smart phones.

ATTACHMENT 2

Sample RFP-Request for Proposals For Broadband Planning Services In Conjunction with the (_____) Community Broadband Planning Project

Project Description

The Town/County is requesting proposals from qualified firms to assist with a planning project for community-based broadband development plan.

The Town/County plans to apply for Federal assistance to fund this project. The selected firm will be required to comply with Title VI of the Civil Rights Act of 1964, Executive Order 11246, Section 109 of the Housing and Urban Development Act of 1974, Section 3 of the Housing and Urban Development Act of 1968, Conflict of Interest Statement and Access to Records provisions and all other requirements as related to HUD-funded projects.

Services being sought include preliminary design, cost estimates and final design and must include the following:

1. Experience of the firm with federal grant programs;
2. Experience in management of this type of project;
3. Qualifications of personnel directly involved in the project; and the
4. Completeness of Proposal.

The successful consultant will undertake a comprehensive approach that includes identification of need within the community and the potential economic and social applications of broadband infrastructure. This project will result in the production of a Community Broadband Plan containing a needs assessment, broadband development strategies, broadband connectivity solutions, preliminary engineering and construction cost estimates, organizational and operational recommendations for future network implementation, and funding strategies for potential projects. The desired outcome of this planning effort is to develop future implementation projects that will lead to enhanced educational opportunities, improved medical services, additional economic development opportunities, and improved quality of life.

This project is funded through a grant from the West Virginia Development Office and local resources. The project will be implemented by a project management team, consisting of local officials, staff from the local planning commission, business, medical and educational entities, regional economic development partners, and local providers. The team will provide oversight and direction to the consulting entity selected.

Timeframe

All project activities must be completed no later than: time/date.

Scope of Services

A Community Broadband Plan is the product that will be produced through this project and will include the following:

1. **Needs Assessment:** Includes gathering information on the current needs and usage in the community, perform a gap analysis of existing services in relation to demand and broadband availability, identify trends in use of broadband by existing and potential customers as well as any other pertinent trends, examine user rates, develop projections of potential broadband service, and examine how the community's efforts relate to ongoing and future regional broadband development efforts.
2. **Broadband Education Development Strategies and End User Application Identification:** This element will investigate current programs available in the community, denote training gaps, and research and identify potential training partners to provide additional broadband education programs. In addition, the consultant will identify common and customer specific broadband uses and applications and assist the community in developing a strategy for expanding their availability.
3. **Connectivity Solutions:** Connectivity refers to the connection between the end user and the Internet. This element should provide a variety of options for achieving this objective based on community needs and tie-in to the areas of economic development potential, education, and health care. Recommendations to reach outlying areas and remote sites should also be included.
4. **Preliminary Design and Cost Estimates:** Develop a preliminary design of a broadband network outlining the type of installation (fiber-optic cable [aerial or buried], wireless, or other state-of-the-art technology), identify rights-of-way, network electronics specifications, and include preliminary cost estimates for construction of the proposed solutions. This element also includes GIS mapping of the following: a) existing infrastructure, b) areas of need, and c) proposed infrastructure routes of connectivity solutions (base mapping will be provided).
5. **Organization and Network Operation Options:** This element should provide a comprehensive presentation of the possible organizational/ownership structures for proposed broadband infrastructure networks – including but not limited to (as allowed by State and Federal law) owner/operator, public-private partnerships, lease-hold agreements. All options should include potential staffing requirements, legal requirements, maintenance, and budgeting estimates. In addition, the consultant should identify all service providers in the community and investigate their willingness to be a provider on future network projects.
6. **Funding Strategies for Future Implementation Projects:** Provide information on the availability and relevance of potential funding sources for any future projects that arise from the recommendations in the plan. This includes governmental resources, foundations, and private resources.

Proposal Contents

1. **Statement of Qualifications:** All respondents must submit a written Statement of Qualifications to include information about the respondent directly related to each of the Selection Criteria. All information should be submitted succinctly.
2. **Proposal** Respondents must provide an explanation of how they propose to accomplish the project outcome within the stated timeframe.

Selection Process

The Town/County will appoint a Selection Committee to review and evaluate all proposals submitted by firm's responding to the RFP. The proposals will be evaluated and ranked based on the Selection Criteria. The Town/County may ask top ranked firms to attend a presentation interview as part of the evaluation process in accordance with State and local procurement regulations. Firms invited to interview should be prepared to have general discussions on non-binding estimates of cost to provide requested services.

At the conclusion of the evaluation process the firms will be ranked in priority order with the highest ranking firm being selected to negotiate a contract with the Town of _____ . If a contract satisfactory to both parties cannot be negotiated, the Town will then enter into negotiations with the next highest ranking firm and so on until an agreement is reached.

Selection Criteria

The respondents will be evaluated on the following criteria:

1. The Consultant's understanding of the intended project outcome, i.e., what the intended end product is to be and what the project is intended to accomplish.
2. The Consultant's proposed approach for achieving the outcome.
3. The scope of specific services the Consultant intends to provide including how the Consultant proposes to involve the Grantee in the planning and design process and the Consultant's overall approach to the project.
4. Any potential problems the Consultant perceives with the project as proposed.
5. Professional qualifications and experience of the individuals the Consultant will assign to provide the planning and design services.
6. Knowledge of State and Federal telecommunications laws.
7. Knowledge and familiarity with West Virginia CDBG program procedures and requirements.
8. Capacity of the Consultant to perform the work within the given time limitations.
9. Names and contact information of clients for whom the Consultant has worked in a similar capacity within the last 3 years.

Submittal

Respondents should submit _____ copies to the address below no later than _____ p.m. ET,

_____.

Attention:

Name:

Title:

Town of:

Address:

City, West Virginia:

Phone and Email:

Minority and/or female-owned businesses are encouraged to apply. The Town of is an equal opportunity employer and does not discriminate on the basis of race, color, creed, national origin or against faith-based organizations.



ATTACHMENT 3

Sample RFP Advertisement Request for Proposals Broadband Planning Services

The Town/County is soliciting proposals to assist with the planning of a community broadband development project. This project will result in the production of a community broadband development plan containing a needs assessment, broadband education and application development, last mile connectivity solutions, preliminary engineering and cost estimates, organizational and operational recommendations, and funding strategies for future implementation projects.

The Town/County plans to apply for federal assistance to fund this project. The selected firm will be required to comply with Title VI of the Civil Rights Act of 1964, Executive Order 11246, Section 109 of the Housing and Urban Development Act of 1974, Section 3 of the Housing and Urban Development Act of 1968, Conflict of Interest Statement and Access to Records provisions and all other requirements as related to HUD-Funded projects.

Services being sought include preliminary design, cost estimates and final design and must include the following:

1. Experience of the firm with federal grant programs;
2. Experience in management of this type of project;
3. Qualifications of personnel directly involved in the project; and the
4. Completeness of Proposal.

Persons interested in receiving a copy of the full RFP may contact:

Attention:

Name:

Title:

Town of:

Address:

City, West Virginia:

Phone and Email:

Minority and/or female-owned businesses are encouraged to apply. The Town/County is an equal opportunity employer and does not discriminate on the basis of race, color, creed, national origin or against faith-based organizations.



ATTACHMENT 4

Sample Project Budget

Cost Category	CDBG Funds	Other Funds	Other Fund Source(s)	Date Committed	Total Project Cost
Planning	\$	\$			\$
Professional Services/Design	\$	\$			\$
Construction	\$	\$			\$
Land Acquisition/ Easements	\$	\$			\$
Legal	\$	\$			\$
Accounting	\$	\$			\$
Administration	\$	\$			\$
Other	\$	\$			\$
TOTAL	\$	\$	CDBG does not permit contingency line items.		\$

ATTACHMENT 5

FY 2020 ARC Distressed Counties

Distressed 20 Percent Match	At Risk 30 Percent Match	Transitional 50 Percent Match	Competitive
Boone	Barbour	Berkeley	Jefferson
Braxton	Lewis	Brooke	
Calhoun	Mason	Cabell	
Clay	Mercer	Doddridge	
Fayette	Monroe	Grant	
Gilmer	Pleasants	Greenbrier	
Lincoln	Pocahontas	Hampshire	
Logan	Raleigh	Hancock	
McDowell	Randolph	Hardy	
Mingo	Ritchie	Harrison	
Nicholas	Summers	Jackson	
Roane	Tyler	Kanawha	
Webster	Upshur	Marion	
Wetzel	Wayne	Marshall	
Wirt		Mineral	
Wyoming		Monongalia	
		Morgan	
		Ohio	
		Pendleton	
		Preston	
		Putnam	
		Taylor	
		Tucker	
		Wood	

ATTACHMENT 6

Income Certification for Job Benefit (CDBG-LMJ)

Worker's Name (Please print): _____

Business Name: _____

Business Address: _____

The business listed above is being assisted with Community Development Block Grant funds through a grant agreement between (Grantee's Name) and the West Virginia Development Office. These federal funds are intended to benefit persons with low- and moderate incomes (LMI). Therefore, you are being asked to provide the information below to establish its record in assisting LMI persons. The information will be kept confidential.

If you need assistance or have any questions, please contact (Insert Name) at (Insert Phone #) or (Insert E-mail Address).

1. In what County/City/Town do you reside? _____
2. Were you employed prior to accepting this job? Yes No
3. Will you be working 35 or more hours per week in your new job? Yes No

4. Please check the boxes to all that apply to you:

- | | |
|--|--|
| <input type="checkbox"/> Elderly (over 62 years of age)
<input type="checkbox"/> Female Head of Household (at least one child under age of 18)
<input type="checkbox"/> Person with Disability
<input type="checkbox"/> Hispanic/Latino
<input type="checkbox"/> White
<input type="checkbox"/> Black or African American
<input type="checkbox"/> American Indian/Alaska Native
<input type="checkbox"/> Asian | <input type="checkbox"/> Native Hawaiian or Pacific Islander
<input type="checkbox"/> American Indian or Alaska Native and White
<input type="checkbox"/> Asian and White
<input type="checkbox"/> Black or African American and White
<input type="checkbox"/> Am. Indian/Alaska Native and Black or African Am.
<input type="checkbox"/> Balance (more than one race) |
|--|--|

5. Find the line for your household size and circle the number. Proceed along that line and check the appropriate box for whether your household income, over the past 12 months, was above or below the income amount listed on that line.

Persons in Household, including yourself (circle one)	Total Household Income Levels*	Above	Below
1	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
2	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
3	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
4	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
5	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
6	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
7	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>
8	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>

* Total household income includes wages, unemployment and disability income, public assistance, social security, interest and dividend income and retirement and insurance payments from all adult individuals residing in the household. It does not include income earned by a child under 18 years, foster care payments, hostile fire pay, or inheritance income.

I certify that I have answered this questionnaire to the best of my ability. I understand that the information I have given is subject to verification.

Worker's Signature: _____

Date: _____

Grantee's Signature: _____

Date: _____

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Application Checklist

Complete this application and submit in a three-ring binder, with tabs, in the following order:

Section	Page	Included
Cover Letter		
Table of Contents		
Section 1: Project Summary		
1.1 Applicant Information		
1.2 Project Overview – Narrative and Type		
1.3 Funding		
1.4 Design Status		
1.5 Citizen Participation		
1.6 Open Grants		
Section 2: Primary Activity		
2.1 Impact and Planning		
2.2 Project Budget and Schedule		
2.3 National Objective-Eligibility		
2.4 National Objective-LMI Households and Individuals Assisted		
Section 3: Section 3 Plan <i>Signature Required</i>		
Section 4: EEO Beneficiary Analysis/LMISD/Fair Housing Plan		
Section 5: Assurances <i>Signature Required</i>		
Section 6: Citizen Participation Plan		
Section 7: Disclosure/Update Report <i>Signature Required</i>		
Section 8: Housing Needs Assessment		
Section 9: Authorizations /FFATA/SAM.gov/DUNS Number <i>Signature Required</i>		
Appendix A: Resolution and SAM.gov Registration Page <i>Signatures Required</i>		
Appendix B: Other Funding Sources Commitment Letters		
Appendix C: Cost Estimates from the Project Designer <i>Signature Required</i>		
Appendix D: Income Survey Documentation and Survey Tab Sheet <i>Signature Required</i>		
Appendix E: IJDC Determination Letter and Technical Review Memo Not Applicable		
Appendix F: Title VI Map		
Appendix G: Clearly defined project area topographical, aerial and driving maps		
Appendix H: Maps clearly reflecting the census area and data if the applying project is based on Census Tract information. Note: Census area <u>must coincide</u> with service area.		
Appendix I: Urgent Need 24 CFR 5470.483(3) if needed.		

SECTION 1 – PROJECT SUMMARY					
1.1 - Applicant Information					
Lead Applicant				Contact	
Address					
Phone		Email			
Amount Requested			Total Project Cost		
Partner Jurisdictions	List all partner counties or municipal jurisdictions:				
Project Type (Check all that Apply)		Fiber:		Tower:	
Planning:		Fixed Wireless:		Wireless:	
Other:					
Estimated Individuals to be Served		Estimated Households to be Served			
Estimated Cost Per Person		Estimated Cost Per LMI Person			
Estimated Businesses to be Served		Estimated Community Anchor Institutions			
Estimated Fiber Miles		Number of Towers			

Project Name					
Summary	Describe the location, type of project, proposed route, number of locations (households, businesses, community anchor institutions) to be connected, project partners, minimum service level, and the community and economic development rationale for the project.				
Congressional District		Region		County	
Category	Technology and Innovation	Activity (Choose One)	Broadband Planning	\$30,000-\$125,000	
			Broadband Construction	Up to \$1.25 million	
			Broadband Pilot or Demonstration Project	Up to \$500,000	

			Broadband Matching Funds	Required Match	
National Objective <i>(choose one)</i>	Benefit to LMI Persons		Elimination of Slum/Blight		Urgent Need
<p>Note: Planning activities are eligible under HUD CDBG regulation § 570.205. Planning activities must be related to an activity, that when undertaken, would be eligible under the CDBG program and meet one of the three HUD national objectives-benefit to low and moderate income persons, the elimination of slums and blight, or urgent need.</p>					
Project Area LMI Data	LMI Census %		LMI Survey %		Minority %

Administrator		Contact	
Address			
Telephone		Email	

<p>HUD funding is subject to the regulatory citation 31 U.S. Code § 3720B, barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees. Is the Applicant delinquent on any State or Federal loan or financial obligation? <i>If yes, explain below.</i></p>	
<p>Does the applicant have an active SAM.gov registration? <i>If no, explain below and indicate plan to register/reactivate.</i></p>	

1.2 - Project Overview

1. In Section 1.2, Project Overview, address the justification and need for this project and the expected outcomes and effects for beneficiaries, as applied to the following three objectives identified in West Virginia's Consolidated Action Plan:
 1. Support local government efforts to provide affordable infrastructure systems;
 2. Support local community efforts to assist low-to moderate-income citizens to achieve an improved quality of life; and
 3. Support job creation and retention efforts

2. **All applications will be reviewed according to the following criteria:**
 1. The relationship to a national objective, the number of low- to moderate-income persons to be served by the project, and the impact on minority areas;
 2. The relationship to the CDBG program design objectives and proposed Fair Housing initiatives;
 3. The public health, environmental, and economic development benefits of the project;
 4. The readiness of the project to proceed;
 5. The degree to which the project will correct identified deficiencies or achieve compliance with required standards;
 6. The cost effectiveness of the project;
 7. The availability of other sources of funds for the project;
 8. The degree to which the project achieves state, regional, and local planning goals;
 9. The status of existing open grants;
 10. The applicant's capacity to administer the project;
 11. The project's ability to utilize awarded CDBG funds for Planning to develop effective strategies to lead to future infrastructure projects, including funding strategies, which consist of the CDBG program and/or other federal and private-sector based broadband funding programs.

3. Discuss major project accomplishments to date, including committed funding, the percentage of design complete, permits in hand, number of service agreements, letters of support and petitions for service.

4. Include LMI figures given under Section 2.3 **National Objective-LMI Households and Individuals Assisted** and details concerning how the project will serve low to moderate income households and individuals. If there is a mix of unserved and underserved areas.

5. Refer to supporting documentation in the required attachments and include any other materials referenced in the Project Overview or statement of needs in additional appendices, such as petitions, news articles, designs, master plans, etc.

1.2 - Project Overview – Executive Summary

Executive Summary: Describe the location, type of project, proposed route, number of locations (households, businesses, community anchor institutions (CAIs) to be connected, project partners, minimum service level desired, and the community and economic development rationale for the project.

1.2 - Project Overview –Type

Existing Service Profile			
Type of Project (Planning, Matching Funds, Pilot, etc.)			
Area Service Provider(s)/Potential Partners			
Area Electric Utility(ies)			
Current Services / Speeds		Desired Services / Speeds	
Cable			
DSL			
Satellite Broadband			
Other			

Estimated Cost Profile			
Estimated Individuals to be Served		Estimated Cost Per Person	
Estimated Households to be served		Estimated Cost Per LMI Person	

1.3 - Funding						
Source	Amount	Loan or Grant	Application Submitted		Funding Secured	Commitment Letter Attached
			<i>Yes/No</i>	<i>Date</i>	<i>No</i>	<i>Yes/No</i>
CDBG Request	\$					
Local Funds	\$					
Other	\$					
Other	\$					
Other	\$					
Other	\$					
Total	\$					

Explain the plan and schedule for obtaining additional or unsecured funds.

1.4 –Proposed Design										
Design Firm							Contract Date			
Contact					Address					
Telephone			Email							
Name of individual completing cost estimate								Date		
Signed and dated cost estimates attached?					Yes			No		
Preliminary Design attached?					Yes			No		
Map of Project Area attached?					Yes			No		
Design Status										
Was the design firm procured in compliance with 2 CFR 200 and applicable State law?							Yes		No	
Easements		Location(s):				# to be Acquired				
Municipal Rights-of-Way		Location(s):								
WV DOH Rights-of-Way		Route Number(s):				# to be Acquired				
Parcels Requiring Acquisition		Location(s):				# to be Acquired				
Pole Attachment agreements		Pole company owner(s):				# to be Acquired				
Required Relocations						# to be Relocated				
Required Bridge Attachments		Location(s):								
Installation: (Check all that apply. Estimate percentages if known.)		Aerial:		Boring:		Trenching:		Other:		
Notes:										
Status of Required Permits/Permits to be Acquired										
Permitting Agency					Date Submitted			Date Approved		
1.										
2.										
3.										
4.										
Connection Fee Assistance										
Is connection fee assistance requested as part of this project?					Yes/No			If yes, complete below		

Estimated Number of Participants								
Estimated Cost		\$						
1.5 - Citizen Participation								
Public Hearing Legal Notice Published	Date		Date		Detailed Meeting Minutes Attached?			
Public Hearing Meeting Dates	1 st Meeting		2 nd Meeting					
Newspaper					Yes		No	
Are letters of support or petitions for service included in the application?					Yes		No	
1.6 – Status of Open Grants								
Did applicant submit a waiver request to the WVDO due to existing open grants?								
List below any of the applicant’s open grants that have not received an interim closeout.								
Project Number	Project Name	Date Awarded	Amount Awarded	Remaining Balance	Status			
Status of Open Grant(s)								
<p>Example: Project is 90 percent complete. Bids were opened in March 2018. Project is progressing with no anticipated delays and was 40 percent complete as of September 2019. Completion is expected March 2020. Final Performance Report to be submitted September 2020.</p>								

SECTION 2 – PRIMARY ACTIVITY

2.1 - Impact and Planning

Activity Name

Review 24 CFR Part 570.201 for a complete list of eligible activities

1. Community and Economic Impact (Discuss Schools, Daycare Facilities, Senior Centers, Business and Housing Growth Potential, Economic Distress, or Minority Areas and Populations Affected.)

- a. How will this project provide opportunities for existing business retention and expansion, new business attraction, increased jobs and/or other expanded business and community opportunities?
- b. Provide the number of and a short description of businesses in the project area(s), including the level of broadband service needed to retain or create jobs.
- c. Describe telecommuting opportunities that would be developed or expanded. Attach surveys or specific statements of need or impact from business owners or residents.
- d. Demonstrate the impact in an economically distressed area of the State, as measured by HUD data, median household income, unemployment, poverty or population loss, business closure or other demographic data.
- e. Describe anticipated benefits related to health and public safety will benefit from the project. Provide a review of area medical facilities and resources and how these may improve through greater utilization of telemedicine and electronic health data management.
- f. Provide information related to educational access, e-learning and workforce development may improve as a result of this project.

2. How does this activity relate to your Community Development and Housing Needs Assessment Plan? (Include a copy of the Assessment Plan which should reference this project.)

- a. Provide an inventory of significant Community Anchor Institutions (CAIs) that will benefit from this project. Include any demonstrations of how the broadband deployment will be incorporated into specific community programs. Include specific information on any school, library, public safety, or locally owned communications towers that will receive a fiber connection as part of this project.

3. Is service being provided outside of the applicant’s jurisdiction? If so, please explain how the applicant’s needs are being met by this project.

- a. Describe the partnership of all jurisdictions participating in the project and the anticipated structure for project management. Describe the value of this partnership in terms of the overall effectiveness, feasibility and cost effectiveness of this project.
- b. Demonstrate how the proposed project will leverage existing broadband networks or be built in conjunction with other broadband infrastructure project(s), to expand service areas to unserved or underserved regions of the State. Provide examples of potential leveraged funding, including but not limited to CAFII, E-Rate, USDA-RUS, US EDA, or other local, State, or Federal sources.

4. Community Engagement and Support

- a. Provide evidence of community support for the project. Include letters endorsing the project from residents, businesses, legislators, congressional representatives, and local government resolutions. Demonstrate community support through a variety of methods, including but not limited to: canvas, survey, anecdotal evidence, letters, newspaper articles, petitions, etc.
- b. Describe activities planned or underway to actively promote the adoption of broadband services in the community if services become available, including a description of the technical support and training on broadband applications for residents, businesses and institutions in the project area. Describe methods by which the community will actively involve low- to moderate-income residents.

Service Area Details				
	Middle Mile	Last Mile	Proposed Services	Proposed Infrastructure
Unserved				
Unserved Households				
Unserved Residents				
Unserved Businesses				
Unserved CAI				
Underserved				
Underserved Households				
Underserved Residents				
Underserved Businesses				
Underserved CAI				
TOTAL SERVED				

Note: **Middle Mile** infrastructure is broadband infrastructure that links a broadband service provider’s core network infrastructure to last-mile infrastructure. **Last Mile** infrastructure is broadband infrastructure that serves as the final leg connecting the broadband service provider’s network to the end-user’s onsite telecommunications equipment.

Internet Infrastructure and Speed Details				
Proposed Infrastructure/System	Number or Length of Build (LF or Miles)	25:3	100:20	1G:1G
Tower				
Fixed Wireless				
Wireline				
• Aerial				
• Buried				

Note: **Broadband** is described by the Federal Communications Commission (FCC) as a benchmark of 25 megabits per second (Mbps) downstream and 3 Mbps upstream, or a rate of 25/3. Should the FCC revise this definition, the State will follow the most current FCC guidelines.

2.2.a - Project Budget					
Activity Name					
Cost Category	CDBG Funds	Other Funds	Other Funding Sources	Committed (Yes or No)	Total Cost
Planning	\$	\$			\$
Professional Services	\$	\$			\$
Construction	\$	\$			\$
Land Acquisition/Easements	\$	\$			\$
Legal and Accounting	\$	\$			\$
Administration	\$	\$			\$
Permitting	\$	\$			\$
Other	\$	\$			\$
Total	\$	\$	CDBG does not permit contingency line items.		\$
2.2.b - Project Schedule					
Attach cost estimates and documentation regarding the status of other funds. If other funds are not currently available for expenditure, list the milestones required to obtain the other funding and estimate the dates by which the milestones will be achieved.					
Milestone		Estimated Start Date		Estimated Completion Date	
All Funds Secured					
Environmental Review					
Professional Services/Planning					
Preliminary Network Design					
Acquisition					
Permits					
Bidding					
Construction					
Completion					
Notes					

2.3 - National Objective I Planning Only				
Activity Name				
National Objective: Planning activities are eligible under HUD CDBG regulation 24 CFR 570.205. Planning activities must be related to an activity, that when undertaken, would be eligible under the CDBG program and meet one of the three HUD national objectives: benefit to low and moderate income persons, the elimination of slums and blight, or urgent need.				
Applicable Regulation	A.	24 CFR 570.205		Type of Plan

2.3 - National Objective I Construction									
Activity Name									
National Objective	A.	Benefit to LMI Persons		B.	Elimination of Slum and Blight		C.	Urgent Need	
Applicable Regulation		24 CFR 570.483(b)(1)(i)			24 CFR 483(c)(1-3)			24 CFR 570.483(d)	

The following sections must be completed by ALL APPLICANTS:

1. Identify the counties, cities, places or census area(s) that most closely approximate with the project area.
2. For these areas, provide the following from HUD LMISD data: www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-block-groups-places.
3. Attach all source documentation in Section 4 (Most Recent ACS Data)

A. BENEFIT TO LOW- AND MODERATE-INCOME (LMI) PERSONS							
Area-Wide Benefit: Refer to 24 CFR 570.483(b)(1)(i) and HUD CPD Notice 14-10							
Census Data – Attach LMISD Source Documentation in Section 4.							
Identify the county, city, place or census area(s) that most closely approximate with the service area. For these areas, provide the following from HUD LMISD data: www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-block-groups-places . Attach all source documentation in Section 4 (Most Recent ACS Data) This section applies to ALL applicants.							
Census Tract		Block Group		Low-Mod Universe		Total LMI Persons	
Census Tract		Block Group		Low-Mod Universe		Total LMI Persons	
Census Tract		Block Group		Low-Mod Universe		Total LMI Persons	
Census Tract		Block Group		Low-Mod Universe		Total LMI Persons	
Census Tract		Block Group		Low-Mod Universe		Total LMI Persons	
LMI % = (LMI Persons Geography A + LMI Persons Geography B) / Total x100				Totals			
(LMI Universe Geography A + LMI Universe Geography B)							

Income Survey – 24 CFR 570.483 (b)(1) and HUD CPD Notice 14-013 and Notice 19-02.

Indicate why an income survey was conducted. **Attach source documentation in Appendix D.**

The census area does not coincide with the service area.

The census area does not reflect the current income of the area.

Date Conducted		Sample Size		METHOD	Mail		Indicate all methods that apply.
HH in Service Area		HH Responding			Phone		
Individuals in Service Area		Number LMI Persons			Door-to Door		
Response Rate %		LMI Individuals %			Other		

Attach all income survey information required by WVDO income survey guidelines. **Explain income survey methodology, how the sample size was determined and any additional information.**

Describe the income survey methodology.

How was the income survey sample size determined?

ADDITIONAL LMI CATEGORIES

Limited Clientele: Refer to 24 CFR 570.483(b)(2) and CFR 570.506(b)(3)

Explain:

Housing Activities: Refer to 24 CFR 570.483(b)(3)

Explain:

Job Creation or Retention: Refer to 24 CFR 570.483(b)(4) and CFR 570.506(B)(5)(6)(7).

Explain:

Planning Only: 24 CFR 570.483(b)(5)	
Explain:	

B. ELIMINATION OF SLUM AND BLIGHT

Area-wide Basis: 24 CFR 483(c)(1)	Spot Basis: 24 CFR 483(c)(2)	Planning Only: 24 CFR 483(c)(3)
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Elimination of a slum or a blighted condition on a spot or area basis meets the Slums and Blight National Objective. This means that the household or family income of the beneficiaries is not necessary for a Slums and Blight eligible project. If there are known beneficiaries for the project, the WVDO may require income surveys to confirm that the Low and Moderate Income National Objective cannot be met.

C. URGENT NEED

24 CFR 570.483(d)

Attach a detailed explanation and required documentation as outlined in the application instructions. Addressing a community's urgent need meets the Urgent Need National Objective. This means that the household or family income of the beneficiaries is not necessary for an Urgent Need eligible project. If there are known beneficiaries for the project, the WVDO may require income surveys to confirm that the Low and Moderate Income National Objective cannot be met. To qualify under Urgent Need, the WVDO must conclude that the project will alleviate conditions that pose a serious and immediate threat to the health and welfare of the community, are recent in origin and cannot be addressed with funding from the community or other sources.

2.4 - National Objective – LMI Households and Individuals Assisted

Existing Service

Existing Service Provider(s)					
# of Existing Customers		Households		Individuals	

New Service

How many customers will have NEW service as a result of this project?										
Households		# LMI HH		% LMI HH		Individuals		# LMI Individuals		% LMI Individuals

Improved Service

How many existing customers will have IMPROVED service as a result of this project?										
Households		# LMI HH		% LMI HH		Individuals		# LMI Individuals		% LMI Individuals

Total New & Improved Service

Households		# LMI HH		% LMI HH		Individuals		# LMI Individuals		% LMI Individuals
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SECTION 3 – SECTION 3 PLAN

Insert Section 3 Plan here.

A sample Section 3 Plan is available at www.wvdo.org/downloads.

SECTION 4 – EEO / BENEFICIARY ANALYSIS / LMISD / FAIR HOUSING

Insert the following documents:

1. **ACS/Census Beneficiary Analysis Source Documentation (American FactFinder or Census Source Documentation)**
2. **HUD LMISD Source Documentation (Low-Mod Data)**
3. **Fair Housing Plan (See Fair Housing Review Criteria in Application Instructions)**

SECTION 5 – ASSURANCES

The applicant hereby assures and certifies that:

- A. It possesses the legal authority for the grant and ability to execute the proposed program.
- B. Its governing body has duly adopted or passed an official act as resolution, motion, or similar action, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- C. Prior to submission of its application to the state, the applicant has met the citizen participation requirements of the Act.
- D. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with the Title I funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) Title I funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or (b) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income, it certifies to the state that it lacks sufficient Title I funds to comply with the requirements of clause (a).
- E. **It is following a written and detailed citizen participation plan which:**
1. Provides for, and encourages, citizen participation, with particular emphasis on participation by persons of low- and moderate-income who are residents of slums and blighted areas and of areas in which funds are proposed to be used and provides for participation of residents in low- and moderate-income neighborhoods as defined by the local jurisdiction;
 2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the Grantee's proposed use of funds, as required by regulations of the Secretary of the U.S. Department of Housing and Urban Development and relating to the actual use of funds under this title;
 3. Provides for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals with the level and type of assistance to be determined by the Grantee;
 4. 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 needs, the review of proposed activities, and review of program performance, the hearings which shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled;
 5. Provides for a timely, written answer to written complaints and grievances within 15 working days were practicable; and
 6. 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.
- F. **The applicant further certifies that it has, prior to submitting its Final Statement to the State:**
1. Furnished citizens with information concerning the amount of funds available for proposed community development and housing activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low- and moderate-income and plans for minimizing displacement of persons as a result of activities assisted with such funds and to assist persons actually displaced as a result of these activities;
 2. Developed a community development plan for the grant period that identifies community development and housing needs and specifies both short- and long-term community development objectives that have been developed in accordance with the primary objectives and requirements of the Act and, if the activities selected serve beneficiaries that are not residents of its jurisdiction, has determined that the activities selected are meeting its needs in accordance with Section 106(d)(2)(D) of the Act;
 3. Published a proposed statement, in such manner and in sufficient detail, to afford affected citizens an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the applicant;
 4. Provided adequate notice of public meetings;
 5. Held one or more public hearing to obtain the views of citizens on community development and housing needs;
 6. Considered all comments and views prior to completing the Final Statement; and
 7. Made the Final Statement available to the public.
- G. **Its chief executive officer or other officer:**
1. Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969, and
 2. Authorizes and consents, on behalf of the applicant and himself/herself, to accept the jurisdiction of the federal courts for the purpose of enforcement of their responsibilities as such an official.
- H. The Community Development Program has been developed so as to give maximum, feasible priority to activities which will benefit low- and moderate-income families; meet other community development needs having particular urgency because an existing condition poses a serious immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs; or aid in the prevention or elimination of blighted or deteriorated areas.

- I. It will comply with the regulations, policies, guidelines, and requirements of the state as they relate to the application, and acceptance and use of funds to include Subpart I of CFR 570 and supplemental parts of 24 CFR Part 570 as specifically made applicable by the state to the extent expressly referred to.
- J. It will administer and enforce the labor standards requirements set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements.
- K. It will comply with all requirements by the state and/or federal government concerning special requirements of law, program requirements, and other administrative requirements.
- L. It will comply with the provisions of Executive Order 11988 relating to evaluation of flood hazard and Executive Order 11990 relating to the prevention, control, and abatement of water pollution.
- M. Its notification, inspection, testing, and abatement procedures concerning lead-based paint will comply with 24 CFR 570.487, and procedures adopted by the state.
- N. It will require every building or facility (other than a privately-owned residential structure) designed, constructed, or altered with funds provided under this part, to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled," Number A-117.1-R-1971, subject to the exceptions contained in 41 CFR 101-19.604. The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.
- O. **It will comply with:**
1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and the regulations issued pursuant thereto (24 CFR Part 601) which provides that no persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the applicant received federal financial assistance, and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of federal financial assistance extend to the applicant, this assurance shall obligate the applicant or, in the case of any transfer of such property, any transfer, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits.
 2. Title VII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development, in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services.
 3. Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.602), which provides that no persons in the United States shall, on the grounds of race, color, national origin, religion, or sex, be subjected to discrimination under any program or activity funded in part with funds provided, including discrimination on the basis of age under the Age Discrimination Act of 1975, or with respect to an otherwise qualified disabled individual as provided in Section 504 of the Rehabilitation Act of 1973 and the regulation issued pursuant thereto (24 CFR Part 8).
 4. Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance.
 5. Executive Order 11246, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), which provides that no persons shall be discriminated against on the basis of race, color, religion, sex, or national origin in all phases of employment during the performance of federal or federally-assisted construction contracts. Contractors and subcontractors on federal and federally-assisted construction contracts shall take affirmative action to ensure fair treatment in employment upgrading, demotion or transfer, recruitment or recruiting; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training and apprenticeship.
- P. It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.
- Q. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal Implementing Regulation at 49 CFR Part 24, and the requirements of Section 570.488, and is following a residential anti-displacement and relocation assistance plan under section 104(d) of the Act, and will minimize displacement of persons as a result of activities assisted with CDBG funds.
- R. It will establish safeguards to prohibit employees from using positions for a purpose that is, or gives the appearance of being, motivated by a desire for a private gain for themselves or others, particularly those with whom they have family, business, or other ties as required by State Law and 24 CFR 570.489(h).
- S. It will comply with the provisions of the Hatch Act, which limits the political activity of employees.
- T. It will give the State of West Virginia, HUD, and the General Accounting Office, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
- U. It will ensure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the program area is not listed on the Environmental Protection Agency's (EPA) List of Violating Facilities, and it will notify the state of the receipt of any communication from the Director of the EPA's Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by EPA.
- V. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 97 Stat. 875, and approved December 31, 1973. Per 24 CFR 570.605, if a community has had notice for more than a year that an area has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, CDBG funds cannot be spent for

acquisition or construction purposes in the area unless the community is participating in the National Flood Insurance Program and such insurance has been purchased for the properties in question.

- W. It will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1968 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (16 U.S.C. 468a-11 et. seq.) by:
 - 1. Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 26 CFR Part 800.8) by the proposed activity, and
 - 2. Complying with all requirements established by HUD to avoid or mitigate adverse effects upon such properties.
- X. It will provide and maintain competent and adequate architectural engineering supervision and inspection at all construction sites to ensure that the complete work conforms to the approved plans and specifications and that all contract provisions have been complied with.
- Y. It will not use funds directly or indirectly to employ, awards contract to, or otherwise engage the services of a debarred, suspended, or ineligible contractor or subcontractor.
- Z. It will assume responsibility to ensure that all program funds are accounted for consistent with program objectives and all federal, state, and local laws and regulations.
- AA. It will cause the project to be audited in accordance with 2 CFR 200, and will promptly refund to the state any funds received that are not supported by audit.

BB. It certifies, to the best of its knowledge and belief, that:

- 1. No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any persons for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of any member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, or modification of any federal contract, grant, loan, or cooperative agreement.
- 2. If any funds other than federal appropriated funds have been paid or will be paid to any persons for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontractors, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- CC. It has been adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations; and is enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
- DD. It is in compliance with the provisions of Section 504 of the HUD Act, or will take appropriate steps to ensure compliance.
- EE. It will comply with Section 102 of the HUD Reform Act of 1989, and CFR Part 12 in regard to the disclosure of interest in projects exceeding \$200,000 in the aggregate.
- FF. The applicant is in compliance with 31 U.S. Code § 3720B - Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees. HUD adheres to 31 U.S.C. 3720B stating that, "project applicants with an outstanding Federal debt will not be eligible to receive HUD funds, unless: (1) a negotiated repayment schedule is established and the repayment schedule is not delinquent, or (2) other arrangements satisfactory to HUD are made prior to the award of funds by HUD. If arrangements satisfactory to HUD cannot be completed within 90 days of notification of selection, HUD will rescind the conditional award with a project applicant."

Chief Elected Official Signature

Date

Printed Name of Chief Elected Official

SECTION 6 – CITIZEN PARTICIPATION PLAN

Insert Citizen Participation Plan here.

See Application Instructions for additional information.

SECTION 7 – DISCLOSURE/UPDATE REPORT

Applicant/Recipient

U.S. Department of Housing
and Urban Development

OMB Approval No. 2510-0011 (exp. 11/30/2018)

Disclosure/Update Report

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on next page.)

Applicant/Recipient Information

Indicate whether this is an Initial Report or an Update Report

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received
5. State the name and location (street address, City and State) of the project or activity:	

Part I Threshold Determinations

<p>1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No.</p>
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If you answered “No” to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form.

However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds. Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity; and
2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity (\$ and %)

(Note: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)
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Form HUD-2880 (3/13)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban

Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is voluntary. HUD is authorized to collect this information under the Housing and Community Development Act of 1987 42 U.S.C.3543 (a). The SSN or EIN is used as a unique identifier. The information you provide will

enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15.

HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview

A. Coverage. You must complete this report if:

- (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of \$200,000 during the during the fiscal year;
- (2) You are updating a prior report as discussed below; or
- (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. Update reports (filed by "Recipients" of HUD Assistance):

General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.

All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update**

Reports should not complete this Part.

If the answer to *either* questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or

the contract, irrespective of when they are to be received.

5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification

has been provided (recipients).

4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD **and any other source** - that have been or are to be, made available for the project or activity. Non-government sources of not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available

Number (EIN), as appropriate, for each person listed is optional.

3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).

4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need

with respect to the project or activities for which the assistance is sought.

5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

SECTION 8 – HOUSING NEEDS ASSESSMENT

Insert Community Development and Housing Needs Assessment here.

See Application Instructions for additional information.

SECTION 9 – AUTHORIZATIONS/FFATA/SAM.gov/DUNS Number

The Federal Funding Accountability and Transparency Act (FFATA) requires the WVDO to submit the award of federal funds to the FFATA Sub-award Reporting System (FSRS) website for all federal awards of \$25,000 or more. By signing below, I authorize the West Virginia Development Office to report the award of any CDBG-SCBG funds awarded as a result of this application in the Federal Financial Accountability and Transparency Act (FFATA) report for the State of West Virginia.

I understand and certify, by the date listed below, that my organization is properly registered with the SAM.gov website in order to complete these reporting requirements. By signing below, I also certify that my organization is not debarred or suspended and does not have an inactive DUNS number. A copy of the Sam.gov registration page is attached to this application.

SAM.gov Registration Date			FEIN	
Zip+4	Ex: 25305-0311		DUNS	
SAM.gov Registration Attached		Yes/No		

Certification

The information contained within this application is true and correct to the best of my knowledge. The submission thereof has been duly authorized by resolution (attached) of the Unit of Local Government after appropriate citizen participation, and the applicant will comply with the attached assurances and certifications, provided technical assistance is provided when necessary.

Typed Name	
Signature	
Title	
Date	

The West Virginia Development Office does not discriminate on the basis of age, race, color, religion, sex, national origin, familial status or disability in the admission, access to, treatment of, or employment in, its federally assisted programs or activities. For additional information, call the West Virginia Development Office at 304-558-2234.



Other Required Attachments

- Appendix A:** Resolution Authorizing Filing of the Application and SAM.gov Registration Page.
- Appendix B:** Other Funding Sources Commitment Letters.
- Appendix C:** Signed and dated copy of Cost Estimates from the project design consultant.
- Appendix D:** Income Survey Documentation and Survey Tabulation Sheet.
- Appendix F:** Title VI Map.
- Appendix G:** Clearly defined project area topographical, aerial and driving maps.
- Appendix H:** Maps clearly reflecting the census area and data if the applying project is based on Census Tract information. **Note: The census area must coincide with the project area.**
- Appendix I:** Urgent Need 24 CFR 5470.483(3) if needed.

