

West Virginia Department of
Economic Development
Community Advancement and Development Division



FY2022
Community Development Block Grant
(CDBG)
Application and Instructions

Application Due Date: February 24, 2023

Fiscal Year 2022

West Virginia CDBG Program

General Guidelines

Overview

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 the following National Objectives:

- Benefit low-to moderate- income persons
- Aid the prevention or elimination of slums or blight

The 2020-2024 CDBG Consolidated Plan for the State of West Virginia, as approved by the U.S. Department of Housing and Urban Development, has identified the following community and economic development objectives:

- Support the development of viable infrastructure systems to improve living conditions and bolster economic development.
- Improve quality of life by enhancing public facilities and eliminating factors that affect environmental quality or public health.
- Develop local strategies through community planning to support improved living environments and strengthen economic and community development.

Award Amounts and Ineligible Activities

Community Advancement and Development (CAD), a division of the West Virginia Department of Economic Development (WVDED), is now accepting applications that focus on the above identified community and economic development objectives. CDBG funding is limited and competitive. Maximum amounts that may be requested are as follows:

- | | |
|------------------------------------------------|---------------------|
| ● Infrastructure projects: | \$2,000,000 maximum |
| ● Sidewalks, Streetscapes, and ADA curb cuts: | \$500,000 maximum |
| ● Parks/recreational facilities: | \$500,000 maximum |
| ● Demolition of blighted/abandoned properties: | \$500,000 maximum |
| ● Brownfield projects: | \$1,000,000 maximum |
| ● Planning grants: | \$500,000 maximum |

Funds for planning grants are limited and requests should be focused on community and economic development, particularly infrastructure, parks and recreational facilities, brownfields, and addressing blighted and abandoned properties.

Ineligible activities for State CDBG funding:

- Government Buildings
- General Government Expenses
- Political Activities
- Purchase of Equipment, Furnishings, or Personal Property
- Operating and maintenance expenses

Matching contributions are not required but encouraged (projects with committed match will receive additional points).

Contract Terms

Projects are granted a performance period dependent upon the project type, as follows:

- Infrastructure (water/sewer/storm sewer): three (3) years
- Parks and Recreation, Sidewalks, Streetscapes, and ADA curb cuts: two (2) years
- Demolition: one (1) year
- Planning: one (1) year

In some cases, one-year extensions can be approved after the extension request process has been completed (at the discretion of WVCAD).

Post Award Criteria

WVCAD reserves the right to award an amount in CDBG funds less than requested depending upon the availability of funds and may reject any or all proposals based on the quality and/or merits of the proposals. WVCAD reserves the right to substantiate any applicant's qualifications, financial information, capability to perform, and past CDBG performance if applicable.

Post Award Criteria Recipient Criteria including but not limited to:

- Awards are subject to 24CFR570, 2CFR200, local/WV State laws and Federal Crosscutting requirements.
- Monitoring each grant recipient ensuring compliance with applicable regulations and laws.
- Recipient shall not incur any costs or obligate any CDBG funding until a release of funds is received from the HUD and the WVDED, a contract between The West Virginia Department of Economic Development (WVDED) and the recipient is executed, and an environmental review is complete. No choice limiting actions will be funded.
- Recipients will be asked to provide a final summary reporting all accomplishments and low to moderate income benefit data to be provided to the State and the public. Final payment will not be issued until monitored by WVCAD and receipt the final summary report.
- Other requirements as contained in the Subrecipient agreement executed with WVDED.

Payments

Requests for Payment should be submitted monthly, including all required invoices and documentation to substantiate costs, to the West Virginia Community Advancement and Development Office for approval and remittance. CDBG funds are not paid to Grantees before costs are accrued, except for WVCAD review and approval of pre-award costs. Grantees must be financially suited to cover initial costs in anticipation of reimbursement.

WVDED Scoring Criteria

Applications will be reviewed by CAD staff according to the following criteria:

- National objective and percent of low- and moderate-income persons served..... 15 points
- The relationship to CDBG program design objectives..... 10 points
- The project narrative and outcome benefits (e.g., defined milestones, up to date cost estimates, especially in quantitative terms)..... 25 points
- The degree to which the project will correct identified deficiencies or achieve compliance with required standards, description of the project need..... 10 points
- The cost effectiveness of the project..... 15 points
- The degree to which the project achieves state, regional, and local planning goals..... 10 points
- The readiness of the project to proceed..... 20 points
- Resiliency measures incorporated in the project..... 10 points
- Applicant's capacity to administer and implement the project, emphasis on open grants..... 15 points
- Partnerships described, with supporting partnership letters..... 10 points
- Matching funds shown in project budget..... 10 points

Submission Guidelines

Eligible applicants include non-entitlement units of local government (UGLG)s such as municipalities and counties (individuals, for-profit businesses, and nonprofit organizations are not eligible to apply).

Submission Requirements

Applications must be completed with all required documents, signatures, and notaries at the time of submission.

- This application is a fillable PDF and strongly recommended to be submitted as so, with the addition of scanned/original digital attachments;
 - If the applicant does not have Adobe Acrobat to complete this PDF electronically, WVCAD will accept handwritten applications that are scanned, saved, and submitted as a PDF file.
- Each section of this application must be as complete as possible with quantitative and qualitative descriptions that can be justified with supporting documentation;
- Maps and attachments must be shrunk to fit onto an 8 ½ x 11” paper;
- Throughout sections of this application, required attachments are referenced in red font. These attachments shall be placed in order after the last page of this application. **Section covered sheets should not be used, as the first page of each attachment must be labeled as directed in the attachment list on pages 31 and 32.** Extraneous information will not be considered;
- Signatures must be on application **in all sections** that require a signature. Electronic signatures will be accepted.

This application should be submitted to CDBG@wv.gov. Electronic applications are strongly recommended. If an application must be submitted by mail as a paper document, please email CDBG@wv.gov.

Deadline for Applications

Applications are due on or before Friday, February 24, 2023 by 5:00 p.m. Applications must be received by CDBG@wv.gov by 5:00 pm on Friday, February 24, 2023. WVDED will send an email to each applicant that will serve as confirmation the application was received.

West Virginia CDBG Program Application

Project Title:

Project Type (please choose one):

- Water/Sewer/Storm Sewer
 Parks and Recreation
 Demolition
 Sidewalks, Streetscapes, and ADA curb cuts
 Planning

Section 1 Applicant Information

Primary Contact Name:		Mailing Address:	
Title:		City:	
Email:		State:	
Phone Number:		Zip Code:	

Entity Name:			
Oasis Number:		UEI Number:	
Resubmission (Yes/No): If yes, what years submitted?		FEIN Number:	

Project Administrator Name (if different than above):		Mailing Address:	
Title:		City:	
Email:		State:	
Phone Number:		Zip Code:	

Co-applicants entities, if any:	Contact Person:	E-mail Address:

List any additional project members assigned to the project team (name, email, role, responsibilities). If name is unknown, list role and responsibility.

Instructions:

Please respond to the prompts in the allotted space provided. All spaces are electronically fillable and should be completed as so. Submit all attachments with this application, **with no section titles**; simply label all Attachments with the appropriate Attachment letter, as listed in the Attachment checklist order.

All application materials must be submitted by Friday, February 24, 2023 at 5pm EST.

Section 2 Project Description

Write a brief overview/summary of the project being proposed. If there are multiple questions that need to be stated in the same answer box, please label which item you are addressing with the appropriate bullet letter.

1. State the following:
 - a. The project's scope to address current problems
 - b. The demand or need for this project
 - c. Opportunities that may come from this project

2. The location where this project would take place. Please include the county.

3. How and which local, regional, and/or state planning goals tie back to the outcomes of the proposed project.

4. Describe the approach to how the work will be completed in a timely manner to align with the project schedule in Section 4.

5. Describe anticipated measurable outcomes from one of the following:
- a. Number of customers, households, and persons serviced;
 - b. Number of acres improved; OR
 - c. Number of structures demolished.

6. Describe how the project will prioritize and/or consider low-moderate income.

7. Describe how the project will be maintained after it is completed. Include information on how resources will be allocated to ensure continued operations and maintenance of the project.
- a. **For Infrastructure projects:** Who currently owns the water/sewer lines for this proposed project? Who will own the lines after this project is completed?

8. What resiliency measures will this proposed project address?

Section 3 RPDC Capacity + Procurement Plans

Provide answers to address the items below. Also, please attach the procurement policies and procedures governing the proposed project as [Attachment A](#). Please note: these policies must be in compliance with 2 CFR 200 and Chapter 5-22-1 of the WV State Code.

1. For each CDBG project of which you manage that has been open for three years or longer, please provide an explanation as to why these projects are delayed in completion.
 - a. For those open projects, what is your plan to achieve completion?

2. How do you plan to procure all professional services (i.e., arch/engineering, attorneys, accountants)?
 - Documentation of procurement must be followed in compliance with 2 CFR 200 and Chapter 5-22-1 of WV State Code.
 - If any professional services have been procured prior to this application submission, please attach all procurement documentation as [Attachment B](#).

Section 4 Project Timeline Schedule

Complete the appropriate project schedule below that aligns with the specific project type for which you are applying. Please allow time for any unacquired permits, easements, waivers, and/or approvals- if applicable. Use month, day, and year for each activity date submitted.



West Virginia Department of Economic Development

Water/Sewer/Storm Sewer Project Performance Schedule

ACTIVITY	DATE ACHIEVED OR EXPECTED TO ACHIEVE
Implementation Meeting	To be Determined by WVCAD
Begin Easement Acquisition	
Rule 42 Completed	
Submit Evidentiary Materials to WVCAD	30 days from Implementation Meeting Date
Submit Procurement Documentation to WVCAD	
Submit Binding Commitment IJDC Application	
Approved Project Design Submitted to WVCAD	
50% Easements Secured	
Receive IJDC Binding Commitment	
File PSC Certificate Application	
100% Easements Secured	
Environmental Review/FONSI/RROF Submitted to WVCAD	
Intent to Bid & Bid Document Checklist to WVCAD	
Advertise for Bids	
Pre-Bid Meeting	
Bid Opening Date	
Obtain PSC Approval	
SAM Check Confirmation Submitted to WVCAD	
Contracts Awarded with Subrecipient	
Pre-Construction Meeting	
Notice to Proceed from Engineer	
Project Construction Begins	
CDBG Construction Funds Expended 30%	
CDBG Construction Funds Expended 60%	
CDBG Construction Funds Expended 90%	
CDBG Project Construction Completed- All CDBG Construction Funds Expended	
FPR and Final Request for Payment Submitted to WVCAD	
Submit Final Single Audit (if applicable)	



West Virginia Department of Economic Development
 Parks and Rec, Sidewalks, ADA curb cuts, Streetscape Project
 Performance Schedule

ACTIVITY	DATE ACHIEVED OR EXPECTED TO ACHIEVE
Implementation Meeting	To be Determined by WVCAD
Submit Evidentiary Materials to WVCAD	30 days from Implementation Meeting Date
Submit Procurement Documentation to WVCAD	
Environmental Review/FONSI/RROF Submitted to WVCAD	
Intent to Bid & Bid Document Checklist to WVCAD	
Advertise for Bids	
Pre-Bid Meeting	
Bid Opening Date	
SAM Check Confirmation Submitted to WVCAD	
Contracts Awarded with Subrecipient	
Pre-Construction Meeting	
Notice to Proceed from Engineer	
Project Construction Begins	
CDBG Construction Funds Expended 30%	
CDBG Construction Funds Expended 60%	
CDBG Construction Funds Expended 90%	
CDBG Project Construction Completed- All CDBG Construction Funds Expended	
FPR and Final Request for Payment Submitted to WVCAD	
Submit Final Single Audit (if applicable)	



West Virginia Department of Economic Development

Demolition Project Performance Schedule

ACTIVITY	DATE ACHIEVED OR EXPECTED TO ACHIEVE
Implementation Meeting	To be Determined by WVCAD
Submit Evidentiary Materials to WVCAD	30 days from Implementation Meeting Date
Submit Procurement Documentation to WVCAD	
Environmental Review/FONSI/RROF & Property Demolition File Submitted to WVCAD	
Intent to Bid & Bid Document Checklist to WVCAD	
Advertise for Bids	
Pre-Bid Meeting	
Bid Opening Date	
SAM Check Confirmation Submitted to WVCAD	
Contracts Awarded with Demolition Contractor Awarded	
Project Demolition Begins	
CDBG Demolition Funds Expended 30%	
CDBG Demolition Funds Expended 60%	
CDBG Demolition Funds Expended 90%	
CDBG Project Demolition Completed- All CDBG Demolition Funds Expended	
FPR and Final Request for Payment Submitted to WVCAD	
Submit Final Single Audit (if applicable)	

Section 5 Budget + Funding

Complete the attached project budget below. The total CDBG request must not be over the maximum award amount for each project type. All funds identified for use on your project must be fully disclosed and detailed to ensure budget accuracy. If non-CDBG funds are included in the funding scenario, identify if the funds are grant or loan under the Other Funding Source column.

Application Project Budget

Activity Category	CDBG Budget	Other Funds	Other Funding Source
Administration			
Accounting			
Arch/Engineering*			
Land Acquisition*			
Construction*			
Permits/Fees			
Legal			
Planning*			
Demolition*			
TOTAL			

*For **Demolition** projects, **do not insert data** into Arch/Engineering, Land Acquisition, Construction, or Planning line items.

*For **Water/Sewer/Storm Sewer/Parks and Rec/Sidewalks, ADA curb cuts, Streetscape** projects, **do not insert data** into the Planning or Demolition line item.

Attach other funding sources commitment letters as [Attachment C](#).

Attach an independent audit labeled as [Attachment S](#).

Leveraged Funds

Do you anticipate receiving any funds for this project that will not be supplied by the CDBG program?

- Yes
- No

If your project involves the qualified use of matching or leveraged funds/services in any capacity, put "N/A" in the Sources section if not applicable to your project.

Are there local or other funds available to address the proposed project in whole or in part?

- Yes
- No

If yes, report all sources of funding and the amount available.

Sources	Amount	Committed (date)

Briefly describe the uses of non CDBG funds and any additional requirements that will impact the project scope, budget, or timeline.

Section 6 Citizen Participation

Requirements for Citizen Participation:

1. Two public meetings are required for all first-time applications. *For resubmissions:*
Only one new, recently held public meeting is required, as it represents the second public hearing; however, the tear sheet for advertisement of the first public hearing from the most recent year's application submission must be included in the application.
2. Advertisement of the public meetings must be published in the newspaper at least fourteen (14) days prior to the meeting, with the meeting being held on the Fifteenth (15th) day after the notice appeared.
3. The advertisement of the second public meeting may not be published until after the first public meeting is held.

Required Documents for Submission:

When submitting the Citizen Participation documentation, a copy of the following is required:

1. Tear sheet from the advertised notice of both published public hearings. The date of publication must be shown on the tear sheet. This can be a copy of the tear sheet, or an actual slip.
2. Affidavit of the advertisement, notarized, for **BOTH** public hearings;
3. Signed minutes of meeting by author of **BOTH** public hearings;
4. Citizen Participation Plan of Subrecipient
5. Sign in sheets of **BOTH** public hearings with:
 - a. date,
 - b. time, and
 - c. location of meeting.

Submit ALL Citizen Participation Documentation labeled as **Attachment D.**

Please complete the following information about the citizen participation documentation. Submitted applications that do not meet the minimum fourteen-day period from advertisement date to hearing date will not be fully reviewed or considered for funding.

- 1st Public hearing documentation attached
 - Publish date of legal ad _____
 - Hearing date _____
- 2nd Public hearing documentation attached
 - Publish date of legal ad _____
 - Hearing date _____

Name(s) of Newspapers legal ad published in _____

Below is a visual reference for the Citizen Participation time period requirements.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7 <i>Ad Published in Newspaper</i>	8 1ST DAY OF COUNTING - COMMENT PERIOD OPENS	9	10	11	12	13
4	15	16	17	18	19	20
21 14 TH DAY- COMMENT PERIOD LAST DAY	22 15 TH DAY- HEARING CAN TAKE PLACE	23	24	25	26	27
28	29	30				

Section 7 National Objective and Vulnerable Population Served

All projects must fulfill a HUD National Objective. The State reserves the right to make funding decisions to meet HUD National Objective goals. **Please note, planning applications do not require a National Objective.**

Applications must meet one of the two National Objectives below:

1. **Low- to Moderate- Income Benefit: To meet the Low- to Moderate-Income Benefit (LMI) National Objective requirements, the % LMI population of the service area must be 51% or above.**
2. **Prevent or Eliminate Slum and Blight – Brownfields / Demolition**

Select the national objective met by this project and then respond to the corresponding prompts below.

Note: All projects must describe the impact to vulnerable populations as requested at the end of this section in 3 – Vulnerable Populations.

Please select the national objective met by the proposed project:

LMI Benefit Slum and Blight

Low to Moderate Income Benefit

For projects which meet the requirements for LMI National Objective, indicate below how the project will measure its benefit to low- and moderate- income persons, defined as families and individuals whose incomes are no more than eighty percent (80%) of the median area income.

Select a calculation method for determining the extent of benefit to LMI persons and provide the corresponding documents for each method listed below. Input the Total Population of the service area and the LMI population of the area in the space provided. **All applicants must attach a service area map labeled Attachment E.**

LMI Calculation Method (choose one):

LMI Census Tract Analysis LMI Area Survey
 Limited Clientele

Total Population of Service Area:

LMI Population of Service Area:

% LMI Population of Service Area:

Option 1: LMI Census Tract Analysis

The service area of the project must be primarily residential to qualify as Low-to-Moderate Area Benefit. Refer to 24 CFR 570.483(b)(1)(i) for information on Area benefit activities and HUD CPD Notice 19-02 for guidance identifying the service area and obtaining LMI data. The notice is available here:

<https://www.hud.gov/sites/dfiles/OCHCO/documents/19-02cpdn.pdf>.

- Identify the census block groups that most closely approximate the service area.
 - **Note: For water, sewer, storm sewer, and park projects; conduct census/survey calculations based on customer projections provided in the engineering report or park service attendance.**
 - <https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/>

List the following:

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 _____

The total LMI percentage must be 51% or higher to receive a full application review. *Total LMI Percentage _____

Option 2: LMI Area Survey

Refer to 24 CFR 570.483 (b)(1) and HUP CPD Notice 19-02 for guidance. Please see Income Survey Checklist and Instructions at: <https://wvcad.org/infrastructure/community-development-block-grant> under the 'Sample Documents and Program Guidance' button.

After reading all instructions from the links provided above, please answer the following:

1. Date(s) survey conducted: From _____ to _____
2. Effective date of income limits used: _____
3. Was the area surveyed:
 - Target Area
 - Entire Community
 - Community and Surrounding Area
4. Does the area surveyed include the entire service area of the CDBG activity proposed?
 - Yes
 - No

5. Sources of information used to develop complete list of families in the service area:

6. Describe the survey delivery method and follow-up plan:

7. List all individuals and organizations conducting and analyzing the survey:

Provide a reason for current survey:

1. Have there been significant demographic or economic changes to the area since the last survey or decennial census?

2. Most current U.S. Census data LMI _____

3. If the difference between the U.S. Census data LMI and the income survey results LMI are 10% or greater, provide an explanation for the difference. If it is not, please insert N/A.

Attach the following documents below, all labeled as [Attachment F](#). Checkmark each to ensure all required documents are included for submission:

- Copies of 5 COMPLETED survey forms;
- Copy of the list used to compile families/household in the service area;
- Copy of the list used to distribute the survey, including which families completed the survey;
- Map indicating service area boundaries and location of families who completed survey;
- Copy of all publications/advertisements/letters directed towards citizens to publicize the income survey;
- Completed income survey calculation sheet.

**Option 3: Limited Clientele
(LMC)**

Refer to 24 CFR 570.483(b)(2) and CFR 570.506(b)(3).

Please choose one of the following targeted “presumed LMI” categories that will be served by the project:

- Children who are abused
- Spouses who are battered
- Adults who are severely disabled: Low-income
- Persons who are homeless: Extremely low income
- Persons who are illiterate: Low income
- Persons with AIDS: Low income
- Persons who are migrant farm workers: Low income
- Persons who are elderly: Senior center – Mod income; not center-based – Low Income

For LMC, demographics and ethnicity information are required for all individuals being serviced. Please provide an explanation below of how the beneficiaries will be counted:

Prevent or Eliminate Slum and Blight

Elimination of a slum or a blighted condition on a spot 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.

- Brownfields and demolition projects only are eligible for this National Objective.
- Projects will only be eligible under Spot Basis: 24 CFR 483(c)(2).
- Signed documents pertaining to health and environmental concerns as well as compliance issues must be provided by Code Official. Photographs, videos, support letters, and petitions may also be included.
 - Please attach all supporting documentation for health/environmental concerns labeled as [Attachment G.](#)
 - Please attach an aerial view map that shows where those identified properties are located as [Attachment H.](#)
 - Please attach the local Code Official’s report on each listed property address labeled as [Attachment I.](#)

Section 8 Engineering, Permitting, Design

If arch/engineering has been procured (and referenced in Section 3 of this application) and a preliminary engineering report has been performed, please attach the engineering report labeled as [Attachment J](#) and a cost estimate labeled as [Attachment K](#). **Please note: the PERS must be no more than 24 months old. Asbestos abatement and removal must be included in all brownfield/demolition project cost estimates. Cost estimates must not be older than 12 months.**

For water/sewer projects only: provide a copy of the following documents from the IJDC labeled as [Attachment L](#). Checkmark each to ensure all required documents are included for submission. Applicants must provide a review within 30 days of the submission deadline.

Infrastructure and Jobs Development Council (IJDC) Technical Feasibility/Determination Letter;

IJDC/Department of Environmental Protection (DEP)/Bureau of Public Health (BPH) Technical Review Memo; Most recent Funding Committee Report – Preliminary Application Review Sheet.

If blueprints or architectural designs have been completed for the proposed project, please attach as [Attachment M](#).

What is the status of the Engineering design? How many permits are required? How many easements are required (how were the easements determined?) Has legal review concluded?

Section 9 Environmental Review

Complete the following:

1. What level of environmental review is required for the proposed project if known?

- Environmental Impact Statement (EIS)
- Environmental Assessment (EA)
- Categorically Excluded/ Does not convert to Exempt
- Categorically Excluded/Converts to Exempt
- Exempt
- Unknown

2. Provide the name and email of any other state or federal agency contact person if that agency requires an environment review for this project.

3. Indicate whether the proposed project involves any of the following:

- Historic structure (designated or 50+ years old)
- Historic or prehistoric site
- Historic District

4. Will this project require or result in the involuntary displacement of any person?

- YES
- NO

Section 10 Compliance

According to 84 FR 45838, August 30, 2019 Section V.A.(18), "The State shall make reviews and audits, including on-site reviews of any subrecipients, designated public agencies, and local governments, as may be necessary or appropriate to meet the requirements of section 104(e)(2) of the HCDA, as amended, as modified by this notice. In the case of noncompliance with these requirements, the State shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or consequences, and prevent a recurrence. The State shall establish remedies for noncompliance by any designated subrecipients, public agencies, local governments."

Can you certify to comply with state and federal register regulations as outlined in 84 FR 45838?

- Yes
- No

Can you certify that your entity will comply with state and subrecipient monitoring and maintenance requirements as outlined by 84 FR 45838? (Check one)

- Yes
- No

Section 11 Conflict of Interest Statement and Disclosure

A potential or actual conflict of interest exists when commitments and obligations are likely to be compromised by the CDBG applicant's or CDBG agent's other material interests, or relationships (especially economic), particularly if those interests or commitments are not disclosed.

This Conflict-of-Interest Disclosure should indicate whether the CDBG applicant or CDBG agent has an economic interest in, or acts as an officer or a director of, any outside entity whose financial interests would reasonably appear to be affected by the awarding of CDBG funding. The CDBG applicant or CDBG agent should also disclose any personal, business, or volunteer affiliations that may give rise to a real or apparent conflict of interest. Relevant Federally and organizationally established regulations and guidelines in financial conflicts must be abided by to consider awarding CDBG funds.

- I have no conflict of interest to report
- I have the following conflict of interest to report (please specify other nonprofit and for-profit boards you (and your spouse) sit on, any for-profit businesses for which you or an immediate family member is an officer or director, or a majority shareholder, and the name of your employer and any businesses you or a family member own

Signature of Chief Local Official

Date

Please describe below any relationships, transactions, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest. If there are none, insert N/A:

WARNING: Any person who knowingly makes a false claim or statement to the Department of Housing and Urban Development (HUD) may be subject to civil or criminal penalties under 18 U.S.C.287, 1001 and 31 U.S.C. 3729. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willfully making false or fraudulent statements to any department of the United States Government.

Section 12 FFATA/SAM.gov/UEI Number/Debarment:

The Federal Funding Accountability and Transparency Act (FFATA) requires the WVDED 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 Department of Economic Development to report the award of any CDBG funds awarded because of this application in the Federal Financial Accountability and Transparency Act (FFATA) report for the State of West Virginia. 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? If yes, explain below.

--

I understand and certify, by the date listed below, that my organization is properly registered with the SAM.gov website 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 UEI number. A copy of the Sam.gov registration page must be attached to this application as [Attachment R](#).

FEIN	
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UEI	
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Signature of Authorizing Official:

Typed Name and Title:

Date:

Section 13 Authorization of Release of Information:

The Applicant (Local Government), which has ultimate responsibility for submission of this application designates the following party as the authorized contact for additional information and/or documentation regarding this application for CDBG funding.

Name of Contact Person	
Address	
Phone Number	
Email	

Sign and Date – Authorizing Signature

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 public hearing requirement have been met, and the applicant will comply with the attached assurances and certifications, provided technical assistance is provided when necessary.

As the primary entity contact for this project, I certify that staff, contractors, vendors, and community partners of our initiative:

- A. Will comply with all HUD and West Virginia requirements in the administration of the proposed CDBG funded activities;
- B. Will work in a cooperative manner to execute the Subrecipient Agreement that provides the pathway for successful CDBG program(s) and/or project(s);
- C. Certify that all information submitted in this application is true and accurate, and;
- D. Certify the submission thereof has been duly authorized by resolution of the Unit of Local Government after public notice requirements have been met.

This section must be notarized.

Include a copy of the resolution authorizing the application labeled as [Attachment O](#).

Typed Name:

Signature:

Notary:

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

ATTACHMENT CHECKLIST

Please attach and label all of the following items in the order and title in which they are listed. Check off each item on this checklist once attached to ensure each is included.

- A. Local Procurement Policy and Procedure Manual governing proposed project
- B. Procurement Documentation for procured services at time of application; the following, as applicable:
 - Description of method used to select consultants
 - Qualification statements, RFPs, and proposal(s) received
 - Negotiation methods
 - Cost and pricing data supporting the negotiated fee
 - Verification of contractor eligibility
 - The contract for services
 - Records of all payments and supporting documentation
 - Contract amendments, if any, and rationale for amendments
 - 5-1 - Terms & Conditions - Professional Services (required)
 - 5-2 - Request for Proposals for Professional Services (as applicable)
 - 5-3 - Request for Quotations for Professional Services (as applicable)

Please refer to Chapter 5 of the West Virginia CDBG Policies and Procedure Manual for additional information/guidance on procurement: <https://wvcad.org/resources/cdbg-manual>. Updated 2021 training and guidance is also available from the procurement training presentation found at: <https://wvcad.org/index.php?p=infrastructure/community-development-block-grant>.

- C. Other Funding Sources Commitment Letters - Signed
- D. Citizen Participation Documentation
 - Tear sheet from the advertised notice of both published public hearings. The date of publication must be shown on the tear sheet. This can be a copy of the tear sheet, or an actual slip.
 - Affidavit of the advertisement, notarized, for BOTH public hearings;
 - Signed minutes of meeting by author of BOTH public hearings;
 - Sign in sheets of BOTH public hearings with date, time, and location of meeting
 - Citizen Participation Plan of Subrecipient
- E. Service Area Map

Identify on map: entire service area, census tracts and block groups, exact location/road service line will follow, proposed households to be serviced, and stopping point of any proposed lateral work. Census tract/block group data labeled on map must match census tract information listed in Section 7, Option 1 (LMA) if applying project is submitting as LMA qualification.
- F. Income Survey Documentation
 - Copies of 5 COMPLETED survey forms;
 - Copy of the list used to compile families/household in the service area;
 - Cop of the list used to distribute the survey, including which families completed the survey;
 - Map indicating service area boundaries and location of families who completed survey;
 - Copy of all publication/advertisements/letters directed towards citizens to publicize the income survey;
 - Completed income survey calculation sheet.

G. Slum and Blight Documentation – Health & Environmental

Must be attached if application is for brownfields/demolition

H. Aerial Map

Identify on map: outline of jurisdiction (i.e., city/county line), exact location of proposed structure

I. Local Code Official Report

Must be attached if application is for brownfields/demolition

J. Preliminary Engineering Report

Must be no more than 24 months old at time of application submission

K. Cost Estimates

Must be no more than 12 months old at time of application submission

L. IJDC Documentation

All water and sewer projects ONLY must be submitted to the West Virginia Infrastructure and Jobs Development Council (IJDC) for technical review. If a project has previously gone through IJDC review and the scope has not changed, the below documentation can be submitted any time prior to Friday, March , 2023. If it is a new project or the scope has changed since the previous IJDC review, the project must go before IJDC review.

- IJDC Technical Feasibility/Determination Letter signed.
- IJDC/DEP/BPH Technical Review Memo initialed.
- Most recent Funding Committee Report – Preliminary Application Review Sheet

M. Project/Structure Blueprints and Design

N. Resolution Authorizing Filing of Application by local governing city or county

Must be signed after the public participation requirements have been completed. The local government shall adopt or pass an official act or resolution authorizing the filing of the application, all assurances, and certifications contained therein, directing and authorizing the person identified as the official representative of the applicant and to provide such additional information as may be required. All resolutions must be signed by the chief elected official and at least one corresponding official (city council member, county clerk, etc. or Notary when applicable).

O. Fair Housing Plan

P. Resolution with HUD Fair Housing Logo

The applicant's resolution must include a statement that the unit of local government is an equal opportunity employer and takes steps to affirmatively further fair housing in all public notices, ads and publications.

Q. SAM.gov Registration Screen Shot

Include a screenshot for both the unit of local government and the RPDC/project administrating agency.

R. Copy of Most Recent Independent Audit