MIAMIBEACH

City of Miami Beach

Request for Proposals (RFP)

FY 16/17 Community Development Block Grant (CDBG) Funds

Deadline for Submissions:

Friday, March 11, 2016 at 3:00pm

Applications must be received by 3:00pm on Friday, March 11, 2016. Any application received after that time will not be considered. The responsibility for submitting applications on or before the stated time and date is solely the responsibility of the Applicant. The City will not be responsible for delays caused by mail, courier services or any other entity or occurrence.

City of Miami Beach
Office of Housing & Community Services
555 -17th Street
Miami Beach, Florida 33139
Telephone: 305-673-7260 **Fax: 305-604-2421**
Website: **www.miamibeachfl.gov** Email: **mariaruiz@miamibeachfl.gov**

City of Miami Beach/
Housing and Community Services

MIAMIBEACH

Mayor & Members of the City Commission:

Philip Levine, Mayor
John Elizabeth Aleman, Commissioner
Ricky Arriola, Commissioner
Michael Grieco, Commissioner
Kristen Rosen Gonzalez, Commissioner
Joy Malakoff, Commissioner
Micky Steinberg, Commissioner

City Administration:

Jimmy L. Morales, City Manager
Kathie G. Brooks, Assistant City Manager
Eric Carpenter, Assistant City Manager Erica
Mark Taxis, Assistant City Manager
Susy Torriente, Assistant City Manager

Housing & Community Development Staff:

Maria L. Ruiz, Director
A. Richard Bowman, HOME Coordinator
Tatiana Escobar, CDBG Coordinator
Alice Waters, Financial Analyst
Omar Barrera, Office Associate V
Gianina Ghirardi, Office Associate III

Our Mission

"We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community."

Our Vision

The City of Miami Beach will be:

- Cleaner and Safer;
- More Beautiful and Vibrant;
- A Mature, Stable Residential Community with Well-improved Infrastructure;
- A Unique Urban and Historic Environment;
- A Cultural, Entertainment, Tourism Capital; and
- An International Center for Innovation in Culture, Recreation and Business.

Our Values

- We maintain the City of Miami Beach as a world-class city.
- We work as a cooperative team of well-trained professionals.
- We serve the public with dignity and respect.
- We conduct the business of the City with honesty, integrity, and dedication.
- We are ambassadors of good will to our residents, visitors, and the business community.

Notice of Funding Availability (1 of 1)

The City of Miami Beach is an entitlement grantee of federal funds. It receives an annual allocation of funding for the HOME Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) from the United States Department of Housing and Urban Development (HUD). The City is entitled to these funds because its population, housing and/or demographic characteristics meet the formula requirements needed to obtain funding.

HUD requires the City complete a five-year Consolidated Plan that includes a housing assessment, market analysis and assessment of community development needs. The Consolidated Plan is meant to address the needs of low- and moderate-income persons and families, including homeless individuals. The Plan establishes the City's program priorities, goals and objectives for community development programs and sets the framework for subsequent One Year Action Planes that describe specific activities that will be funded through the City's HUD-funded grant programs.

As an entitlement grantee, the City develops its own programs and funding priorities. However, it must give maximum feasible priority to activities which:

→ Benefit low- and moderate-income persons and households;

→ Aid in the prevention or elimination of slums and blight; or

→ Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community. Urgent needs are defined as those which have no other financial resources available.

The City of Miami Beach is projecting the following FY 2015/16 funds subject to the availability and allocation by HUD:

CDBG Funds (estimated)		
CDBG Entitlement	**$**	**844,387**
City Administration (20%)	$	168,877
Public Services Cap (15%)	$	126,658

The City obtained authorization from the Mayor and City Commission on February 10, 2016 to issue the attached Request For Proposals (RFP) to solicit eligible affordable housing, capital and public service projects within the City.

Here is the timeline of events for this RFP:

Date	Event/Expected Outcome
February 10, 2016	Authorization from the Mayor & Commission to issue RFP
February 15, 2016	RFP Issued
February 22, 2016	Applicant conference to address RFP questions convened - **Attendance is Mandatory**
February 29, 2016	Last day for written questions
March 11, 2016	Deadline for receipt of RFP applications (3pm)
March 14 - 25, 2016	Staff review of applications
April 19, 2016	Meeting of Affordable Housing Advisory Committee to review applications and make funding recommendations to the Mayor and Commission
May 5, 2016	Commence 30-Day Comment Period
June 8, 2016	Submit funding recommendations to Mayor & Commission for award

Priorities

In order to guide outside agencies that are seeking funding, establish parameters for the project selection process and enable success in project implementation, the following broadly defined priorities and operational imperatives have been established in the City's FY 2013-17 Consolidated Plan and summarized for purposes of this RFP as:

→ Affordable housing and compliance with Equal Opportunity and Fair Housing Laws in the City of Miami Beach
→ Minimize displacement, promote job creation/retention, ensure adequate benefits, encourage private development, and provide planning and administrative support.
→ Revitalize neighborhoods, remove architectural barriers, eliminate slum and blighted conditions, and encourage the preservation of historic structures.

Operational Imperatives

In order to ensure accountability and the judicious use of finite, public resources, the following operational imperatives have been established in the Five-Year Consolidated Plan and City processes:

- → Recipient organizations must have acceptable past and/or current performance on similar projects.
- → As this is a reimbursable grant, recipient organizations must have the fiscal capacity to undertake the proposed project.
- → Activities will not be funded unless the organization has developed realistic cost estimates and timelines, and demonstrated past financial stability (as evidenced in its past two agency fiscal audits).
- → Agency must demonstrate that the use of awarded City funds will ensure the required funding for the proposed project, i.e. City funds are the last needed to complete the project.
- → Organizations requesting funds from more than one agency will be required to submit a Subsidy Layering Review which includes a certified Sources and Uses Summary
- → Recipients will be expected to provide matching funds and/or otherwise participate in the cost of their proposed project
- → Housing development and property improvement programs are expected to use quality, long-lasting methods and materials that require a minimum of maintenance or upkeep and provide a Physical Needs Assessment for the proposed project
- → The cost of providing housing or services will be considered in evaluating applications and must meet HUD guidelines
- → Recipients must adhere to HUD and City guidelines for procurement of goods and services including professional services.
- → Funded activities must meet a National Objective within two years of funding award.

Further priority is given to those established housing needs for which there is currently insufficient assistance including:

1. Acquisition for affordable rental housing and low-and moderate-income first-time homebuyers
2. Multi-family Housing rehabilitation

<u>Priority will be given to projects that serve the North Beach area (33141) or predominantly serve residents of this area.</u>

In addition, the City will prioritize awards to those projects that align with its Key Intended Outcomes (KIO) as defined in its current *Strategic Plan* . The City's KIOs can be found in its own tab within this workbook.

Eligible Activities/ Priority Needs

The City's current Consolidated Plan was adopted July 17, 2013. This Five-Year Plan encompasses housing and non-housing community development activities, resources and projects to be undertaken to address the identified community needs for the fiscal years of 2013/14 through 2017/18. The Plan also includes a prioritization of needs as listed below:

Public Facilities and Improvements
Senior centers
Flood Drainage Improvements
Operating Cost of Homeless Programs
Public Services
Youth Services
Senior Services
Childcare Services
Homeless Services
Services for people with HID/AIDS
Housing
Construction of Housing
Homeownership Assistance
Energy Efficiency Improvements
Rehabilitation: Multi-unit Residential
Code Enforcement
Economic Development

Eligible Activities/ Priority Needs (Housing Needs - Page 1 of 2)

Housing Needs in Miami Beach (Source: Carras Community Investment based on data from the 2000 U.S. Census, Claritas, Inc. and the U.S. HUD Comprehensive Housing Affordability Strategy (CHAS).

	Housing Need	Renter	Owner	Total
Extremely Low-Income Households				
Elderly Households	Households with any housing problems	65%	73%	67%
	With cost burden	65%	71%	66%
	With extreme cost burden	47%	56%	49%
Small Related (2-4 members households)	Households with any housing problems	87%	52%	83%
	With cost burden	76%	52%	73%
	With extreme cost burden	70%	46%	67%
Large Related (5 or more members households)	Households with any housing problems	100%	100%	100%
	With cost burden	80%	100%	81%
	With extreme cost burden	80%	100%	81%
Other Households	Households with any housing problems	59%	54%	58%
	With cost burden	55%	52%	54%
	With extreme cost burden	51%	50%	51%
Total Households	Households with any housing problems	68%	65%	68%
	With cost burden	64%	63%	64%
	With extreme cost burden	54%	54%	54%

Eligible Activities/ Priority Needs (Housing Needs - Page 2 of 2)

	Housing Need	Renter	Owner	Total
Very Low-Income Households				
Elderly Households	Households with any housing problems	74%	77%	75%
	With cost burden	70%	72%	70%
	With extreme cost burden	40%	44%	42%
Small Related (2-4 members households)	Households with any housing problems	97%	98%	97%
	With cost burden	92%	84%	91%
	With extreme cost burden	50%	68%	53%
Large Related (5 or more members households)	Households with any housing problems	93%	100%	93%
	With cost burden	86%	100%	86%
	With extreme cost burden	36%	100%	38%
Other Households	Households with any housing problems	98%	68%	95%
	With cost burden	97%	68%	94%
	With extreme cost burden	71%	59%	69%
Total Households	Households with any housing problems	90%	79%	87%
	With cost burden	86%	73%	84%
	With extreme cost burden	55%	51%	54%
Low-Income Households				
Elderly Households	Households with any housing problems	76%	54%	65%
	With cost burden	67%	48%	57%
	With extreme cost burden	17%	22%	19%
Small Related (2-4 members households)	Households with any housing problems	83%	92%	85%
	With cost burden	56%	82%	60%
	With extreme cost burden	13%	40%	17%
Large Related (5 or more members households)	Households with any housing problems	100%	100%	100%
	With cost burden	67%	100%	68%
	With extreme cost burden	12%	29%	13%
Other Households	Households with any housing problems	82%	74%	81%
	With cost burden	77%	74%	77%
	With extreme cost burden	19%	47%	24%
Total Households	Households with any housing problems	82%	66%	78%
	With cost burden	67%	61%	66%
	With extreme cost burden	16%	31%	20%

Eligible Activities/HUD Guidelines (Page 1 of 1)

§ 570.201 Basic eligible activities.

CDBG funds may be used for the following activities:

(a) Acquisition. Acquisition in whole or in part by the recipient, or other public or private nonprofit entity, by purchase, long-term lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of §570.207.

(b) Disposition. Disposition, through sale, lease, donation, or otherwise, of any real property acquired with CDBG funds or its retention for public purposes, including reasonable costs of temporarily managing such property or property acquired under urban renewal, provided that the proceeds from any such disposition shall be program income subject to the requirements set forth in §570.504.

(c) Public facilities and improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, except as provided in §570.207(a), carried out by the recipient or other public or private nonprofit entities. (However, activities under this paragraph may be directed to the removal of material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to public facilities and improvements, including those provided for in §570.207(a)(1).) In undertaking such activities, design features and improvements which promote energy efficiency may be included. Such activities may also include the execution of architectural design features, and similar treatments intended to enhance the aesthetic quality of facilities and improvements receiving CDBG assistance, such as

decorative pavements, railings, sculptures, pools of water and fountains, and other works of art. Facilities designed for use in providing shelter for persons having special needs are considered public facilities and not subject to the prohibition of new housing construction described in §570.207(b)(3). Such facilities include shelters for the homeless; convalescent homes; hospitals, nursing homes; battered spouse shelters; halfway houses for run-away children, drug offenders or parolees; group homes for mentally retarded persons and temporary housing for disaster victims. In certain cases, nonprofit entities and subrecipients including those specified in §570.204 may acquire title to public facilities. When such facilities are owned by nonprofit entities or subrecipients, they shall be operated so as to be open for use by the general public during all normal hours of operation. Public facilities and improvements eligible for assistance under this paragraph are subject to the policies in §570.200(b).

(d) Clearance and remediation activities. Clearance, demolition, and removal of buildings and improvements, including movement of structures to other sites and remediation of known or suspected environmental contamination. Demolition of HUD-assisted or HUD-owned housing units may be undertaken only with the prior approval of HUD. Remediation may include project-specific environmental assessment costs not otherwise eligible under §570.205.

(e) Public services. Provision of public services (including labor, supplies, and materials) including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare (but excluding the provision of income payments identified under §570.207(b)(4)), homebuyer down payment assistance, or recreational needs. To be eligible for CDBG assistance, a public service must be either a new service or a quantifiable increase in the level of an existing service above that which has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the State in which it is located) in the 12 calendar months before the submission of the action plan. (An exception to this requirement may be made if HUD determines that any decrease in the level of a service was the result of events not within the control of the unit of general local government.) The amount of CDBG funds used for public services shall not exceed paragraphs (e) (1) or (2) of this section, as applicable:

Eligible Activities/HUD Guidelines (Public Services - Page 1 of 2)

(1) The amount of CDBG funds used for public services shall not exceed 15 percent of each grant, except that for entitlement grants made under subpart D of this part, the amount shall not exceed 15 percent of the grant plus 15 percent of program income, as defined in §570.500(a). For entitlement grants under subpart D of this part, compliance is based on limiting the amount of CDBG funds obligated for public service activities in each program
year to an amount no greater than 15 percent of the entitlement grant made for that program year plus 15 percent of the program income received during the grantee's immediately preceding program year.

(2) A recipient which obligated more CDBG funds for public services than 15 percent of its grant funded from Federal fiscal year 1982 or 1983 appropriations (excluding program income and any assistance received under Public Law 98–8), may obligate more CDBG funds than allowable under paragraph (e)(1) of this section, so long as the total amount obligated in any program year does not exceed:
(i) For an entitlement grantee, 15% of the program income it received during the preceding program year; plus
(ii) A portion of the grant received for the program year which is the highest of the following amounts:
(A) The amount determined by applying the percentage of the grant it obligated for public services in the 1982 program year against the grant for its current program year;
(B) The amount determined by applying the percentage of the grant it obligated for public services in the 1983 program year against the grant for its current program year;
(C) The amount of funds it obligated for public services in the 1982 program year; or,
(D) The amount of funds it obligated for public services in the 1983 program year.
(f) Interim assistance. (1) The following activities may be undertaken on an interim basis in areas exhibiting objectively determinable signs of physical deterioration where the recipient has determined that immediate action is necessary to arrest the deterioration and that permanent improvements will be carried out as soon as practicable:
(i) The repairing of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings; and
(ii) The execution of special garbage, trash, and debris removal, including neighborhood cleanup campaigns, but not the regular curbside collection of garbage or trash in an area.
(2) In order to alleviate emergency conditions threatening the public health and safety in areas where the chief executive officer of the recipient determines that such an emergency condition exists and requires immediate resolution, CDBG funds may be used for:
(i) The activities specified in paragraph (f)(1) of this section, except for the repair of parks and playgrounds;
(ii) The clearance of streets, including snow removal and similar activities, and
(iii) The improvement of private properties.
(3) All activities authorized under paragraph (f)(2) of this section are limited to the extent necessary to alleviate emergency conditions.
(g) Payment of non-Federal share. Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of CDBG activities, provided, that such payment shall be limited to activities otherwise eligible and in compliance with applicable requirements under this subpart.
(h) Urban renewal completion. Payment of the cost of completing an urban renewal project funded under title I of the Housing Act of 1949 as amended. Further information regarding the eligibility of such costs is set forth in §570.801.
(i) Relocation. Relocation payments and other assistance for permanently and temporarily relocated individuals families, businesses, nonprofit organizations, and farm operations where the assistance is (1) required under the provisions of §570.606 (b) or (c); or (2) determined by the grantee to be appropriate under the provisions of §570.606(d).
(j) Loss of rental income. Payments to housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be used for the relocation of individuals and families displaced by program activities assisted under this part.

Eligible Activities/HUD Guidelines (Public Services - Page 2 of 2)

(k) Housing services. Housing services, as provided in section 105(a)(21) of the Act (42 U.S.C. 5305(a)(21)).
(l) Privately owned utilities. CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities, including the placing underground of new or existing distribution facilities and lines.
(m) Construction of housing. CDBG funds may be used for the construction of housing assisted under section 17 of the United States Housing Act of 1937.
(n) Homeownership assistance. CDBG funds may be used to provide direct homeownership assistance to low- or moderate-income households in accordance with section 105(a) of the Act.
(o)(1) The provision of assistance either through the recipient directly or through public and private organizations, agencies, and other subrecipients (including nonprofit and for-profit subrecipients) to facilitate economic development by:
(i) Providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support, for the establishment, stabilization, and expansion of microenterprises;
(ii) Providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and
(iii) Providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, to owners of microenterprises and persons developing microenterprises.
(2) Services provided this paragraph (o) shall not be subject to the restrictions on public services contained in paragraph (e) of this section.
(3) For purposes of this paragraph (o), “persons developing microenterprises” means such persons who have expressed interest and who are, or after an initial screening process are expected to be, actively working toward developing businesses, each of which is expected to be a microenterprise at the time it is formed.
(4) Assistance under this paragraph (o) may also include training, technical assistance, or other support services to increase the capacity of the recipient or subrecipient to carry out the activities under this paragraph (o).
(p) Technical assistance. Provision of technical assistance to public or nonprofit entities to increase the capacity of such entities to carry out eligible neighborhood revitalization or economic development activities. (The recipient must determine, prior to the provision of the assistance, that the activity for which it is attempting to build capacity would be eligible for assistance under this subpart C, and that the national objective claimed by the grantee for this assistance can reasonably be expected to be met once the entity has received the technical assistance and undertakes the activity.) Capacity building for private or public entities (including grantees) for other purposes may be eligible under §570.205.
(q) Assistance to institutions of higher education. Provision of assistance by the recipient to institutions of higher education when the grantee determines that such an institution has demonstrated a capacity to carry out eligible activities under this subpart C.
[53 FR 34439, Sept. 6, 1988, as amended at 53 FR 31239, Aug. 17, 1988; 55 FR 29308, July 18, 1990; 57 FR 27119, June 17, 1992; 60 FR 1943, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 61 FR 18674, Apr. 29, 1996; 65 FR 70215, Nov. 21, 2000; 67 FR 47213, July 17, 2002; 71 FR 30034, May 24, 2006]

Eligible Activities/HUD Guidelines (Rehabilitation & Preservation Activities - Page 1 of 2)

§ 570.202 Eligible rehabilitation and preservation activities.

(a) Types of buildings and improvements eligible for rehabilitation assistance. CDBG funds may be used to finance the rehabilitation of:

(1) Privately owned buildings and improvements for residential purposes; improvements to a single-family residential property which is also used as a place of business, which are required in order to operate the business, need not be considered to be rehabilitation of a commercial or industrial building, if the improvements also provide general benefit to the residential occupants of the building;

(2) Low-income public housing and other publicly owned residential buildings and improvements;

(3) Publicly or privately owned commercial or industrial buildings, except that the rehabilitation of such buildings owned by a private for-profit business is limited to improvement to the exterior of the building, abatement of asbestos hazards, lead-based paint hazard evaluation and reduction, and the correction of code violations;

(4) Nonprofit-owned nonresidential buildings and improvements not eligible under §570.201(c); and

(5) Manufactured housing when such housing constitutes part of the community's permanent housing stock.

(b) Types of assistance. CDBG funds may be used to finance the following types of rehabilitation activities, and related costs, either singly, or in combination, through the use of grants, loans, loan guarantees, interest supplements, or other means for buildings and improvements described in paragraph (a) of this section, except that rehabilitation of commercial or industrial buildings is limited as described in paragraph (a)(3) of this section.

(1) Assistance to private individuals and entities, including profit making and nonprofit organizations, to acquire for the purpose of rehabilitation, and to rehabilitate properties, for use or resale for residential purposes;

(2) Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, including smoke detectors and dead bolt locks, and renovation through alterations, additions to, or enhancement of existing structures and improvements, abatement of asbestos hazards (and other contaminants) in buildings and improvements that may be undertaken singly, or in combination;

(3) Loans for refinancing existing indebtedness secured by a property being rehabilitated with CDBG funds if such financing is determined by the recipient to be necessary or appropriate to achieve the locality's community development objectives;(4) Improvements to increase the efficient use of energy in structures through such means as installation of storm windows and doors, siding, wall and attic insulation, and conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;

(5) Improvements to increase the efficient use of water through such means as water savings faucets and shower heads and repair of water leaks;

(6) Connection of residential structures to water distribution lines or local sewer collection lines;

(7) For rehabilitation carried out with CDBG funds, costs of:

(i) Initial homeowner warranty premiums;

(ii) Hazard insurance premiums, except where assistance is provided in the form of a grant; and

(iii) Flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, pursuant to §570.605.

(8) Costs of acquiring tools to be lent to owners, tenants, and others who will use such tools to carry out rehabilitation;

(9) Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under section 312 of the Housing Act of 1964, as amended, under section 810 of the Act, or under section 17 of the United States Housing Act of 1937;

Eligible Activities/HUD Guidelines (Rehabilitation & Preservation Activities - Page 2 of 2)

(10) Assistance for the rehabilitation of housing under section 17 of the United States Housing Act of 1937; and
(11) Improvements designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons to buildings and improvements eligible for assistance under paragraph (a) of this section.
(c) Code enforcement. Costs incurred for inspection for code violations and enforcement of codes (e.g., salaries and related expenses of code enforcement

inspectors and legal proceedings, but not including the cost of correcting the violations) in deteriorating or deteriorated areas when such enforcement together with public or private improvements, rehabilitation, or services to be provided may be expected to arrest the decline of the area.
(d) Historic preservation. CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties, whether publicly or privately owned. Historic properties are those sites or structures that are either listed in or eligible to be listed in the National Register of Historic Places, listed in a State or local inventory of historic places, or designated as a State or local landmark or historic district by appropriate law or ordinance. Historic preservation, however, is not authorized for buildings for the general conduct of government.
(e) Renovation of closed buildings. CDBG funds may be used to renovate closed buildings, such as closed school buildings, for use as an eligible public facility or to rehabilitate such buildings for housing.
(f) Lead-based paint activities. Lead-based paint activities pursuant to §570.608.
[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 60 FR 56911, Nov. 9, 1995; 64 FR 50225, Sept. 15, 1999; 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Special Economic Activities - Page 1 of 1)

§ 570.203 Special economic development activities.

A recipient may use CDBG funds for special economic development activities in addition to other activities authorized in this subpart that may be carried out as part of an economic development project. Guidelines for selecting activities to assist under this paragraph are provided at §570.209. The recipient must ensure that the appropriate level of public benefit will be derived pursuant to those guidelines before obligating funds under this authority. Special activities authorized under this section do not include assistance for the construction of new housing. Activities eligible under this section may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination. Special economic development activities include:

(a) The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. Such activities may be carried out by the recipient or public or private nonprofit subrecipients.

(b) The provision of assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project, excluding those described as ineligible in §570.207(a). In selecting businesses to assist under this authority, the recipient shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods.

(c) Economic development services in connection with activities eligible under this section, including, but not limited to, outreach efforts to market available forms of assistance; screening of applicants; reviewing and underwriting applications for assistance; preparation of all necessary agreements; management of assisted activities; and the screening, referral, and placement of applicants for employment opportunities generated by CDBG-eligible economic development activities, including the costs of providing necessary training for persons filling those positions.

[53 FR 34439, Sept. 6, 1988, as amended at 60 FR 1944, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Special Activities by CBDOs - Page 1 of 2)

§ 570.204 Special activities by Community-Based Development Organizations (CBDOs).

(a) Eligible activities. The recipient may provide CDBG funds as grants or loans to any CBDO qualified under this section to carry out a neighborhood revitalization, community economic development, or energy conservation project. The funded project activities may include those listed as eligible under this subpart, and, except as described in paragraph (b) of this section, activities not otherwise listed as eligible under this subpart. For purposes of qualifying as a project under paragraphs (a)(1), (a)(2), and (a)(3) of this section, the funded activity or activities may be considered either alone or in concert with other project activities either being carried out or for which funding has been committed. For purposes of this section:

(1) Neighborhood revitalization project includes activities of sufficient size and scope to have an impact on the decline of a geographic location within the jurisdiction of a unit of general local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation; or the entire jurisdiction of a unit of general local government which is under 25,000 population;

(2) Community economic development project includes activities that increase economic opportunity, principally for persons of low- and moderate-income, or that stimulate or retain businesses or permanent jobs, including projects that include one or more such activities that are clearly needed to address a lack of affordable housing accessible to existing or planned jobs and those activities specified at 24 CFR 91.1(a)(1)(iii); activities under this paragraph may include costs associated with project-specific assessment or remediation of known or suspected environmental contamination;

(3) Energy conservation project includes activities that address energy conservation, principally for the benefit of the residents of the recipient's jurisdiction; and

(4) To carry out a project means that the CBDO undertakes the funded activities directly or through contract with an entity other than the grantee, or through the provision of financial assistance for activities in which it retains a direct and controlling involvement and responsibilities.

(b) Ineligible activities. Notwithstanding that CBDOs may carry out activities that are not otherwise eligible under this subpart, this section does not authorize:

(1) Carrying out an activity described as ineligible in §570.207(a);

(2) Carrying out public services that do not meet the requirements of §570.201(e), except that:

(i) Services carried out under this section that are specifically designed to increase economic opportunities through job training and placement and other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services; and

ii) Services of any type carried out under this section pursuant to a strategy approved by HUD under the provisions of 24 CFR 91.215(e) shall not be subject to the limitations in §570.201(e)(1) or (2), as applicable;

(3) Providing assistance to activities that would otherwise be eligible under §570.203 that do not meet the requirements of §570.209; or

(4) Carrying out an activity that would otherwise be eligible under §570.205 or §570.206, but that would result in the recipient's exceeding the spending limitation in §570.200(g).

(c) Eligible CBDOs. (1) A CBDO qualifying under this section is an organization which has the following characteristics:

(i) Is an association or corporation organized under State or local law to engage in community development activities (which may include housing and economic development activities) primarily within an identified geographic area of operation within the jurisdiction of the recipient, or in the case of an urban county, the jurisdiction of the county; and

(ii) Has as its primary purpose the improvement of the physical, economic or social environment of its geographic area of operation by addressing one or more critical problems of the area, with particular attention to the needs of persons of low and moderate income; and

Eligible Activities/HUD Guidelines (Special Activities by CBDOs - Page 2 of 2)

(iii) May be either non-profit or for-profit, provided any monetary profits to its shareholders or members must be only incidental to its operations; and
(iv) Maintains at least 51 percent of its governing body's membership for low- and moderate-income residents of its geographic area of operation, owners or senior officers of private establishments and other institutions located in and serving its geographic area of operation, or representatives of low- and moderate-income neighborhood organizations located in its geographic area of operation; and
(v) Is not an agency or instrumentality of the recipient and does not permit more than one-third of the membership of its governing body to be appointed by, or to consist of, elected or other public officials or employees or officials of an ineligible entity (even though such persons may be otherwise qualified under paragraph (c)(1)(iv) of this section); and
(vi) Except as otherwise authorized in paragraph (c)(1)(v) of this section, requires the members of its governing body to be nominated and approved by the general membership of the organization, or by its permanent governing body; and
(vii) Is not subject to requirements under which its assets revert to the recipient upon dissolution; and
(viii) Is free to contract for goods and services from vendors of its own choosing.
(2) A CBDO that does not meet the criteria in paragraph (c)(1) of this section may also qualify as an eligible entity under this section if it meets one of the following requirements:
(i) Is an entity organized pursuant to section 301(d) of the Small Business Investment Act of 1958 (15 U.S.C. 681(d)), including those which are profit making; or
(ii) Is an SBA approved Section 501 State Development Company or Section 502 Local Development Company, or an SBA Certified Section 503 Company under the Small Business Investment Act of 1958, as amended; or
(iii) Is a Community Housing Development Organization (CHDO) under 24 CFR 92.2, designated as a CHDO by the HOME Investment Partnerships program participating jurisdiction, with a geographic area of operation of no more than one neighborhood, and has received HOME funds under 24 CFR 92.300 or is expected to receive HOME funds as described in and documented in accordance with 24 CFR 92.300(e).
(3) A CBDO that does not qualify under paragraph (c)(1) or (2) of this section may also be determined to qualify as an eligible entity under this section if the recipient demonstrates to the satisfaction of HUD, through the provision of information regarding the organization's charter and by-laws, that the organization is sufficiently similar in purpose, function, and scope to those entities qualifying under paragraph (c)(1) or (2) of this section.
[60 FR 1944, Jan. 5, 1995, as amended at 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Planning, Etc. - Page 1 of 1)

§ 570.205 Eligible planning, urban environmental design and policy-planning-management-capacity building activities.

(a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans, including, but not limited to:

(1) Comprehensive plans;

(2) Community development plans;

(3) Functional plans, in areas such as:

(i) Housing, including the development of a consolidated plan;

(ii) Land use and urban environmental design;

(iii) Economic development;

(iv) Open space and recreation;

(v) Energy use and conservation;

(vi) Floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;

(vii) Transportation;

(viii) Utilities; and

(ix) Historic preservation.

(4) Other plans and studies such as:

(i) Small area and neighborhood plans;

(ii) Capital improvements programs;

(iii) Individual project plans (but excluding engineering and design costs related to a specific activity which are eligible as part of the cost of such activity under §§570.201–570.204);

(iv) The reasonable costs of general environmental, urban environmental design and historic preservation studies; and general environmental assessment- and remediation-oriented planning related to properties with known or suspected environmental contamination. However, costs necessary to comply with 24 CFR part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this part, are eligible as part of the cost of such activities under §§570.201–570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of §570.200(g);

(v) Strategies and action programs to implement plans, including the development of codes, ordinances and regulations;

(vi) Support of clearinghouse functions, such as those specified in Executive Order 12372; and

(vii) Analysis of impediments to fair housing choice.

(viii) Developing an inventory of properties with known or suspected environmental contamination.

(6) Policy—planning—management—capacity building activities which will enable the recipient to:

(1) Determine its needs;

(2) Set long-term goals and short-term objectives, including those related to urban environmental design;

(3) Devise programs and activities to meet these goals and objectives;

(4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and

(5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

[53 FR 34439, Sept. 6, 1988, as amended at 56 FR 56127, Oct. 31, 1991; 60 FR 1915, Jan. 5, 1995; 71 FR 30035, May 24, 2006]

Eligible Activities/HUD Guidelines (Program Admin - Page 1 of 2)

§ 570.206 Program administrative costs.

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with funds provided under this part and, where applicable, housing activities (described in paragraph (g) of this section) covered in the recipient's housing assistance plan. This does not include staff and overhead costs directly related to carrying out activities eligible under §570.201 through §570.204, since those costs are eligible as part of such activities.

(a) General management, oversight and coordination. Reasonable costs of overall program management, coordination, monitoring, and evaluation. Such costs include, but are not necessarily limited to, necessary expenditures for the following:

(1) Salaries, wages, and related costs of the recipient's staff, the staff of local public agencies, or other staff engaged in program administration. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration assignments. The recipient may use only one of these methods during the program year (or the grant period for grants under subpart F). Program administration includes the following types of assignments:

(i) Providing local officials and citizens with information about the program;

(ii) Preparing program budgets and schedules, and amendments thereto;

(iii) Developing systems for assuring compliance with program requirements;

(iv) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;

(v) Monitoring program activities for progress and compliance with program requirements;

(vi) Preparing reports and other documents related to the program for submission to HUD;

(vii) Coordinating the resolution of audit and monitoring findings;

(viii) Evaluating program results against stated objectives; and

(ix) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i) through (viii) of this section.

(2) Travel costs incurred for official business in carrying out the program;

(3) Administrative services performed under third party contracts or agreements, including such services as general legal services, accounting services, and audit services; and

(4) Other costs for goods and services required for administration of the program, including such goods and services as rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.

(b) Public information. The provisions of information and other resources to residents and citizen organizations participating in the planning, implementation, or assessment of activities being assisted with CDBG funds.

(c) Fair housing activities. Provision of fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status or handicap, aware of the range of housing opportunities available to them; other fair housing enforcement, education, and outreach activities; and other activities designed to further the housing objective of avoiding undue concentrations of assisted persons in areas containing a high proportion of low and moderate income persons.

(d) [Reserved]

(e) Indirect costs. Indirect costs may be charged to the CDBG program under a cost allocation plan prepared in accordance with OMB Circular A–21, A–87, or A–122 as applicable.

Eligible Activities/HUD Guidelines (Program Admin - Page 2 of 2)

(f) Submission of applications for federal programs. Preparation of documents required for submission to HUD to receive funds under the CDBG and UDAG programs. In addition, CDBG funds may be used to prepare applications for other Federal programs where the recipient determines that such activities are necessary or appropriate to achieve its community development objectives.

(g) Administrative expenses to facilitate housing. CDBG funds may be used for necessary administrative expenses in planning or obtaining financing for housing as follows: for entitlement recipients, assistance authorized by this paragraph is limited to units which are identified in the recipient's HUD approved housing assistance plan; for

HUD-administered small cities recipients, assistance authorized by the paragraph is limited to facilitating the purchase or occupancy of existing units which are to be occupied by low and moderate income households, or the construction of rental or owner units where at least 20 percent of the units in each project will be occupied at affordable rents/costs by low and moderate income persons. Examples of eligible actions are as follows:

(1) The cost of conducting preliminary surveys and analysis of market needs;

(2) Site and utility plans, narrative descriptions of the proposed construction, preliminary cost estimates, urban design documentation, and “sketch drawings,” but excluding architectural, engineering, and other details ordinarily required for construction purposes, such as structural, electrical, plumbing, and mechanical details;

(3) Reasonable costs associated with development of applications for mortgage and insured loan commitments, including commitment fees, and of applications and applications under the Section 8 Housing Assistance Payments Program pursuant to 24 CFR parts 880–883;

(4) Fees associated with processing of applications for mortgage or insured loan commitments under programs including those administered by HUD, Farmers Home Administration (FHA), Federal National Mortgage Association (FNMA), and the Government National Mortgage Association (GNMA);

(5) The cost of issuance and administration of mortgage revenue bonds used to finance the acquisition, rehabilitation or construction of housing, but excluding costs associated with the payment or guarantee of the principal or interest on such bonds; and

(6) Special outreach activities which result in greater landlord participation in Section 8 Housing Assistance Payments Program-Existing Housing or similar programs for low and moderate income persons.

(h) Section 17 of the United States Housing Act of 1937. Reasonable costs equivalent to those described in paragraphs (a), (b), (e) and (f) of this section for overall program management of the Rental Rehabilitation and Housing Development programs authorized under section 17 of the United States Housing Act of 1937, whether or not such activities are otherwise assisted with funds provided under this part.

(i) Whether or not such activities are otherwise assisted by funds provided under this part, reasonable costs equivalent to those described in paragraphs (a), (b), (e), and (f) of this section for overall program management of:

(1) A Federally designated Empowerment Zone or Enterprise Community; and

(2) The HOME program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note).

[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 54 FR 37411, Sept. 8, 1989; 60 FR 56912, Nov. 9, 1995; 69 FR 32778, June 10, 2004]

Ineligible Activities/HUD Guidelines (Page 1 of 2)

§ 570.207 Ineligible activities.

The general rule is that any activity that is not authorized under the provisions of §§570.201–570.206 is ineligible to be assisted with CDBG funds. This section identifies specific activities that are ineligible and provides guidance in determining the eligibility of other activities frequently associated with housing and community development.

(a) The following activities may not be assisted with CDBG funds:

(1) Buildings or portions thereof, used for the general conduct of government as defined at §570.3(d) cannot be assisted with CDBG funds. This does not include, however, the removal of architectural barriers under §570.201(c) involving any such building. Also, where acquisition of real property includes an existing improvement which is to be used in the provision of a building for the general conduct of government, the portion of the acquisition cost attributable to the land is eligible, provided such acquisition meets a national objective described in §570.208.

(2) General government expenses. Except as otherwise specifically authorized in this subpart or under OMB Circular A–87, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

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

(b) The following activities may not be assisted with CDBG funds unless authorized under provisions of §570.203 or as otherwise specifically noted herein or when carried out by an entity under the provisions of §570.204.

(1) Purchase of equipment. The purchase of equipment with CDBG funds is generally ineligible.

(i) Construction equipment. The purchase of construction equipment is ineligible, but compensation for the use of such equipment through leasing, depreciation, or use allowances pursuant to OMB Circulars A–21, A–87 or A–122 as applicable for an otherwise eligible activity is an eligible use of CDBG funds. However, the purchase of construction equipment for use as part of a solid waste disposal facility is eligible under §570.201(c).

(ii) Fire protection equipment. Fire protection equipment is considered for this purpose to be an integral part of a public facility and thus, purchase of such equipment would be eligible under §570.201(c).

(iii) Furnishings and personal property. The purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is generally ineligible. CDBG funds may be used, however, to purchase or to pay depreciation or use allowances (in accordance with OMB Circular A–21, A–87 or A–122, as applicable) for such items when necessary for use by a recipient or its subrecipients in the administration of activities assisted with CDBG funds, or when eligible as fire fighting equipment, or when such items constitute all or part of a public service pursuant to §570.201(e).

(2) Operating and maintenance expenses. The general rule is that any expense associated with repairing, operating or maintaining public facilities, improvements and services is ineligible. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities, interim assistance, and office space for program staff employed in carrying out the CDBG program. For example, the use of CDBG funds to pay the allocable costs of operating and maintaining a facility used in providing a public service would be eligible under §570.201(e), even if no other costs of providing such a service are assisted with such funds. Examples of ineligible operating and maintenance expenses are:

Ineligible Activities/HUD Guidelines (Page 2 of 2)

(i) Maintenance and repair of publicly owned streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with a disabilities, parking and other public facilities and improvements. Examples of maintenance and repair activities for which CDBG funds may not be used include the filling of pot holes in streets, repairing of cracks in sidewalks, the mowing of recreational areas, and the replacement of expended street light bulbs; and
(ii) Payment of salaries for staff, utility costs and similar expenses necessary for the operation of public works and facilities.
(3) New housing construction. For the purpose of this paragraph, activities in support of the development of low or moderate income housing including clearance, site assemblage, provision of site improvements and provision of public improvements and certain housing pre-construction costs set forth in §570.206(g), are not considered as activities to subsidize or assist new residential construction. CDBG funds may not be used for the construction of new permanent residential structures or for any program to subsidize or assist such new construction, except:
(i) As provided under the last resort housing provisions set forth in 24 CFR part 42;
(ii) As authorized under §570.201(m) or (n);
(iii) When carried out by an entity pursuant to §570.204(a);
(4) Income payments. The general rule is that CDBG funds may not be used for income payments. For purposes of the CDBG program, “income payments” means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities, but excludes emergency grant payments made over a period of up to three consecutive months to the provider of such items or services on behalf of an individual or family.
[53 FR 34439, Sept. 6, 1988; 53 FR 41330, Oct. 21, 1988, as amended at 60 FR 1945, Jan. 5, 1995; 60 FR 56912, Nov. 9, 1995; 65 FR 70215, Nov. 21, 2000]

Criteria for National Objectives/HUD Guidelines (Page 1 of 3)

§ 570.208 Criteria for national objectives.

The following criteria shall be used to determine whether a CDBG-assisted activity complies with one or more of the national objectives as required under §570.200(a)(2):

(a) Activities benefiting low- and moderate-income persons. Activities meeting the criteria in paragraph (a) (1), (2), (3), or (4) of this section as applicable, will be considered to benefit low and moderate income persons unless there is substantial evidence to the contrary. In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. (The recipient shall appropriately ensure that activities that meet these criteria do not benefit moderate income persons to the exclusion of low income persons.)

(1) Area benefit activities. (i) An activity, the benefits of which are available to all the residents in a particular area, where at least 51 percent of the residents are low and moderate income persons. Such an area need not be coterminous with census tracts or other officially recognized boundaries but must be the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under this criterion.

(ii) For metropolitan cities and urban counties, an activity that would otherwise qualify under §570.208(a)(1)(i), except that the area served contains less than 51 percent low- and moderate-income residents, will also be considered to meet the objective of benefiting low- and moderate-income persons where the proportion of such persons in the area is within the highest quartile of all areas in the recipient's jurisdiction in terms of the degree of concentration of such persons. This exception is inapplicable to non-entitlement CDBG grants in Hawaii. In applying this exception, HUD will determine the lowest proportion a recipient may use to qualify an area for this purpose, as follows:

(A) All census block groups in the recipient's jurisdiction shall be rank ordered from the block group of highest proportion of low and moderate income persons to the block group with the lowest. For urban counties, the rank ordering shall cover the entire area constituting the urban county and shall not be done separately for each participating unit of general local government.

(B) In any case where the total number of a recipient's block groups does not divide evenly by four, the block group which would be fractionally divided between the highest and second quartiles shall be considered to be part of the highest quartile.

(C) The proportion of low and moderate income persons in the last census block group in the highest quartile shall be identified. Any service area located within the recipient's jurisdiction and having a proportion of low and moderate income persons at or above this level shall be considered to be within the highest quartile.

(D) If block group data are not available for the entire jurisdiction, other data acceptable to the Secretary may be used in the above calculations.

(iii) An activity to develop, establish, and operate for up to two years after the establishment of, a uniform emergency telephone number system serving an area having less than the percentage of low- and moderate-income residents required under paragraph (a)(1)(i) of this section or (as applicable) paragraph (a)(1)(ii) of this section, provided the recipient obtains prior HUD approval. To obtain such approval, the recipient must:

(A) Demonstrate that the system will contribute significantly to the safety of the residents of the area. The request for approval must include a list of the emergency services that will participate in the emergency telephone number system;

Criteria for National Objectives/HUD Guidelines (Page 2 of 3)

(B) Submit information that serves as a basis for HUD to determine whether at least 51 percent of the use of the system will be by low- and moderate-income persons. As available, the recipient must provide information that identifies the total number of calls actually received over the preceding 12-month period for each of the emergency services to be covered by the emergency telephone number system and relates those calls to the geographic segment (expressed as nearly as possible in terms of census tracts, block numbering areas, block groups, or combinations thereof that are contained within the segment) of the service area from which the calls were generated. In analyzing this data to meet the requirements of this section, HUD will assume that the distribution of income among the callers generally reflects the income characteristics of the general population residing in the same geographic area where the callers reside. If HUD can conclude that the users have primarily consisted of low- and moderate-income persons, no further submission is needed by the recipient. If a recipient plans to make other submissions for this purpose, it may request that HUD review its planned methodology before expending the effort to acquire the information it expects to use to make its case;

(C) Demonstrate that other Federal funds received by the recipient are insufficient or unavailable for a uniform emergency telephone number system. For this purpose, the recipient must submit a statement explaining whether the lack of funds is due to the insufficiency of the amount of the available funds, restrictions on the use of such funds, or the prior commitment of funds by the recipient for other purposes; and

(D) Demonstrate that the percentage of the total costs of the system paid for by CDBG funds does not exceed the percentage of low- and moderate-income persons in the service area of the system. For this purpose, the recipient must include a description of the boundaries of the service area of the emergency telephone number system, the census divisions that fall within the boundaries of the service area (census tracts or block numbering areas), the total number of persons and the total number of low- and moderate-income persons within each census division, the percentage of low- and moderate-income persons within the service area, and the total cost of the system.

(iv) An activity for which the assistance to a public improvement that provides benefits to all the residents of an area is limited to paying special assessments (as defined in §570.200(c)) levied against residential properties owned and occupied by persons of low and moderate income.

(v) For purposes of determining qualification under this criterion, activities of the same type that serve different areas will be considered separately on the basis of their individual service area.

(vi) In determining whether there is a sufficiently large percentage of low- and moderate-income persons residing in the area served by an activity to qualify under paragraph (a)(1) (i), (ii), or (vii) of this section, the most recently available decennial census information must be used to the fullest extent feasible, together with the section 8 income limits that would have applied at the time the income information was collected by the Census Bureau. Recipients that believe that the census data does not reflect current relative income levels in an area, or where census boundaries do not coincide sufficiently well with the service area of an activity, may conduct (or have conducted) a current survey of the residents of the area to determine the percent of such persons that are low and moderate income. HUD will accept information obtained through such surveys, to be used in lieu of the decennial census data, where it determines that the survey was conducted in such a manner that the results meet standards of statistical reliability that are comparable to that of the decennial census data for areas of similar size. Where there is substantial evidence that provides a clear basis to believe that the use of the decennial census data would substantially overstate the proportion of persons residing there that are low and moderate income, HUD may require that the recipient rebut such evidence in order to demonstrate compliance with section 105(c)(2) of the Act.

Criteria for National Objectives/HUD Guidelines (Page 3 of 3)

(vii) Activities meeting the requirements of paragraph (d)(5)(i) of this section may be considered to qualify under this paragraph, provided that the area covered by the strategy is either a Federally-designated Empowerment Zone or Enterprise Community or primarily residential and contains a percentage of low- and moderate-income residents that is no less than the percentage computed by HUD pursuant to paragraph (a)(1)(ii) of this section or 70 percent, whichever is less, but in no event less than 51 percent. Activities meeting the requirements of paragraph (d)(6)(i) of this section may also be considered to qualify under paragraph (a)(1) of this section.

(2) Limited clientele activities. (i) An activity which benefits a limited clientele, at least 51 percent of whom are low- or moderate-income persons. (The following kinds of activities may not qualify under paragraph (a)(2) of this section: activities, the benefits of which are available to all the residents of an area; activities involving the acquisition, construction or rehabilitation of property for housing; or activities where the benefit to low- and moderate-income persons to be considered is the creation or retention of jobs, except as provided in paragraph (a)(2)(iv) of this section.) To qualify under paragraph (a)(2) of this section, the activity must meet one of the following tests:

(A) Benefit a clientele who are generally presumed to be principally low and moderate income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low- and moderate-income: abused children, battered spouses, elderly persons, adults meeting the Bureau of the Census' Current Population Reports definition of “severely disabled,” homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers; or

(B) Require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit; or

(C) Have income eligibility requirements which limit the activity exclusively to low and moderate income persons; or

(D) Be of such nature and be in such location that it may be concluded that the activity's clientele will primarily be low and moderate income persons.

(ii) An activity that serves to remove material or architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census' Current

Population Reports definition of “severely disabled” will be presumed to qualify under this criterion if it is restricted, to the extent practicable, to the removal of such barriers by assisting:

(A) The reconstruction of a public facility or improvement, or portion thereof, that does not qualify under paragraph (a)(1) of this section;

(B) The rehabilitation of a privately owned nonresidential building or improvement that does not qualify under paragraph (a)(1) or (4) of this section; or

(C) The rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under paragraph (a)(3) of this section.

(iii) A microenterprise assistance activity carried out in accordance with the provisions of §570.201(o) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are low- and moderate-income persons. For purposes of this paragraph, persons determined to be low and moderate income may be presumed to continue to qualify as such for up to a three-year period.

(iv) An activity designed to provide job training and placement and/or other employment support services, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services, in which the percentage of low- and moderate-income persons assisted is less than 51 percent may qualify under this paragraph in the following limited circumstance:

(A) In such cases where such training or provision of supportive services assists business(es), the only use of CDBG assistance for the project is to provide the job training and/or supportive services; and

(B) The proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are low or moderate income.

Prohibition on Use/HUD Guidelines (Page 1 of 2)

§ 570.210 Prohibition on use of assistance for employment relocation activities.

(a) Prohibition. CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one LMA to another LMA if the relocation is likely to result in a significant loss of jobs in the LMA from which the relocation occurs.

(b) Definitions. The following definitions apply to this section:

(1) Directly assist. Directly assist means the provision of CDBG funds for activities pursuant to:

(i) §570.203(b); or

(ii) §§570.201(a)—(d), 570.201(l), 570.203(a), or §570.204 when the grantee, subrecipient, or, in the case of an activity carried out pursuant to §570.204, a Community Based Development Organization (CDBO) enters into an agreement with a business to undertake one or more of these activities as a condition of the business relocating a facility, plant, or operation to the grantee's LMA. Provision of public facilities and indirect assistance that will provide benefit to multiple businesses does not fall under the definition of “directly assist,” unless it includes the provision of infrastructure to aid a specific business that is the subject of an agreement with the specific assisted business.

(2) Labor market area (LMA). For metropolitan areas, an LMA is an area defined as such by the BLS. An LMA is an economically integrated geographic area within which individuals can live and find employment within a reasonable distance or can readily change employment without changing their place of residence. In addition, LMAs are nonoverlapping and geographically exhaustive. For metropolitan areas, grantees must use employment data, as defined by the BLS, for the LMA in which the affected business is currently located and from which current jobs may be lost. For non-metropolitan areas, an LMA is either an area defined by the BLS as an LMA, or a state may choose to combine non-metropolitan LMAs. States are required to define or reaffirm prior definitions of their LMAs on an annual basis and retain records to substantiate such areas prior to any business relocation that would be impacted by this rule. Metropolitan LMAs cannot be combined, nor can a non-metropolitan LMA be combined with a metropolitan LMA. For the HUD-administered Small Cities Program, each of the three participating counties in Hawaii will be considered to be its own LMA. Recipients of Fiscal Year 1999 Small Cities Program funding in New York will follow the requirements for State CDBG recipients.

(3) Operation. A business operation includes, but is not limited to, any equipment, employment opportunity, production capacity or product line of the business.

(4) Significant loss of jobs. (i) A loss of jobs is significant if: The number of jobs to be lost in the LMA in which the affected business is currently located is equal to or greater than one-tenth of one percent of the total number of persons in the labor force of that LMA; or in all cases, a loss of 500 or more jobs. Notwithstanding the aforementioned, a loss of 25 jobs or fewer does not constitute a significant loss of jobs.

(ii) A job is considered to be lost due to the provision of CDBG assistance if the job is relocated within three years of the provision of assistance to the business; or the time period within which jobs are to be created as specified by the agreement between the business and the recipient if it is longer than three years.

(c) Written agreement. Before directly assisting a business with CDBG funds, the recipient, subrecipient, or a CDBO (in the case of an activity carried out pursuant to §570.204) shall sign a written agreement with the assisted business. The written agreement shall include:

(1) Statement. A statement from the assisted business as to whether the assisted activity will result in the relocation of any industrial or commercial plant, facility, or operation from one LMA to another, and, if so, the number of jobs that will be relocated from each LMA;

(2) Required information. If the assistance will not result in a relocation covered by this section, a certification from the assisted business that neither it, nor any of its subsidiaries, has plans to relocate jobs at the time the agreement is signed that would result in a significant job loss as defined in this rule; and

Prohibition on Use/HUD Guidelines (Page 2 of 2)

(3) Reimbursement of assistance. The agreement shall provide for reimbursement of any assistance provided to, or expended on behalf of, the business in the event that assistance results in a relocation prohibited under this section.
(d) Assistance not covered by this section. This section does not apply to:
(1) Relocation assistance. Relocation assistance required by the Uniform Assistance and Real Property Acquisition Policies Act of 1970, (URA) (42 U.S.C. 4601–4655);
(2) Microenterprises. Assistance to microenterprises as defined by Section 102(a)(22) of the Housing and Community Development Act of 1974; and
(3) Arms-length transactions. Assistance to a business that purchases business equipment, inventory, or other physical assets in an arms-length transaction, including the assets of an existing business, provided that the purchase does not result in the relocation of the sellers' business operation (including customer base or list, goodwill, product lines, or trade names) from one LMA to another LMA and does not produce a significant loss of jobs in the LMA from which the relocation occurs.
[70 FR 76369, Dec. 23, 2005]

Additional Information/HUD Guidelines (Page 1 of 5)

Subpart D—Entitlement Grants

Source: 53 FR 34449, Sept. 6, 1988, unless otherwise noted.

§ 570.300 General.

This subpart describes the policies and procedures governing the making of community development block grants to entitlement communities and to non-entitlement counties in the State of Hawaii. The policies and procedures set forth in subparts A, C, J, K, and O of this part also apply to entitlement grantees and to non-entitlement grantees in the State of Hawaii. Sections 570.307 and 570.308 of this subpart do not apply to the Hawaii non-entitlement grantees.

[72 FR 46370, Aug. 17, 2007]

§ 570.301 Activity locations and float-funding.

The consolidated plan, action plan, and amendment submission requirements referred to in this section are those in 24 CFR part 91.

(a) For activities for which the grantee has not yet decided on a specific location, such as when the grantee is allocating an amount of funds to be used for making loans or grants to businesses or for residential rehabilitation, the description in the action plan or any amendment shall identify who may apply for the assistance, the process by which the grantee expects to select who will receive the assistance (including selection criteria), and how much and under what terms the assistance will be provided, or in the case of a planned public facility or improvement, how it expects to determine its location.

(b) Float-funded activities and guarantees. A recipient may use undisbursed funds in the line of credit and its CDBG program account that are budgeted in statements or action plans for one or more other activities that do not need the funds immediately, subject to the limitations described below. Such funds shall be referred to as the “float” for purposes of this section and the action plan. Each activity carried out using the float must meet all of the same requirements that apply to CDBG-assisted activities generally, and must be expected to produce program income in an amount at least equal to the amount of the float so used. Whenever the recipient proposes to fund an activity with the float, it must include the activity in its action plan or amend the action plan for the current program year. For purposes of this section, an activity that uses such funds will be called a “float-funded activity.”

(1) Each float-funded activity must be individually listed and described as such in the action plan.

(2)(i) The expected time period between obligation of assistance for a float-funded activity and receipt of program income in an amount at least equal to the full amount drawn from the float to fund the activity may not exceed 2.5 years. An activity from which program income sufficient to recover the full amount of the float assistance is expected to be generated more than 2.5 years after obligation may not be funded from the float, but may be included in an action plan if it is funded from CDBG funds other than the float (e.g., grant funds or proceeds from an approved Section 108 loan guarantee).

(ii) Any extension of the repayment period for a float-funded activity shall be considered to be a new float-funded activity for these purposes and may be implemented by the grantee only if the extension is made subject to the same limitations and requirements as apply to a new float-funded activity.

(3) Unlike other projected program income, the full amount of income expected to be generated by a float-funded activity must be shown as a source of program income in the action plan containing the activity, whether or not some or all of the income is expected to be received in a future program year (in accordance with 24 CFR 91.220(g)(1)(ii)(D)).

(4) The recipient must also clearly declare in the action plan that identifies the float-funded activity the recipient's commitment to undertake one of the following options:

Additional Information/HUD Guidelines (Page 2 of 5)

(i) Amend or delete activities in an amount equal to any default or failure to produce sufficient income in a timely manner. If the recipient makes this choice, it must include a description of the process it will use to select the activities to be amended or deleted and how it will involve citizens in that process; and it must amend the applicable statement(s) or action plan(s) showing those amendments or deletions promptly upon determining that the float-funded activity will not generate sufficient or timely program income;

(ii) Obtain an irrevocable line of credit from a commercial lender for the full amount of the float-funded activity and describe the lender and terms of such line of credit in the action plan that identifies the float-funded activity. To qualify for this purpose, such line of credit must be unconditionally available to the recipient in the amount of any shortfall within 30 days of the date that the float-funded activity fails to generate the projected amount of program income on schedule;

(iii) Transfer general local government funds in the full amount of any default or shortfall to the CDBG line of credit within 30 days of the float-funded activity's failure to generate the projected amount of the program income on schedule; or

(iv) A method approved in writing by HUD for securing timely return of the amount of the float funding. Such method must ensure that funds are available to meet any default or shortfall within 30 days of the float-funded activity's failure to generate the projected amount of the program income on schedule.

(5) When preparing an action plan for a year in which program income is expected to be received from a float-funded activity, and such program income has been shown in a prior statement or action plan, the current action plan shall identify the expected income and explain that the planned use of the income has already been described in prior statements or action plans, and shall identify the statements or action plans in which such descriptions may be found.

[60 FR 56913, Nov. 9, 1995]

§ 570.302 Submission requirements.

In order to receive its annual CDBG entitlement grant, a grantee must submit a consolidated plan in accordance with 24 CFR part 91. That part includes requirements for the content of the consolidated plan, for the process of developing the consolidated plan, including citizen participation provisions, for the submission date, for HUD approval, and for the amendment process.

(Approved by the Office of Management and Budget under control number 2506–0117)

[60 FR 1915, Jan. 5, 1995]

§ 570.303 Certifications.

The jurisdiction must make the certifications that are set forth in 24 CFR part 91 as part of the consolidated plan.

(Approved by the Office of Management and Budget under control number 2506–0117)

[60 FR 1915, Jan. 5, 1995]

§ 570.304 Making of grants.

(a) Approval of grant. HUD will approve a grant if the jurisdiction's submissions have been made and approved in accordance with 24 CFR part 91, and the certifications required therein are satisfactory to the Secretary. The certifications will be satisfactory to the Secretary for this purpose unless the Secretary has determined pursuant to subpart O of this part that the grantee has not complied with the requirements of this part, has failed to carry out its consolidated plan as provided under §570.903, or has determined that there is evidence, not directly involving the grantee's past performance under this program, that tends to challenge in a substantial manner the grantee's certification of future performance. If the Secretary makes any such determination, however, further assurances may be required to be submitted by the grantee as the Secretary may deem warranted or necessary to find the grantee's certification satisfactory.

(b) Grant agreement. The grant will be made by means of a grant agreement executed by both HUD and the grantee.

(c) Grant amount. The Secretary will make a grant in the full entitlement amount, generally within the last 30 days of the grantee's current program year, unless:

Additional Information/HUD Guidelines (Page 3 of 5)

1) Either the consolidated plan is not received by August 16 of the federal fiscal year for which funds are appropriated or the consolidated plan is not approved under 24 CFR part 91, subpart F—in which case, the grantee will forfeit the entire entitlement amount; or

(2) The grantee's performance does not meet the performance requirements or criteria prescribed in subpart O and the grant amount is reduced.

[53 FR 34449, Sept. 6, 1988, as amended at 60 FR 1915, Jan. 5, 1995; 60 FR 16379, Mar. 30, 1995; 60 FR 56913, Nov. 9, 1995]

§ 570.307 Urban counties.

(a) Determination of qualification. The Secretary will determine the qualifications of counties to receive entitlements as urban counties upon receipt of qualification documentation from counties at such time, and in such manner and form as prescribed by HUD. The Secretary shall determine eligibility and applicable portions of each eligible county for purposes of fund allocation under section 106 of the Act on the basis of information available from the U.S. Bureau of the Census with respect to population and other pertinent demographic characteristics, and based on information provided by the county and its included units of general local government.

(b) Qualification as an urban county. (1) A county will qualify as an urban county if such county meets the definition at §570.3(3). As necessitated by this definition, the Secretary shall determine which counties have authority to carry out essential community development and housing assistance activities in their included units of general local government without the consent of the local governing body and which counties must execute cooperation agreements with such units to include them in the urban county for qualification and grant calculation purposes.

(2) At the time of urban county qualification, HUD may refuse to recognize the cooperation agreement of a unit of general local government in an urban county where, based on past performance and other available information, there is substantial evidence that such unit does not cooperate in the implementation of the essential community development or housing assistance activities or where legal impediments to such implementation exist, or where participation by a unit of general local government in noncompliance with the applicable law in subpart K would constitute noncompliance by the urban county. In such a case, the unit of general local government will not be permitted to participate in the urban county, and its population or other needs characteristics will not be considered in the determination of whether the county qualifies as an urban county or in determining the amount of funds to which the urban county may be entitled. HUD will not take this action unless the unit of general local government and the county have been given an opportunity to challenge HUD's determination and to informally consult with HUD concerning the proposed action.

(c) Essential activities. For purposes of this section, the term “essential community development and housing assistance activities” means community renewal and lower income housing activities, specifically urban renewal and publicly assisted housing. In determining whether a county has the required powers, the Secretary will consider both its authority and, where applicable, the authority of its designated agency or agencies.

(d) Period of qualification. (1) The qualification by HUD of an urban county shall remain effective for three successive Federal fiscal years regardless of changes in its population during that period, except as provided under paragraph (f) of this section and except as provided under §570.3(3) where the period of qualification shall be two successive Federal fiscal years.

(2) During the period of qualification, no included unit of general local government may withdraw from nor be removed from the urban county for HUD's grant computation purposes.

(3) If some portion of an urban county's unincorporated area becomes incorporated during the urban county qualification period, the newly incorporated unit of general local government shall not be excluded from the urban county nor shall it be eligible for a separate grant under subpart D, F, or I until the end of the urban county's current qualification period, unless the urban county fails to receive a grant for any year during that qualification period.

Additional Information/HUD Guidelines (Page 4 of 5)

(e) Grant ineligibility of included units of general local government. (1) An included unit of general local government cannot become eligible for an entitlement grant as a metropolitan city during the period of qualification of the urban county (even if it becomes a principal city of a metropolitan area or its population surpasses 50,000 during that period). Rather, such a unit of general local government shall continue to be included as part of the urban county for the remainder of the urban county's qualification period, and no separate grant amount shall be calculated for the included unit.

(2) An included unit of general local government which is part of an urban county shall be ineligible to apply for grants under subpart F, or to be a recipient of assistance under subpart I, during the entire period of urban county qualification.

(f) Failure of an urban county to receive a grant. Failure of an urban county to receive a grant during any year shall terminate the existing qualification of that urban county, and that county shall requalify as an urban county before receiving an entitlement grant in any successive Federal fiscal year. Such termination shall release units of general local government included in the urban county, in subsequent years, from the prohibition to receive grants under paragraphs (d)(3), (e)(1) and (e)(2) of this section. For this purpose an urban county shall be deemed to have received a grant upon having satisfied the requirements of sections 104 (a), (b), (c), and (d) of the Act, without regard to adjustments which may be made to this grant amount under section 104(e) or 111 of the Act.

(g) Notifications of the opportunity to be excluded. Any county seeking to qualify for an entitlement grant as an urban county for any Federal fiscal year shall notify each unit of general local government which is located, in whole or in part, within the county and which would otherwise be included in the urban county, but which is eligible to elect to have its population excluded from that of the urban county, that it has the opportunity to make such an election, and that such an election, or the failure to make such an election, shall be effective for the period for which the county qualifies as an urban county. These notifications shall be made by a date specified by HUD. A unit of general local government which elects to be excluded from participation as a part of the urban county shall notify the county and HUD in writing by a date specified by HUD. Such a unit of government may subsequently elect to participate in the urban county for the remaining one or two year period by notifying HUD and the county, in writing, of such election by a date specified by HUD.

[53 FR 34449, Sept. 6, 1988, as amended at 56 FR 56127, Oct. 31, 1991; 68 FR 69582, Dec. 12, 2003]

§ 570.308 Joint requests.

(a) Joint requests and cooperation agreements. (1) Any urban county and any metropolitan city located, in whole or in part, within that county may submit a joint request to HUD to approve the inclusion of the metropolitan city as a part of the urban county for purposes of planning and implementing a joint community development and housing program. Such a joint request shall only be considered if submitted at the time the county is seeking a three year qualification or requalification as an urban county.

Such a joint request shall, upon approval by HUD, remain effective for the period for which the county is qualified as an urban county. An urban county may be joined by more than one metropolitan city, but a metropolitan city located in more than one urban county may only be included in one urban county for any program year. A joint request shall be deemed approved by HUD unless HUD notifies the city and the county of its disapproval and the reasons therefore within 30 days of receipt of the request by HUD.

(2) Each metropolitan city and urban county submitting a joint request shall submit an executed cooperation agreement to undertake or to assist in the undertaking of essential community development and housing assistance activities, as defined in §570.307(c).

(b) Joint grant amount. The grant amount for a joint recipient shall be the sum of the amounts authorized for the individual entitlement grantees, as described in section 106 of the Act. The urban county shall be the grant recipient.

Additional Information/HUD Guidelines (Page 5 of 5)

(c) Effect of inclusion. Upon urban county qualification and HUD approval of the joint request and cooperation agreement, the metropolitan city shall be considered a part of the urban county for purposes of program planning and implementation for the period of the urban county qualification, and shall be treated the same as any other unit of general local government which is part of the urban county.

(d) Submission requirements. In requesting a grant under this part, the urban county shall make a single submission which meets the submission requirements of 24 CFR part 91 and covers all members of the joint recipient.

[53 FR 34449, Sept. 6, 1988, as amended at 60 FR 1915, Jan. 5, 1995]

§ 570.309 Restriction on location of activities.

CDBG funds may assist an activity outside the jurisdiction of the grantee only if the grantee determines that such an activity is necessary to further the purposes of the Act and the recipient's community development objectives, and that reasonable benefits from the activity will accrue to residents within the jurisdiction of the grantee. The grantee shall document the basis for such determination prior to providing CDBG funds for the activity.

[60 FR 56914, Nov. 9, 1995]

Application Instructions (1 of 3)

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. **Only applications completed on an Excel platform will be accepted**. To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in **green** have drop-down menus and areas shaded in **red** are auto-filled. Grey shaded areas require a text input by the applicant.

Tab	General Instructions
Submission Checklist	Threshold items determining the Applicant's responsiveness are indicated as **Required** Items requiring signatures are noted as **Signatures Needed**. A drop-down menu is provided for each item to enable easy labeling as submitted or not. Please ensure to update the status for each item. In addition, we have left open spaces in the event that the applicant wishes to attach additional items not specifically requested in the RFP.
Applicant Info(rmation)	All shaded area require a response. Those areas in grey require a manual input. Items shaded in **green** require use of the drop-down menu provided. **DO NOT ALTER ANY AREA SHADED IN RED.** Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.
Project Overview	The Applicant name is auto-populated once you have completed the previous tab. As you provide the Project Synopsis in the **green** shaded space provided, please be succinct but complete in your narrative and run spellcheck before finalizing. If you have a Physical Needs Assessment for the proposed project, please include as an attachment. For Project Partners, list each entity separately and use the drop-down menu to indicate the type of support provided from each. In the final column, please list the cash value of the entity's support. **DO NOT ALTER ANY AREA SHADED IN RED.**
Project Impact	Please note there are two pages to this section. Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.
Applicant Experience	Please note there are two pages to this section. Be certain to answer the questions asked fully. Be succinct but complete in your narrative and run spellcheck before finalizing.
Project Budget	The Budget form has five columns. The first column should list all of the entities providing cash, financing or in-kind leverage to the proposed project. The second column, "Confirmed Receipt", enables you to insert the dollar value of any commitment that has been secured. The third column, "Pending Receipt", enables you to insert the value of any projected funds that have yet to be secured but may be reasonably expected. The fourth column, "City Request" enables you to insert the value of funds requested from the City through this RFP process. **DO NOT ALTER ANY AREA SHADED IN RED.**

Application Instructions (2 of 3)

Tab	General Instructions
Sources & Uses	In the column labeled "Line Item Category," list the various project expenses using the drop-down menu provided. In each of the following columns to the right, and under "Fund Source", insert the name of the funding entity and then below the respective amounts allocated to each line item. A second page is provided if your project has more than five (5) funding sources. Make sure that both the person preparing the application and the agency's authorized signatory sign this section once printed in hard copy format.
Priority Alignment	Using the drop-down menus provided, answer each area shaded in **green**. Provide a brief but succinct narrative in the **grey** space provided that explains how your agency will measure its impact on the City's Key Intended Outcomes selected. Run spellcheck before finalizing your narrative.
Affidavit 1	Review and provide signatures requested.
Affidavit 2	Review and provide signatures requested.
Affidavit 3	Review and provide signatures requested.
Affidavit 4	Review and provide signatures requested.

Application Instructions (3 of 3)

Application Submission

Applicants must submit their application(s) as follows:

- ! One (1) original hard copy with authorizing signatures in **blue** ink.
- ! One (1) duplicate hard copy of the original hard copy application.
- ! One digital copy in Excel format of the application with attachments in PDF format on CD ROM

Via Hand Delivery: Office of Housing & Community Services, 555 - 17th Street, Miami Beach, Florida 33139. Receipt is made weekdays, 9am to 4pm excluding legal holidays.
Via Mail Delivery: Office of Community Development, 1700 Convention Center Drive, Miami Beach, Florida 33139

Required Attachments

The following attachments are required and must be submitted with the one (1) original hard copy application and two copies. These attachments should be placed directly following Affidavit 4 with the hard copies.

1. Agency's Articles of Incorporation in their entirety.
2. A current list of the Applicant's Board of Directors and their respective affiliation(s).
3. The Applicant's last two (2) annual financial audits.
4. Letters of commitment/award, contracts or other documents attesting to the evidence of matching/in-kind funds. Resources or financing.

Recommended Attachments

While a Subsidy Layering Review is not required at the time of application, it is encouraged as a means of reviewing the project's fiscal viability. If provided, this document should follow the required attachments.

Additional Attachments

If the applicant wishes to submit additional documents, they may do so. If provided, these should follow the required attachments.

General Information (1 of 3)

The following funding is available through this RFP, contingent upon final approval by HUD:

CDBG Funds (estimated)		
CDBG Entitlement	**$**	**844,387**
City Administration (20%)	$	168,877
Public Services Cap (15%)	$	126,658

Determination of Appropriateness

Prior to preparing an application for funds, applicants are strongly advised to determine if the proposed project is an eligible activity as defined by HUD regulations. CDBG projects must meet one of the three National Objectives.

Deadline for Submission

All responses to this RFP must have been received by Friday, March 11, 2016 at 3:00 pm at the Office of Housing & Community Services located at 555 -17th Street, Miami Beach, Florida 33139. Mailed applications should be sent to Office of Housing & Community Services, Attention: Maria Ruiz, Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139.

Late applications will not be accepted.

Fatal Flaws

The following errors, omissions and/or conditions are considered fatal flaws preventing applications from consideration for funding:

- ! Incomplete applications (missing any section of the application or omission of required attachments)
- ! Factual errors resulting in the misrepresentation of an organization's experience, capacity or ownership
- ! Projects with funding gaps despite the potential award of City funds

Submission Requirements

Applicants must submit their application(s) as follows:

- ☐ One (1) original hard copy with authorizing signatures in **blue** ink.
- ☐ One (1) duplicate hard copy of the original hard copy application.
- ☐ One digital copy in Excel format of the application with attachments in RDP format on CD ROM.

Directions for Completing the Application

This workbook has been designed to minimize completion time and ensure consistency of applications submitted. Only applications completed on an Excel platform will be accepted. To minimize duplicative efforts, once you input the agency name in the Applicant Information tab, the name will automatically populate in all other required areas.

Applicants must complete all shaded areas. For your convenience, areas shaded in **green** have drop-down menus and areas shaded in **red** are auto-filled. **Grey** shaded areas require a text input by the applicant.

General Information (2 of 3)

Modifications/Withdrawals of Proposals

An Applicant may submit a modified Application to replace all or any portion of a previously submitted Application up until the Application due date and time. Modifications received after the Application due date and time will not be considered. Applications shall be irrevocable until contract award unless withdrawn in writing prior to the Application due date, or after expiration of 120 calendar days from the opening of Applications without a contract award. Letters of withdrawal received after the Application due date and before said expiration date, and letters of withdrawal received after contract award will not be considered.

RFP Postponement/Cancellation/Rejection

The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, Applications; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP, or in any Applications received as a result of this RFP.

Costs Incurred by Applicants

All expenses involved with the preparation and submission of Applications, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Applicant, and shall not be reimbursed by the City.

Exceptions to RFP

Applicants must clearly indicate any exceptions they wish to take to any of the terms in this RFP, and outline what, if any, alternative is being offered. All exceptions and alternatives shall be included and clearly delineated, in writing, in the Application. The City, at its sole and absolute discretion, may accept or reject any or all exceptions and alternatives. In cases in which exceptions and alternatives are rejected, the City shall require the Applicant to comply with the particular term and/or condition of the RFP to which Applicant took exception to (as said term and/or condition was originally set forth on the RFP).

Florida Public Records Laws

Applicants are hereby notified that all Applications including, without limitation, any and all information and documentation submitted therewith, will be available for public inspection after opening of Applications, in compliance with Florida Public Records Law including, without limitation, Chapter 119, Florida Statutes.

Negotiations

The City reserves the right to enter into further negotiations with the selected Applicant(s). Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Applicant(s) in the event the parties are unable to negotiate a contract. It is also understood and acknowledged by Applicants that by submitting an Application, no property interest or legal right of any kind shall be created at any time until and unless a contract has been agreed to; approved by the City; and executed by the parties.

Observance of Laws

Applicants are expected to be familiar with, and comply with, all Federal, State, County, and City laws, ordinances, codes, rules and regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority which, in any manner, may affect the scope of services and/or project contemplated by this RFA (including, without limitation, the Americans with Disabilities Act, Title VII of the Civil Rights Act, the EEOC Uniform Guidelines, and all EEO regulations and guidelines). Ignorance of the law(s) on the part of the Applicant will in no way relieve it from responsibility for compliance.

General Information (3 of 3)

Conflict of Interest

All Applicants must disclose, in their Application, the name(s) of any officer, director, agent, or immediate family member (spouse, parent, sibling, and child) who is also an employee of the City of Miami Beach. Further, all Applicants must disclose the name of any City employee who owns, either directly or indirectly, an interest of ten (10%) percent or more in the Applicant entity or any of its affiliates.

Applicant's Responsibility

Before submitting a Application, each Applicant shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Applicant from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Applicant.

Public Entity Crimes

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crimes may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, sub-contractor, or consultant under a contract with a public entity , and may not transact business with any public entity in excess of the threshold amount provided in Sec. 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

American With Disabilities Act (ADA)

Call (305) 673-7260/VOICE to request material in accessible format; sign language interpreters (five days in advance when possible), or information on access for persons with disabilities. For more information on ADA compliance, please call the Public Works Department, at 305-673-7631.

Acceptance of Gifts, Favors, Services

Applicants shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the City, for the purpose of influencing consideration of this Application. Pursuant to Sec. 2-449 of the City Code, no officer or employee of the City shall accept any gift, favor or service that might reasonably tend improperly to influence him in the discharge of his official duties.

Guidelines for Evaluating Economic Development Projects (1 of 3)

§ 570.209 Guidelines for evaluating and selecting economic development projects.

The following guidelines are provided to assist the recipient to evaluate and select activities to be carried out for economic development purposes. Specifically, these guidelines are applicable to activities that are eligible for CDBG assistance under §570.203. These guidelines also apply to activities carried out under the authority of §570.204 that would otherwise be eligible under §570.203, were it not for the involvement of a Community-Based Development Organization (CBDO). (This would include activities where a CBDO makes loans to for-profit businesses.) These guidelines are composed of two components: guidelines for evaluating project costs and financial requirements; and standards for evaluating public benefit. The standards for evaluating public benefit are mandatory, but the guidelines for evaluating projects costs and financial requirements are not.

(a) Guidelines and objectives for evaluating project costs and financial requirements. HUD has developed guidelines that are designed to provide the recipient with a framework 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. These guidelines, also referred to as the underwriting guidelines, are published as appendix A to this part. The use of the underwriting guidelines published by HUD is not mandatory. However, grantees electing not to use these guidelines would be expected to conduct basic financial underwriting prior to the provision of CDBG financial assistance to a for-profit business. Where appropriate, HUD's 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. Recipients are encouraged, when they develop their own programs and underwriting criteria, to also take these factors into account. 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.

(b) Standards for evaluating public benefit. The grantee is responsible for making sure that at least a minimum level of public benefit is obtained from the expenditure of CDBG funds under the categories of eligibility governed by these guidelines. The standards set forth below identify the types of public benefit that will be recognized for this purpose and the minimum level of each that must be obtained for the amount of CDBG funds used. Unlike the guidelines for project costs and financial requirements covered under paragraph (a) of this section, the use of the standards for public benefit is mandatory. Certain public facilities and improvements eligible under §570.201(c) of the regulations, which are undertaken for economic development purposes, are also subject to these standards, as specified in §570.208(a)(4)(vi)(F)(2).

(1) Standards for activities in the aggregate. Activities covered by these guidelines must, in the aggregate, either:

(i) Create or retain at least one full-time equivalent, permanent job per $35,000 of CDBG funds used; or

(ii) Provide goods or services to residents of an area, such that the number of low- and moderate-income persons residing in the areas served by the assisted businesses amounts to at least one low- and moderate-income person per $350 of CDBG funds used.

Guidelines for Evaluating Economic Development Projects (2 of 3)

(2) Applying the aggregate standards. (i) A metropolitan city, an urban county, a non-entitlement CDBG grantee in Hawaii, or an Insular Area shall apply the aggregate standards under paragraph (b)(1) of this section to all applicable activities for which CDBG funds are first obligated within each single CDBG program year, without regard to the source year of the funds used for the activities. For Insular Areas, the preceding sentence applies to grants received in program years after Fiscal Year 2004. A grantee under the HUD-administered Small Cities Program, or Insular Areas CDBG grants prior to Fiscal Year 2005, shall apply the aggregate standards under paragraph (b)(1) of this section to all funds obligated for applicable activities from a given grant; program income obligated for applicable activities will, for these purposes, be aggregated with the most recent open grant. For any time period in which a community has no open HUD-administered or Insular Areas grants, the aggregate standards shall be applied to all applicable activities for which program income is obligated during that period.

(ii) The grantee shall apply the aggregate standards to the number of jobs to be created/retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.

(iii) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, the grantee may elect to count the activity under either the jobs standard or the area resident's standard, but not both.

(iv) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the aggregate standards.

(v) Any activity subject to these guidelines which meets one or more of the following criteria may, at the grantee's option, be excluded from the aggregate standards described in paragraph (b)(1) of this section:

(A) Provides jobs exclusively for unemployed persons or participants in one or more of the following programs:

(1) Jobs Training Partnership Act (JTPA);

(2) Jobs Opportunities for Basic Skills (JOBS); or

(3) Aid to Families with Dependent Children (AFDC);

(B) Provides jobs predominantly for residents of Public and Indian Housing units;

(C) Provides jobs predominantly for homeless persons;

(D) Provides jobs predominantly for low-skilled, low- and moderate-income persons, where the business agrees to provide clear opportunities for promotion and economic advancement, such as through the provision of training;

(E) Provides jobs predominantly for persons residing within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;

(F) Provides assistance to business(es) that operate(s) within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty;

(G) Stabilizes or revitalizes a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;

(H) Provides assistance to a Community Development Financial Institution that serve an area that is predominantly low- and moderate-income persons;

(I) Provides assistance to a Community-Based Development Organization serving a neighborhood that has at least 70 percent of its residents who are low- and moderate-income;

(J) Provides employment opportunities that are an integral component of a project designed to promote spatial deconcentration of low- and moderate-income and minority persons;

(K) With prior HUD approval, provides substantial benefit to low-income persons through other innovative approaches;

(L) Provides services to the residents of an area pursuant to a strategy approved by HUD under the provisions of §91.215(e) of this title;

Guidelines for Evaluating Economic Development Projects (3 of 3)

(M) Creates or retains jobs through businesses assisted in an area pursuant to a strategy approved by HUD under the provisions of §91.215(e) of this title.
(N) Directly involves the economic development or redevelopment of environmentally contaminated properties.
(3) Standards for individual activities. Any activity subject to these guidelines which falls into one or more of the following categories will be considered by HUD to provide insufficient public benefit, and therefore may under no circumstances be assisted with CDBG funds:
(i) The amount of CDBG assistance exceeds either of the following, as applicable:
(A) $50,000 per full-time equivalent, permanent job created or retained; or
(B) $1,000 per low- and moderate-income person to which goods or services are provided by the activity.
(ii) The activity consists of or includes any of the following:
(A) General promotion of the community as a whole (as opposed to the promotion of specific areas and programs);
(B) Assistance to professional sports teams;
(C) Assistance to privately-owned recreational facilities that serve a predominantly higher-income clientele, where the recreational benefit to users or members clearly outweighs employment or other benefits to low- and moderate-income persons;
(D) Acquisition of land for which the specific proposed use has not yet been identified; and
(E) Assistance to a for-profit business while that business or any other business owned by the same person(s) or entity(ies) is the subject of unresolved findings of noncompliance relating to previous CDBG assistance provided by the recipient.
(4) Applying the individual activity standards. (i) Where an activity is expected both to create or retain jobs and to provide goods or services to residents of an area, it will be disqualified only if the amount of CDBG assistance exceeds both of the amounts in paragraph (b)(3)(i) of this section.
(ii) The individual activity standards in paragraph (b)(3)(i) of this section shall be applied to the number of jobs to be created or retained, or to the number of persons residing in the area served (as applicable), as determined at the time funds are obligated to activities.
(iii) Where CDBG assistance for an activity is limited to job training and placement and/or other employment support services, the jobs assisted with CDBG funds shall be considered to be created or retained jobs for the purposes of applying the individual activity standards in paragraph (b)(3)(i) of this section.
(c) Amendments to economic development projects after review determinations. If, after the grantee enters into a contract to provide assistance to a project, the scope or financial elements of the project change to the extent that a significant contract amendment is appropriate, the project should be reevaluated under these and the recipient's guidelines. (This would include, for example, situations where the business requests a change in the amount or terms of assistance being provided, or an extension to the loan payment period required in the contract.) If a reevaluation of the project indicates that the financial elements and public benefit to be derived have also substantially changed, then the recipient should make appropriate adjustments in the amount, type, terms or conditions of CDBG assistance which has been offered, to reflect the impact of the substantial change. (For example, if a change in the project elements results in a substantial reduction of the total project costs, it may be appropriate for the recipient to reduce the amount of total CDBG assistance.) If the amount of CDBG assistance provided to the project is increased, the amended project must still comply with the public benefit standards under paragraph (b) of this section.
(d) Documentation. The grantee must maintain sufficient records to demonstrate the level of public benefit, based on the above standards, that is actually achieved upon completion of the CDBG-assisted economic development activity(ies) and how that compares to the level of such benefit anticipated when the CDBG assistance was obligated. If the grantee's actual results show a pattern of substantial variation from anticipated results, the grantee is expected to take all actions reasonably within its control to improve the accuracy of its projections. If the actual results demonstrate that the recipient has failed the public benefit standards, HUD may require the recipient to meet more stringent standards in future years as appropriate.
[60 FR 1947, Jan. 5, 1995, as amended at 60 FR 17445, Apr. 6, 1995; 71 FR 30035, May 24, 2006; 72 FR 12535, Mar. 15, 2007; 72 FR 46370, Aug. 17, 2007]

Contractual Scope of Services (1 of 12)

The following is a sample of Attachment A (General Requirements) for awarded contracts provided as reference:

EXHIBIT "A" - "SCOPE OF SERVICES"
Related Definitions:

Davis-Bacon Act Compliance – The Davis-Bacon Act applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. Affordable housing rehabilitation projects of eight (8) or more units using CDBG funds must ensure Davis-Bacon Act compliance. Affordable housing rehabilitation projects of 12 or more units using HOME funds must ensure Davis-Bacon Act compliance.

Environmental Review – Projects must have an Environmental Review unless they meet criteria specified in HUD regulations that would exempt or exclude them from Request for Release of Funds (RROF) and environmental certification requirements (24 CFR sections 58.1, 58.22, 58.34, 58.35 and 570.604).

Evidence of Procurement – All expenses incurred with grant funds require evidence of procurement according to this Agreement. Please carefully read the Agreement and related HUD rules to ensure compliance.

HUD Income Limits – The Sub-Recipient must ensure that HUD Income Limits (household income) are utilized when determining client eligibility for HUD-funded services. Income limits are posted further below.

Monthly Progress Report – The Sub-Recipient is required to submit a monthly project progress report by the10th of the following month. The report must be signed by the person who prepared the report as well as the agency's authorizing party. The report summarizes the progress made, expenses incurred and deliverables completed. This report must be completed regardless of whether or not funds are requested.

Monthly Financial Report – The Sub-Recipient is required to submit a monthly financial report by the 10th of the following month regardless of whether or not funds are requested. The report delineates project expenses incurred including non-City funds and must include the corresponding evidence of expense incurred for any expense which is being submitted for reimbursement.

Monthly Proformas – All Capital projects with multiple (more than one) funding sources require the submission of monthly proformas to the City.

Professional Services Contracts – Professional services funded through this Agreement must adhere to procurement guidelines as appropriate and have executed written agreements between the Sub-Recipient and the respective Vendor. Contracts must, at a minimum, specify the cost, timeline and scope of service. A copy of all professional service contracts must be submitted to the City prior to reimbursement request.

Proof of Insurance – Evidence of appropriate and required insurance must be submitted prior to contract execution. No City funds will be disbursed prior to submission of required insurance coverage.

Contractual Scope of Services (2 of 12)

Retainage – All capital projects are subject to the withholding of 10 percent of appropriate expenses in the form of a retainage. All retained funds will be released when the project fulfills its National Objective.

Section 3 Compliance – Any Agreement greater than $200,000 that involves rehabilitation, housing construction, or other public construction, requires the Sub-Recipient complete and submit to the City Form HUD 60002, Section 3 Summary Report, Economic Opportunities for Low- and Very-Low Income Persons (OMB No. 2529-0043).
Applicable Federal Regulations

The Sub-Recipient must apply to all applicable federal regulations including:
I. **Non-Discrimination and Equal Access**
No person in the United States shall on the grounds of race, color, national origin, religion or sex be excluded, denied benefits or subjected to discrimination under any program funded in whole or in part by CDBG/HOME funds. The Provider must take measures to ensure non-discriminatory treatment, outreach and access to program resources. This applies to employment and contracting, as well as to marketing and selection of program participants.

Fair Housing and Equal Opportunity
The Provider must comply with all the following Federal laws, executive orders and regulations pertaining to fair housing and equal opportunity. They are summarized below:
Title VI of the Civil Rights Act of 1964, As Amended (42 USC 2000d et seq.): States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color or national origin. The regulations implementing the Title VI Civil Rights Act provisions for HUD programs may be found in 24 CFR Part 1.
The Fair Housing Act (42 USC 3601-3620): Prohibits discrimination in the sale or rental of housing, the financing of housing or the provision of brokerage services against any person on the basis of race, color, religion, sex, national origin, handicap of familial status. Fair Housing Act implementing regulations may be found in 24 CFR Part 100-115.
Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259): Prohibits discrimination against individuals on the basis of race, color, religion, sex or national origin in the sale, rental, leasing or other disposition of residential property, or in the use or occupancy of housing assisted with Federal funds. Equal Opportunity in Housing regulations may be found in 24 CFR Part 107.
Age Discrimination Act of 1975, As Amended (42 USC 6101): Prohibits age discrimination in programs receiving Federal financial assistance. Age Discrimination Act regulations may be found in 24 CFR Part 146.
Section 109 of Title I of the Housing and Community Development Act of 1974: Requires that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity funded with CDBG/HOME funds on the basis of race, color, religion, national origin or sex.

Affirmative Marketing
The Provider must adopt affirmative marketing procedures and requirements for all CDBG/HOME-assisted housing with five or more units. Requirements and procedures must include:

Contractual Scope of Services (3 of 12)

1. Methods for informing the public, owners and potential tenants about fair housing laws and the Provider's policies (for example: use of the Fair Housing logo or equal opportunity language);
2. A description of what owners and/or the Provider will do to affirmatively market housing assisted with CDBG/HOME funds;
3. A description of what owners and/or the Provider will do to inform persons not likely to apply for housing without special outreach;
4. Maintenance of records to document actions taken to affirmatively market CDBG/HOME-assisted units and to assess marketing effectiveness; and
5. A description of how efforts will be assessed and what corrective actions will be taken where requirements are not met.

Handicapped Accessibility

The CDBG/HOME regulations also require adherence to the three following regulations governing the accessibility of Federally-assisted buildings, facilities and programs.

Americans with Disabilities Act (42 USC 12131; 47 USC 155, 201, 218 and 225): Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services and telecommunications. The Act, also referred to as the ADA, also states that discrimination includes the failure to design and construct facilities (built for first occupancy after January 26, 1993) that are accessible to and usable by persons with disabilities. The ADA also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. Removal must be readily achievable, easily accomplishable and able to be carried out without much difficulty or expense.

Fair Housing Act: Multi-family dwellings must also meet the design and construction requirements at 24 CFR 100.205, which implement the Fair Housing Act (42 USC 3601-19)

Section 504: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination in federally assisted programs on the basis of handicap. Section 504 imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive Federal funds. Under Section 504, recipients and Sub-Recipients are not required to take actions that create unique financial and administrative burdens or after the fundamental nature of the program. For any Provider principally involved in housing or social services, all of the activities of the agency -- not only those directly receiving Federal assistance -- are covered under Section 504. Contractors or vendors are subject to Section 504 requirements only in the work they do on behalf of the Provider or the City. The ultimate beneficiary of the Federal assistance is not subject to Section 504 requirements.

The Architectural Barriers Act of 1968 (42 USC 4151-4157): Requires certain Federal and Federally-funded buildings and other facilities to be designed, constructed or altered in accordance with standards that ensure accessibility to, and use by, physically handicapped people.

II. Employment and Contracting

The Provider must comply with the regulations below governing employment and contracting opportunities. These concern equal opportunity, labor requirements and contracting/procurement procedures.

Contractual Scope of Services (4 of 12)

Equal Opportunity

The Provider must comply with the following regulations that ensure equal opportunity for employment and contracting:

Equal Employment Opportunity, Executive Order 11246, as amended: Prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. Provisions to effectuate this prohibition must be included in all construction contracts exceeding $10,000. Implementing regulations may be found at 41 CFR Part 60.

Section 3 of the Housing and Urban Development Act of 1968: Requires that, to the greatest extent feasible, opportunities for training and employment arising from CDBG/HOME funds will be provided to low-income persons residing in the program service area. Also, to the greatest extent feasible, contracts for work (all types) to be performed in connection with CDBG/HOME will be awarded to business concerns that are located in or owned by persons residing in the program service area.

Minority/Women's Business Enterprise: Under Executive Orders 11625, 12432 and 12138, the City and the Provider must prescribe procedures acceptable to HUD for a minority outreach program to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women, in all contracts (see 24 CFR 85.36(e)).

Labor Requirements

The Provider must comply with certain regulations on wage and labor standards. In the case of Davis-Bacon and the Contract Work Hours and Safety Standards Acts, every contract for construction (in the case of residential construction, projects with eight or more units) triggers the requirements.

Davis-Bacon and Related Acts (40 USC 276(A)-7) : Ensures that mechanics and laborers employed in construction work under Federally-assisted contracts are paid wages and fringe benefits equal to those that prevail in the locality where the work is performed. This act also provides for the withholding of funds to ensure compliance, and excludes from the wage requirements apprentices enrolled in bona fide apprenticeship programs.

Contract Work Hours and Safety Standards Act, as amended (40 USC 327-333): Provides that mechanics and laborers employed on Federally-assisted construction jobs are paid time and one-half for work in excess of 40 hours per week, and provides for the payment of liquidated damages where violations occur. This act also addresses safe and healthy working conditions.

Copeland (Anti-Kickback) Act (40 USC 276c) : Governs the deductions from paychecks that are allowable. Makes it a criminal offense to induce anyone employed on a Federally assisted project to relinquish any compensation to which he/she is entitled, and requires all contractors to submit weekly payrolls and statements of compliance.

Fair Labor Standards Act of 1938 , As Amended (29 USC 201, et. seq.): Establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one-half. It also requires the payment of wages for the entire time that an employee is required or permitted to work, and establishes child labor standards.

Contracting and Procurement Practices

The CDBG/HOME programs are subject to certain Federal procurement rules. In addition, the City and the Provider must take measures to avoid hiring debarred or suspended contractors or Sub-Recipients and conflict-of-interest situations. Each is briefly discussed below.

Contractual Scope of Services (5 of 12)

Procurement: For the City, the procurement standards of 24 CFR 85.36 apply. For non-profit organizations receiving CDBG/HOME funds, the procurement requirements at 24 CFR Part 84 apply.
Conflict of Interest: The CDBG regulations require grantees (the City), state recipients and Sub-Recipients (the Provider) to comply with two different sets of conflict-of-interest provisions. The first set of provisions comes from 24 CFR Parts 84 and 85. The second, which applies only in cases not covered by 24 CFR Parts 84 and 85, is set forth in the CDBG regulations. Both sets of requirements are discussed below.
- The provisions at 24 CFR 85.36 and 24 CFR 84.42 apply in the procurement of property and services by grantees (the City), state recipients, and Sub-Recipients (the Provider). These regulations require the City and the Provider to maintain written standards governing the performance of their employees engaged in awarding and administering contracts. At a minimum, these standards must:
- Require that no employee, officer, agent of the City or the Provider shall participate in the selection, award or administration of a contract supported by CDBG/HOME if a conflict-of-interest, either real or apparent, would be involved;
- Require that employees, officers and agents of the City or the Provider not accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to Sub-Agreements; and
- Stipulate provisions for penalties, sanctions or other disciplinary actions for violations of standards.

HOME-funded projects must comply with 24 CFR 92.356.

A conflict would arise when any of the following has a financial or other interest in a firm selected for an award:
- An employee, agent or officer of the City or the Provider;
- Any member of an employee's, agent's or officer's immediate family;
- An employee's, agent's or officer's partner; or
- An organization that employs or is about to employ an employee, agent or officer of the City or the Provider.
- The CDBG/HOME regulations at 24 CFR 570.611 governing conflict-of-interest apply in cases not covered by 24 CFR 85.36 and 24 CFR 84.42. These provisions cover employees, agents, consultants, officers and elected or appointed officials of the grantee (the City), state recipient or Sub-Recipient (the Provider). The regulations state that no person covered who exercises or has exercised any functions or responsibilities with respect to CDBG/HOME activities or who is in a position to participate in decisions or gain inside information:
- May obtain a financial interest or benefit from a CDBG activity; or
- Have an interest in any contract, subcontract or agreement for themselves or for persons with business or family ties.
This requirement applies to covered persons during their tenure and for one year after leaving the grantee (the City), the state recipient or Sub-Recipient (the Provider) entity.
Upon written request, exceptions to both sets of provisions may be granted by HUD on a case-by-case only after the City has:
- Disclosed the full nature of the conflict and submitted proof that the disclosure has been made public; and
- Provided a legal opinion from the City stating that there would be no violation of state or local law if the exception were granted.
Debarred contractors: In accordance with 24 CFR Part 5, CDBG/HOME funds may not be used to directly or indirectly employ, award contracts to or otherwise engage the services of any contractor or Sub-Recipient during any period of debarment, suspension or placement of ineligibility status. The City should check all contractors, subcontractors, lower-tier contractors or Sub-Recipients against the Federal publication that lists debarred, suspended and ineligible contractors.

Contractual Scope of Services (6 of 12)

III. Environmental Requirements

The City is responsible for meeting a number of environmental requirements, including environmental reviews, flood insurance, and site and neighborhood standards.

Environmental Review

The City is responsible for undertaking environmental reviews in accordance with the requirements imposed on "recipients" in 24 CFR 58. Reviews must be completed, and Requests for Release of Funds (RROF) submitted to HUD before CDBG/HOME funds are committed for non-exempt activities. Private citizens and organizations may object to the release of funds for CDBG/HOME projects on certain procedural grounds relating to environmental review (see 24 CFR 58.70 - 58.77). To avoid challenges, grantees (the City) and Sub-Recipients (the Provider) should be diligent about meeting procedural requirements.

Flood Insurance

Section 202 of the Flood Disaster Protection Act of 1973 (42 USC 4106): Requires that CDBG/HOME funds shall not be provided to an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazard, unless: The community is participating in the National Flood Insurance Program, or it has been less than a year since the community was designated as having special flood hazards; and Flood insurance is obtained.

IV. Lead-based Paint

On September 15, 1999, the “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule” was published within title 24 of the Code of Federal Regulations as part 35 (24 CFR 35). The regulation was issued under sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X (ten) of the Housing and Community Development Act of 1992. Sections 1012 and 1013 of Title X amended the Lead-Based Paint Poisoning Prevention Act of 1971, which is the basic law covering lead-based paint in federally associated housing.

The regulation sets hazard reduction requirements that give much greater emphasis to reducing lead in house dust. Scientific research has found that exposure to lead in dust is the most common way young children become lead poisoned. Therefore, the new regulation requires dust testing after paint is disturbed to make sure the home is lead-safe. Specific requirements depend on whether the housing is being disposed of or assisted by the federal government, and also on the type and amount of financial assistance, the age of the structure, and whether the dwelling is rental or owner occupied.

On April 22, 2008, the EPA issued a rule requiring the use of lead-safe practices and other actions aimed at preventing lead poisoning to protect against the hazards created by exposure to lead dust in existing structures built prior to 1978. Under the rule, all contractors performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must be certified and follow specific work practices to prevent lead contamination. This rule (40 CFR Part 745) is enforced as of April 22, 2010. The rule must be executed by all sub-contractors.

Contractual Scope of Services (7 of 12)

Property Exempt from Lead-based paint regulation:
• Housing built since January 1, 1978, when lead paint was banned for residential use;
• Housing exclusively for the elderly or people with disabilities, unless a child under age 6 is expected to reside there;
• Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories or military barracks;
• Property that has been found to be free of lead-based paint by a certified lead-based paint inspector;
• Property where all lead-based paint has been removed;
• Unoccupied housing that will remain vacant until demolished;
• Non-Residential property; and
• Any rehabilitation or housing improvement that does not disturb a painted surface.

Types of housing subject to 24 CFR 35:
• Federally-Owned housing being sold;
• Housing receiving a federal subsidy that is associated with the property, rather than with the occupants (project-based assistance);
• Public housing;
• Housing occupied by a family (with a child) receiving tenant-based subsidy (such as a voucher or certificate);
• Multifamily housing for which mortgage insurance is being sought; and
• Housing receiving federal assistance for rehabilitation, reducing homelessness, and other special needs.

If you want copies of the regulation or have general questions, you can call the National Lead Information Center at (800) 424-LEAD, or TDD (800) 526-5456 for the hearing impaired. You can also download the regulation and other educational materials at http://www.hud.gov/offices/lead/index.cfm. For further information, you may call HUD at (202) 755-1785, ext. 104, or e-mail HUD at lead_regulations@hud.gov.

V. Displacement, Relocation, Acquisition and Replacement of Housing
CDBG/HOME projects involving acquisition, rehabilitation or demolition may be subject to the provisions of the Uniform Relocation Act (UDA). Demolition or conversion of units with CDBG funds may trigger section 104 (d) (also known as the "Barney Frank Amendment" requirements.)

VI. Compliance with National Objective
The Provider will ensure and maintain evidence that activities assisted with CDBG/HOME funds from the City of Miami Beach comply with the primary National Objective, "Benefit to Low and Moderate Income Persons" and will provide services or activities that benefit at least 51% low and moderate income persons. A low or moderate-income household is defined as: a household having an income equal to or less than the limits cited below. Individuals who are unrelated but are sharing the same household shall each be considered as one-person households.

Contractual Scope of Services (8 of 12)

HUD Income Limits, pending HUD updating:

2015 ADJUSTED CDBG INCOME LIMITS

	1-Person	2-Person	3-Person	4 -Person	5 -Person	6-Person	7 -Person	8-Person
30% Limits	$14,250	$16,250	$20,090	$24,250	$28,410	$32,570	$36,730	$40,890
Very Low Income	$23,700	$27,100	$30,500	$33,850	$36,600	$39,300	$42,000	$44,700
Low Income	$37,950	$43,350	$48,750	$54,150	$58,500	$62,850	$67,150	$71,500

Change Orders/Budget Amendments

The goal should be to limit the use of Change Orders or Budget Amendments. Change Orders and Budget Amendments require prior written approval by the City Manager.

To request a Change Order or Budget Amendment, a written request for changes must be submitted to your Grant Monitor delineating the changes and providing a detailed justification for making the request. Approvals of any changes are at the sole discretion of the City Manager.

No budget amendment will be processed after June 30, 2014 for Public Service Projects. No budget amendment will be processed for Capital Projects Budgets after eighty (80) percent of the available funds have been drawn.

Budget amendments or Change Orders that deviate from the original scope will be rejected and the funds in question may be subject to recapture at the sole discretion of the City Manager.

Compliance with Local Rules, Regulations, Ordinances and Laws

The Sub-Recipient must remain incompliance with all local rules, regulations, ordinances and laws (including having an active business license and the resolution of all Code Compliance and Building Department violations) in addition to those specified in the body of the Agreement. In addition, the Sub-Recipient must not owe any monies to the City at the time of Agreement execution or final release of grant funds. The City will verify with the Finance Department to ensure that no monies are due the City prior to Agreement execution.

Furthermore, the Sub-Recipient must not have any outstanding and/or open Code Compliance or Building Department violations at the time of the Agreement's execution. Any pending issues must be disclosed. Those violations which are open at the time of the Agreement's execution and are expected to remain open for the foreseeable future require the submission and approval of a remediation plan submitted to the City.

Contractual Scope of Services (9 of 12)

Employee/ Contractor File Review
The following documentation must be included in the Sub-Recipient's employee/contractor file for those employees/contractors providing services under this contract.

The following must be included in the employee files:
• Employment Application
• Evidence of degree/credentials
• Job Description Signed by Employee
• Evidence of Required Experience
• Florida Background Criminal Screening, if applicable
• National FBI Background Criminal Screening (Level 2), if applicable
• Affidavit of Good Moral Character, if applicable
• Proof of Knowledge of Policies & Procedures, if applicable
• I-9 Verification on File

The City reserves the right to inspect those employee/contractor files whose salaries are funded in part or in whole by its funds.

Evaluation
In its continuing effort to ensure contract compliance and performance, the City will evaluate the Sub-Recipient in its fulfillment of the terms of this agreement including, but not limited to, the following measures:
• Agreement compliance
• Leverage and fiscal soundness
• Accuracy and timeliness of Monthly Progress Reports
• Accuracy and timeliness of Monthly Financial Reports
• Adherence to project timelines
• Fulfillment of prescribed outcomes

Fiscal Stability
The Sub-Recipient is required to maintain fiscal stability throughout the terms of this Agreement. This is to ensure the Sub-Recipient's ability to fulfill the terms of this Agreement and meeting of the National Objective.

For affordable housing developers, fiscal stability policies are encouraged in anticipation of additional HUD guidance regarding fiscal oversight for rental projects. More so, as projects have extended lives, fiscal stability underscores the long-term viability of the housing units.

Leverage

For HOME-funded projects, the Sub-Recipient must demonstrate the commitment of other sources of funds committed to the City-funded project. Furthermore, all other identified funds must be in place prior to the use of HOME funds.

The documentation that demonstrates this fiscal leverage is the Subsidy Layering Review and underwriting.

Contractual Scope of Services (10 of 12)

Monitoring & Performance Reviews

The City reserves the right to inspect, monitor and/or audit the Sub-Recipient to ensure contractual compliance. This includes, but is not limited to:

• Review of on-site service delivery

• Inspection and review of client, budgetary and employee files (for those employees providing services under this Agreement)

Monitoring visits will take place within 120 days of the commencement of services. The City will notify the Sub-Recipient a minimum of three (3) business days prior to a monitoring visit.

Performance Ratings

The Sub-Recipient agrees that its Performance Rating, the score awarded for performance on the following measures, will be posted on the City's website on an annual basis:

• Timely and accurate submission of Monthly Progress Report

• Timely and accurate submissions of Monthly Financial Reports (reimbursement requests)

• Delivery of contracted service units

Ratings will be given for each performance measure based on the following:

Performance Measure	Rating Rationale & Score
Timely and accurate submission of *Monthly Progress Report*	➢ "0" for failing to submit on time ➢ "25" for submitting on time
Timely and accurate submissions of *Monthly Financial Report* (reimbursement requests)	➢ "0" for failing to submit accurate report with back-up material on time ➢ "25" for submitting accurate report on time
Delivery of contracted service units within contracted timeframe	Possible score of 0 to 50 based upon completion of projected service units. Score is pro-rated if total projected service units are not met.

Proformas

Capital projects must submit certified monthly proformas that indicate project funding sources and correlating uses. Proformas must be certified by the preparing party as well as the agency's signatory as reflected within this Agreement.

Reporting Requirements

The Contractor will provide the City with a Monthly Progress Report and Monthly Financial Report by the 10th of the following month. In the event that the 10th of the month lands on a Saturday, Sunday or holiday, the report must be submitted the following business day.

Contractual Scope of Services (11 of 12)

Monthly reports will be submitted via any of the following methods:
• Standard mail
• Hand delivery

Monthly reports will not be considered acceptable unless the following is met:
• Forms are completely and accurately filled
• Necessary back-up materials are included (evidence of expense incurred, invoices, time logs, executed AIA Forms, etc.)
• Reports bear the signature of the person preparing the report and the Sub-Recipient's authorized signatory

Monthly Progress Reports should encapsulate a project's progress in alignment with the funds expended.

Rent Roll Submissions

Sub-Recipients using City funds for the creation or rehabilitation of affordable housing must submit tenant rent rolls within thirty (30) days of meeting the National Objective and every year thereafter for a minimum of fifteen (15) years in adherence with the affordability period required with use of these funds. For completed projects, certified tenant rolls must be submitted annually by November 1st. Tenant rolls must be certified by the Sub-Recipient Agency's authorized signatory.

Those projects with a longer affordability period require annual tenant rolls for the period of affordability established in the City's Restrictive Covenant and/or mortgage. These tenant rolls must be submitted by November 1st of each year of affordability. Tenant rolls must be certified by the Sub-Recipient Agency's authorized signatory.

Retainage

All capital projects utilizing HUD funds are subject to a ten (10) percent retainage that will not be released until the National Objective is met. Retainage will be held as appropriate from all submitted reimbursement requests.

Subsidy Layering Review

All affordable housing projects using CDBG/HOME funds require the completion of an independent Subsidy Layering Review and underwriting. These reviews must be completed prior to the project being submitted via HUD's IDIS system and precedes the incurrence of any related funds. Therefore, no capital projects will be deemed eligible for reimbursement until the Subsidy Layering Review and underwriting have been received and accepted by the City.

The expense for the Subsidy Layering Review and underwriting services are eligible for reimbursement if the project proceeds but is not eligible for reimbursement otherwise.

Contractual Scope of Services (12 of 12)

Timeliness of Reimbursement Requests

Reimbursement requests must be submitted no later than sixty (60) days from the incurrence of the expense. The City will strictly monitor this element. Please note that cancelled checks must be submitted in conjunction with all reimbursement requests. Therefore, the Sub-Recipient should calendar itself accordingly to ensure that reimbursement requests are submitted to the City in a timely manner.

Training Requirements

The Sub-Recipient must ensure that the person responsible for preparing the Monthly Progress Report and Monthly Financial Report attends the City's Sub-Recipient Reporting Training and places the attendance certificate in the employee's personnel file for inspection by the City during its monitoring visit.

Additional Documentation

The following documentation must be submitted with this executed agreement:
• All required insurance certificates
• Copy of current audit
• Copy of required business licenses and permits

Application Scoring (1 of 2)

Minimum requirements for application submission: Applicants submitting applications may be not-for-profit or for-profit corporations or partnerships. Applicants requesting affordable housing acquisition and/or rehabilitation funds must have a minimum of five (5) years of experience in the acquisition and rehabilitation of owner-occupied affordable housing and/or first-time homebuyer programs.

Selection criteria will include, but is not limited to:

1. Ability to provide strong construction management practices and to provide first quality materials, including landscaping if applicable
2. Ability to perform all applicant selection and income certification processes in accordance with local, state, and federal regulations
3. Ability to comply with the City's reporting requirements
4. Total project cost
5. Total number of units
6. Leveraging
7. Ability to conform to the City's plan for spatial de-concentration
8. Ability to provide homeowners with HUD-Certified Homeownership Counseling
9. Ability to provide individualized training to homebuyers on issues such as home maintenance and budgeting
10. Ability to demonstrate that the organization participates in the Welfare Transition Program

The Office of Housing and Community Development will review all responses to the RFP to ensure compliance with the requirements of the RFP as well as under applicable Florida Statutes, Resolutions and the Consolidated Plan. All eligible affordable housing applications will be submitted to the City's Affordable Housing Advisory Committee and reviewed with HOME submissions. All applications for funding will be reviewed by the Affordable Housing Advisory Committee Committee in accordance with the criteria as outlined in the RFP.

Sections within the RFP are weighted and their respective values are noted below:

Section/Tab	Maximum Points
Applicant Info(rmation)	5
Project Overview	20
Project Impact	20
Applicant Experience	25
Project Budget	20
Sources & Uses	5
Priority Alignment	5
MAXIMUM POSSIBLE SCORE	**100**

Application Scoring (2 of 2)

Applicant Information
Information provided must be complete and accurate and include the required attachments.

Project Overview
This section provides overall summary of the project from an objective and fiscal context. Please ensure to be succinct but clear about your proposed project as well as indicate the community-based partners who will help you achieve your proposal. Make sure to complete the Objective, Outcome and Activity Code section. Double-check for accuracy.

Project Impact
This is the section that most describes the viability, impact, purpose and overall leverage for your project within a holistic context. In this section, please ensure to provide operational details for your project including specific beneficiaries, eligibility criteria, timelines, progress measures and outcome measures. If your project creates secondary benefits, i.e. creates new jobs or sustainable services for an area, provide such detail.

Applicant Experience
This section provides the applicant an opportunity to sell themselves as worthy recipients of public resources. Be specific in providing achievements, success stories, experience and expertise.

Project Budget
The project budget must be sound, practical, achievable and sustainable. Your budget should provide the fiscal perspective of what was described in your project Overview and Project Impact sections.

Sources & Uses
This section serves to detail the Project Budget section by assigning costs to specific funding sources. Assignments should comply with funding source guidelines.

Priority Alignment
This section enables the applicant to identify the proposed project's alignment to the City's *Strategic Plan* . For more information about the City's *Strategic Plan* , visit www.miamibeachfl.gov

HUD FY 2015 Income Tables for the City of Miami Beach

2015 ADJUSTED CDBG INCOME LIMITS

	1-Person	2-Person	3-Person	4 -Person	5 -Person	6-Person	7 -Person	8-Person
30% Limits	$14,250	$16,250	$20,090	$24,250	$28,410	$32,570	$36,730	$40,890
Very Low Income	$23,700	$27,100	$30,500	$33,850	$36,600	$39,300	$42,000	$44,700
Low Income	$37,950	$43,350	$48,750	$54,150	$58,500	$62,850	$67,150	$71,500

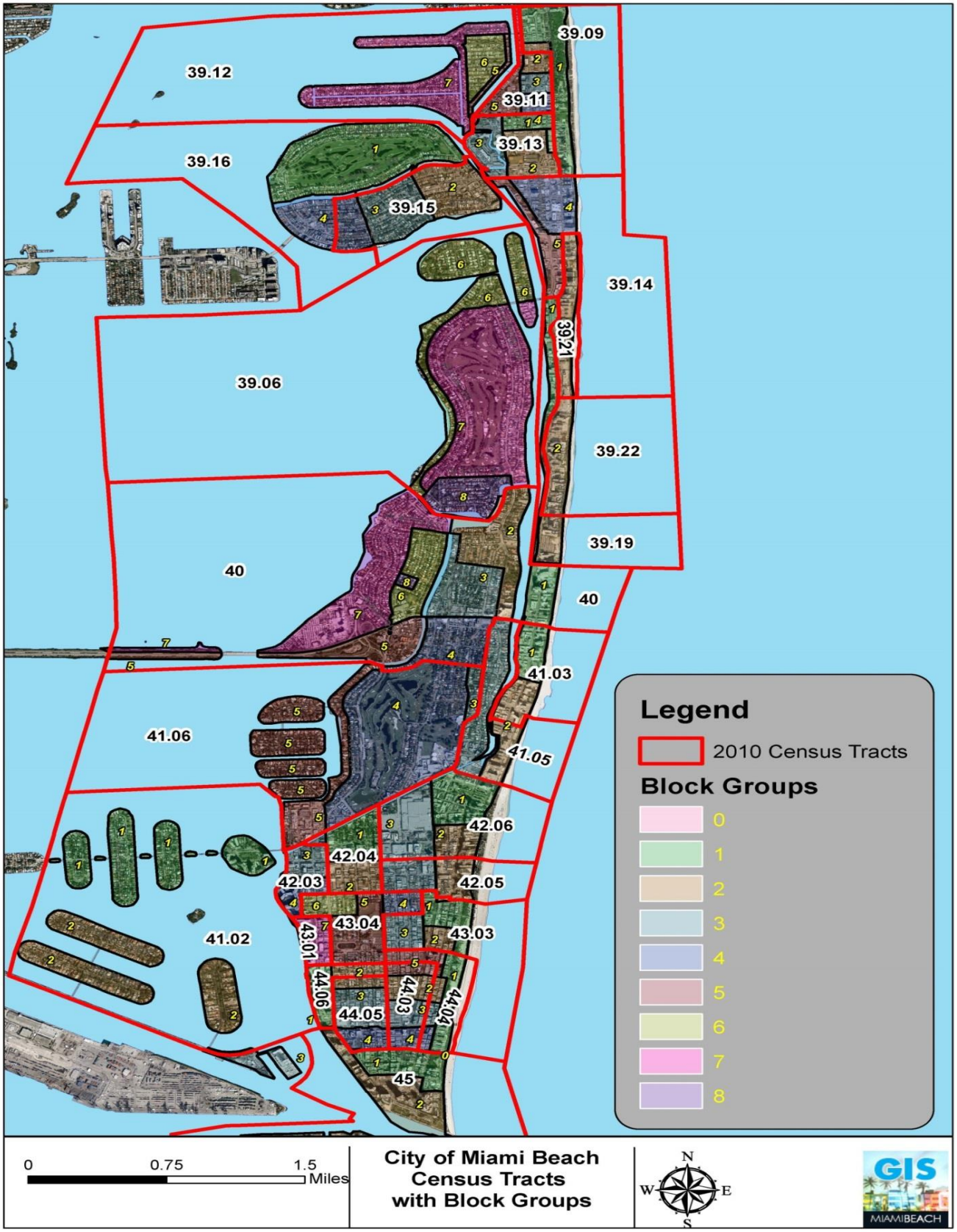
City of Miami Beach Census Tracts (1 of 2)

State Code	County Code	Tract Code	Tract Income Level	2010 MSA/MD Statewide non-MSA/MD Median Family Income	2015 FFIEC Est. MSA/MD non-MSA/MD Median Family Income	% Below Poverty Line	Tract Median Family Income %	2010 Tract Median Family Income	2015 Est. Tract Median Family Income	2010 Tract Median Household Income
12	86	39.06	Upper	$50,065	$49,900	7.77	374.27	$187,381	$186,761	$170,417
12	86	39.09	Moderate	$50,065	$49,900	30.46	52.1	$26,087	$25,998	$37,629
12	86	39.11	Middle	$50,065	$49,900	15.95	91.57	$45,846	$45,693	$30,156
12	86	39.12	Middle	$50,065	$49,900	10.81	84.23	$42,171	$42,031	$41,292
12	86	39.13	Moderate	$50,065	$49,900	18.48	67.67	$33,882	$33,767	$32,707
12	86	39.14	Middle	$50,065	$49,900	8.85	86.55	$43,333	$43,188	$38,495
12	86	39.15	Moderate	$50,065	$49,900	18.95	71.92	$36,008	$35,888	$29,710
12	86	39.16	Middle	$50,065	$49,900	24.33	80.41	$40,260	$40,125	$31,937
12	86	39.17	Upper	$50,065	$49,900	6.71	124.38	$62,273	$62,066	$47,675
12	86	39.18	Middle	$50,065	$49,900	15.46	113.23	$56,693	$56,502	$55,833
12	86	39.19	Upper	$50,065	$49,900	8.11	222.11	$111,204	$110,833	$79,185
12	86	39.21	Middle	$50,065	$49,900	10.61	116.45	$58,301	$58,109	$38,412
12	86	39.22	Upper	$50,065	$49,900	3.24	195.5	$97,880	$97,555	$121,103
12	86	40	Upper	$50,065	$49,900	10.11	208.77	$104,522	$104,176	$89,609
12	86	41.02	Upper	$50,065	$49,900	5.49	273.98	$137,171	$136,716	$90,694
12	86	41.03	Middle	$50,065	$49,900	20.86	83.99	$42,050	$41,911	$39,075
12	86	41.05	Upper	$50,065	$49,900	10.26	191.67	$95,962	$95,643	$85,217
12	86	41.06	Upper	$50,065	$49,900	2.43	165.74	$82,981	$82,704	$84,567
12	86	42.03	Middle	$50,065	$49,900	13.92	84.88	$42,500	$42,355	$42,159
12	86	42.04	Moderate	$50,065	$49,900	14.72	69.8	$34,946	$34,830	$34,951
12	86	42.05	Middle	$50,065	$49,900	20.19	96.93	$48,533	$48,368	$40,866
12	86	42.06	Middle	$50,065	$49,900	28.05	89.77	$44,944	$44,795	$48,088
12	86	43.01	Upper	$50,065	$49,900	7.99	204.99	$102,632	$102,290	$52,475
12	86	43.03	Middle	$50,065	$49,900	17.97	81.03	$40,571	$40,434	$41,477
12	86	43.04	Moderate	$50,065	$49,900	19.96	77.07	$38,589	$38,458	$51,941
12	86	44.03	Upper	$50,065	$49,900	22.53	124.21	$62,188	$61,981	$28,407
12	86	44.04	Low	$50,065	$49,900	36.93	30.98	$15,515	$15,459	$15,488
12	86	44.05	Moderate	$50,065	$49,900	31.5	54.36	$27,216	$27,126	$22,247
12	86	44.06	Middle	$50,065	$49,900	12.99	88.13	$44,125	$43,977	$43,638
12	86	45	Upper	$50,065	$49,900	20.24	253.42	$126,875	$126,457	$76,056

City of Miami Beach Census Tracts (2 of 2)

Tract Population	Tract Minority %	Number of Families	# of House-holds	Non-Hisp White Population	Tract Minority Population	American Indian Pop-ulation	Asian/ Hawaiian/ Pacific Islander Population	Black Pop-ulation	Hispanic Population	Other Population/ Two or More Races
2699	32.6	688	934	1819	880	4	20	29	793	34
1584	72.85	282	841	430	1154	0	16	92	1027	19
4106	79.08	923	1764	859	3247	12	37	141	2992	65
4237	77.13	1083	1622	969	3268	2	76	269	2875	46
4298	80.22	1080	2019	850	3448	9	51	142	3198	48
3812	73.85	746	1980	997	2815	5	37	107	2619	47
4953	76.9	1115	2216	1144	3809	5	54	143	3545	62
3790	73.14	959	1536	1018	2772	2	65	210	2433	62
4382	70.79	1160	2108	1280	3102	4	140	205	2661	92
2755	66.21	505	1034	931	1824	2	149	150	1478	45
2991	51.12	684	1293	1462	1529	2	36	39	1397	55
2612	67.69	671	1504	844	1768	0	40	42	1653	33
1932	62.01	530	1031	734	1198	1	27	18	1134	18
5062	32.87	1171	2081	3398	1664	4	142	92	1381	45
3127	34.86	665	1575	2037	1090	2	51	46	946	45
2733	69.15	226	1460	843	1890	2	45	88	1722	33
2930	54.61	720	1562	1330	1600	3	52	65	1446	34
3152	33.19	652	1545	2106	1046	0	63	54	894	35
4825	47.59	716	2491	2529	2296	6	142	171	1860	117
2158	65.11	380	1267	753	1405	4	42	75	1246	38
2625	56.84	351	1421	1133	1492	5	64	69	1323	31
1836	66.18	362	1050	621	1215	0	39	63	1086	27
2389	50.73	444	1576	1177	1212	3	57	62	1035	55
2436	63.1	469	1632	899	1537	6	61	104	1324	42
2327	57.63	389	1413	986	1341	3	46	53	1204	35
2944	65.52	281	1665	1015	1929	4	62	193	1613	57
2014	61.62	375	1375	773	1241	2	26	36	1148	29
3000	71.33	501	1933	860	2140	1	47	120	1918	54
2978	51.88	357	1761	1433	1545	8	95	95	1293	54
4302	40.19	717	2051	2573	1729	0	104	92	1465	68

City of Miami Beach Census Map (1 of 1)



Uniform Relocation Assistance (URA)

If a project proposed in response to this RFP includes the purchase of a building or an offer to purchase a building which is occupied, the tenants are entitled to the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The following information is provided to assist the applicant in complying with the URA.

1. **URA preparation needs to start early**. A URA notice needs to be given to the Seller when the purchase offer/option is made.

2. **HUD and the City of Miami Beach care about this**. Developers who are working on HUD-funded projects need to understand that the URA is basic consumer legislation that addresses "fairness" issues. Tenants whose living circumstances are changed by a project - either by higher rents or involuntary moves - must be protected and compensated.

3. **The relocation rules are not all one-sided.** There are actions that can be taken to control costs and prevent displacement. These actions include informing tenants about the project, treating them fairly during the process, staging work if it is feasible, and keeping their rents affordable. Tenants must continue to pay rent and comply with the lease during the process.

4. **Mistakes can be costly**. Planning for relocation and tenant concerns is critical because grantees, owners and developers can all take actions which can incur a financial liability. Displaced tenants are entitled to 42 or 60 months of rental assistance depending on the situation. Many claims exceed $10,000. Although some claims are unavoidable, there is no reason to incur these costs by failure to follow the rules.

5. **Planning is critical**. Relocation concerns must be thought out early in the process so decisions about rents, construction timing and project feasibility can be considered before they are a crisis.

6. **Cooperation is Essential**. All parties involved in the project must do the right thing in order to make the process work. The Developer and the City must work together.

7. **There are three basic requirements for tenants in rental rehabilitation projects.** They must be given timely information about the pending application. If the project is approved, they must be advised about any changes that will occur to their situation. If they are not advised - and move - they could claim that they were displaced even if that was not intended and they could be eligible for considerable financial compensation. If they must be displaced, they must be offered a comparable replacement unit (as defined by HUD). Moving expenses must be paid. No one can be required to move without 90 days notice. Tenants who will stay in the property after work is complete must be offered a suitable unit that is affordable to them.

Applicant Information

Applicant Name:			
Applicant Address:			
Telephone Number:		Fax Number:	
Executive Director:		E-Mail Address:	
Contact Person:		E-Mail Address:	
Board Secretary:		E-Mail Address:	
Employer Identification Number:		Corporate Status:	
Is applicant a CHDO for the City of Miami Beach:		Submission Code:	

Required Attachments	
Applicant's Articles of Incorporation	
Internal Revenue Services (IRS) Designation Letter	
Current Board of Director's Membership with Professional Affiliations	

Proposed Project Summary

Project Category:			
National Objectives:			
# of Project Beneficiaries:			
Project Budget:	$ -	Agency Budget:	$ -
Amount of Secured Funding:	$ -		
Amount of Funding Requested from City:	$ -		

Recommended Attachments	
For Affordable Housing Projects Only: Subsidy Layering Review completed within past sixty (60) days	

Applicant Certification

On behalf of the applicant organization, we certify that all of the information contained in this application is true and accurate. We further understand that the material omission or inclusion of false information contained in this application constitutes grounds for disqualification of the application and Applicant. We further understand that by submitting an application, we, as the authorized representatives for the organization, are accepting the terms and conditions as they appear in the Request For Proposals February 2015.

Signature of Preparing Party/ Date	Signature of Authorizing Party/ Date
Name/Title:	Name/Title:

City of Miami Beach Use Only

Project Funding Level:	#DIV/0!	**Cost P/Unit:**	#DIV/0!
City Funding Level:	#DIV/0!	**Project Outlook:**	#DIV/0!

SCORE RANGE FOR SECTION	**5 Points**

Submission Checklist

Please verify that the following has been completed and submitted by the submission deadline as noted:

Item/Attachment	Status
Applicant Info(rmation) **(Signatures Needed) - Required**	
Submission Checklist **(Signatures Needed)** - **Required**	
Project Overview - **Required**	
National Objective - **Required**	
Project Impact - **Required**	
Applicant Experience - **Required**	
Project Budget - **Required**	
Sources & Uses **(Signatures Needed) - Required**	
Priority Alignment - **Required**	
Affidavit 1 **(Signatures Needed) - Required**	
Affidavit 2 **(Signatures Needed) - Required**	
Affidavit 3 **(Signatures Needed) - Required**	
Certification 1 **(Signatures Needed)** - **Required**	
Certification 2 **(Signatures Needed)** - **Required**	
Certification 3 **(Signatures Needed)** - **Required**	
Certification 4 **(Signatures Needed)** - **Required**	
Certification 5 **(Signatures Needed)** - **Required**	
Certification 6 **(Signatures Needed)** - **Required**	
Certification 7 **(Signatures Needed)** - **Required**	
Applicant's Articles of Incorporation - **Required**	
Applicant's Internal Revenue Services Designation Letter - **Required**	
Current Board of Director's with Professional Affiliations - **Required**	
For Capital Projects Only: Physical Needs Assessment - **Recommended**	
Applicant Agency's Last Two Annual Audits including Management Letters- **Required**	
Evidence of Matching Funds/Leverage - **Required**	
For Capital Projects Only: Subsidy Layering Review - **Optional**	
For Capital Projects Only: Project Renderings - **Optional**	

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Project Overview

Applicant: 0

Project Synopsis

In the space below, provide a brief synopsis of your proposed project including current status, location, scope and beneficiaries.

Project Measures			
Objective:		Outcomes:	
Activity Code:			

Project Partners

Please list the entities providing cash, financing and other support to proposed project.

Entity	Support Type	Support Value
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
		$ -
Total Value of Project Investment		**$ -**

City of Miami Beach Use Only

Fiscal Check: #DIV/0!

SCORE RANGE FOR SECTION **20 Points**

National Objectives

CDBG-funded activites must meet one of three National Objectives. Please check one:

☐ Check Box 1 **National Objective A**: Principally benefits low and moderate income persons

☐ Check Box 2 **National Objective B**: Aids in the prevention or elimination of slums or blight

☐ Check Box 3 **National Objective C**: Qualifies as an urgent need

If National Objective A is selected above, please select one subcategory below to describe proposed activity:

☐ Check Box 4 **Area Benefit Activities** are those carried out in a neighborhood consisting predominantly of LMI persons and providing services for such persons, yet could be available to other non-income-eligible persons in the area

☐ Check Box 5 **Limited Clientele Activities** are those which benefit a specific group of people (rather than all the residents in a particular area) who are, or presumed to be, income eligible. The specific groups presumed by HUD to be income-eligible include: abused children, battered persons, elderly persons, handicapped persons, homeless persons, illiterate persons, migrant farm workers, and persons living with AIDS.

☐ Check Box 6 **Income Eligible Housing Activities** add or improve a permanent residential structure wherein, upon completion, income eligible persons will occupy 51% or more of the housing units

☐ Check Box 7 **Job Creation or Retention Activities** create or retain permanent jobs, of which at least 51% are either taken by or available to income eligible persons

Project Impact (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. Describe the scope of your proposed project including a summary of planned service goals including beneficiaries.
2. Describe the impact of your project on the immediate neighborhood and possible jobs created (temporary and permanent).

SCORE RANGE FOR SECTION	10 Points

Project Impact (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding the project's impact:

1. For Affordable Housing Projects: Describe if tenants will be relocated and, if so, summarize relocation plan.
2. Provide a brief project timeline.

SCORE RANGE FOR SECTION	10 Points

Applicant Experience (1 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Describe experience in providing the service proposed.
2. Provide specific examples of successful projects.

SCORE RANGE FOR SECTION	10 Points

Applicant Experience (2 of 2)

Applicant: 0

In the space below, answer the following questions and provide any additional information regarding applicant experience.

1. Fiscal capacity to successfully complete project including previous receipt of HUD funds. Provide specific examples.

SCORE RANGE FOR SECTION	15 Points

Project Budget

Applicant: 0

Line Item Category/ Cost Category	Confirmed Receipt	Pending Receipt	City Request	Line Total
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
Project Totals	$ -	$ -	$ -	$ -

In the space below, please provide detail for any line item with "other" in category title.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/Date

Name/Title:

SCORE RANGE FOR SECTION	20 Points

Sources & Uses of Project Funds

Applicant: 0

Line Item Category/ Cost Category	Funding Source #1 **Insert Source Here**	Funding Source #2 **Insert Source Here**	Funding Source #3 **Insert Source Here**	Funding Source #4 **Insert Source Here**	Funding Source #5 **Insert Source Here**
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
Project Totals	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**

Please use next page if necessary.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/Date

Name/Title:

SCORE RANGE FOR SECTION	5 Points

Sources & Uses (Use Only if Necessary)

Applicant: 0

Line Item Category/ Cost Category	Funding Source #6 **Insert Source Here**	Funding Source #7 **Insert Source Here**	Funding Source #8 **Insert Source Here**	Funding Source #9 **Insert Source Here**	Funding Source #10 **Insert Source Here**
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
Project Totals	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**

Priority Alignment

Funding Category:

Project Location:

Beneficiaries (List All):

The City of Miami Beach has achieved a great deal by staying focused on its mission, vision and strategic priorities. By using performance measurements to gauge how well it is managing resources and delivering services, the City has areas that have seen significant improvements since its plan was chartered.

As a recipient of public resources, please indicate below how your project aligns with the City's Strategic Plan. At a minimum, you must select one Key Intended Outcome (KIO) that your project will address. Extra points will be awarded for your ability to address additional KIOs.

Please note that awarded projects will be required to measure and report their progress on meeting identified KIO goals.

Primary KIO Proposed Project Will Address:
Secondary KIO Proposed Project Will Address:
Tertiary KIO Proposed Project Will Address:

In the space provided below, please describe the measures you will use to quantify your impact on the selected KIOs above. Please note that all measures must be numerical in nature, i.e., the number of units developed, the number of tenants served.

SCORE RANGE FOR SECTION	5 Points

Acknowledgement of Application Submission

Applicant: 0

As the duly authorized signatory and preparer, respectively, for the agency listed above, we have read the City of Miami Beach Request For Proposals for Annual Federal Entitlement Funds and agree to the terms, specific limitations, and conditions expressed herein. In addition, we have read, relied upon, acknowledge, and accept the City's Disclosure Disclaimer as attached.

Further, if our proposed project includes the rehabilitation or construction of a residential building that is currently occupied, we hereby authorize the staff of the City of Miami Beach Office of Housing and Community Development to enter the premises and interview residents. We realize that the purpose of the interviews is to determine the estimated amount of relocation assistance that may be needed.

By signing below, the undersigned acknowledge that they have read and understand the Certifications attached hereto and labeled as "Affidavits" and, if awarded CDBG and/or HOME funds, the Applicant will be able to comply fully with the provisions of those certifications and will be able to comply with all additional applicable federal, state and local requirements, including procurement and financial management. Applicant also acknowledges that if a funding recommendation is made for less than the full amount applied for, additional documentation including a revised budget, scope of work and sources and uses may be requested prior to final finding determinations.

The City of Miami Beach reserves the right to verify that the authorized signatures above are authorized to bind the Applicant and may require Applicant to submit documentation verifying such authority.

Signature of Preparing Party/ Date	Signature of Authorizing Party/ Date
Name/Title:	Name/Title:

Affidavit of Compliance with Federal, State and Local Regulations

Applicant: 0

The undersigned certify that the information in this application is true and correct. The undersigned further certify that they are aware that if the City of Miami Beach finds that the applicant agency or undersigned have engaged in fraudulent actions or intentionally misrepresented facts on this application, this application will be rejected and the applicant agency may be unable to participate in any City-funded program for two (2) complete fiscal years.

If applying for HOME Investments Partnership Program/Community Development Block Grant funds, the applicant via the undersigned certify that it has read, understands and agrees to comply with the provisions of 24 CFR 92, and all federal regulations issued thereto by the United States Department of Housing and Urban Development (HUD).

The undersigned understand and agree to abide by the provisions of the applicable, federal, state and local regulations and laws.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

Disclosure and Disclaimer

Applicant: 0

This Request for Proposals (RFP) is being furnished to the applicant by the City of Miami Beach (City) for the applicant's information and convenience. Any action taken by the City in response to applications made pursuant to this RFP or in making any award or in failing or refusing to make any award pursuant to such applications, or in canceling awards, or in withdrawing or canceling this RFP, either before or after issuance of an award(s), shall be without any liability on the part of the City. The contents of this RFP are neither warranted nor guaranteed by the City. Applicants interested in pursuing this development opportunity are urged to make such evaluations as they deem advisable and to reach independent conclusions concerning statements made in this RFP and any supplements thereto. The City reserves the right to reject any and all applications for any reason, or for no reason, without any resultant liability to the City.

In its sole discretion, the City may withdraw the RFP either before or after receiving applications, may accept or reject applications, and may accept applications which deviate from the RFP as it deems appropriate and in its best interest. In its sole discretion, the City may determine the qualifications and acceptability of any party or parties submitting applications in response to this RFP.

Following submission of an application, the applicant agrees to deliver such further details, information and assurances, including financial and disclosure data, relating to the application and the applicant including the applicant's affiliates, officers, directors, shareholders, partners and employees as requested by the City in its discretion.

The information contained herein is provided solely for the convenience of prospective housing development entities. It is the responsibility of the applicant to assure itself that information contained herein is accurate and complete. The City does not provide any assurances as to the accuracy of any information in this RFP.

Any reliance on these contents, or on any communications with City officials, shall be at the applicant's own risk. Prospective applicants should rely exclusively on their own investigations, interpretations and analyses. The RFP is being provided by the City without any warranty or representation, express or implied, as to its content, its accuracy, or its completeness. No warranty or representation is made by the City or its agents that any application conforming to these requirements will be selected for consideration, negotiation, or approval.

The City shall have no obligation or liability with respect to this RFP, the selection and the award process or whether any award will be made. Any applicant to this RFP who responds hereto fully acknowledges all the provisions of this disclosure and disclaimer, is totally relying on this disclosure and disclaimer, and agrees to be bound by the terms hereof. Any applications submitted to the City or its advisors pursuant to this RFP are submitted at the sole risk and responsibility of the party submitting such application.

This RFP is made subject to correction of errors, omissions, or withdrawal without notice. Information is for guidance only and does not constitute all or any part of an agreement.

The City and all applicants will be bound only as, if and when an application, as same may be modified, and the applicable definitive agreements pertaining thereto, are approved and executed by the parties, and then only pursuant to the terms of the definitive agreements executed among the parties.

Disclosure and Disclaimer

Applicant: 0

Any response to this RFP may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

The City is governed by the Government-in-the-Sunshine Law, and all applications and supporting documents shall be subject to disclosure as required by such law. All documents received by the City shall become public records.

Applicants are expected to make all disclosures and declarations as requested in this RFP. By submission of an application, the applicant acknowledges and agrees that the City has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in the application, and authorizes the release to the City of any and all information sought in such inquiry or investigation. Each applicant certifies that the information contained in the application is true, accurate and complete to the best of its knowledge and belief.

Notwithstanding the foregoing or anything contained in the RFP, all applicants agree that in the event of a final unappealable judgment by a court of competent jurisdiction which imposes on the City any liability arising out of this RFP or any response thereto or any action or inaction by the City with respect thereto, such liability shall be limited to $10,000.00 as agreed-upon and liquidated damages. The previous sentence, however, shall not be construed to circumvent any of the other provisions of this disclosure and disclaimer which imposes no liability on the City.

In the event of any differences in language between this disclosure and disclaimer and the balance of the RFP, it is understood that the provisions of this disclosure and disclaimer shall always govern. The RFP and any disputes arising from the RFP shall be governed by and construed in accordance with the laws of the State of Florida.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

FY 16/17 Certification Regarding Lobbying Activities

Applicant: 0

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a 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, amendment, 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 person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any 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-LLL, "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 sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all individuals receiving sub-awards shall certify and disclose accordingly.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

FY 16/17 Drug-Free Workplace Requirements

Applicant: 0

The Provider shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

Site 1 Address:

Site 2 Address:

Site 3 Address:

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

FY 16/17 Acknowledgement of Disability Nondiscrimination Affidavit

Applicant: 0

I, _____ , being duly first sworn state that the above named form, corporation or organization is in compliance with and agrees to continue to comply with, and assure that any subcontractor, or third party contractor under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

- The Americans with Disabilities Act of 1990 (ADA): Pub. L. 101-336, 104 Stat 327, 42 U.S.C. 12101-12213 and 547 U.S.C. Sections 225 and 611 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.
- The Rehabilitation Act of 1973: 29 U.S.C. Section 794.
- The Federal Transit Act, as amended: 49 U.S.C. Section 1612.
- The Fair Housing Act as amended: 42 U.S.C. Section 3601-3631.

SUBSCRIBED AND SWORN TO (or affirmed) before me on _____ by
(Date)
_____. He/She is personally known to me or has
(Affiant)
presented as identification.
(Type of identification)
Signature of Notary
_____ Serial Number
_____

The City of Miami Beach will not award a contract to any firm, corporation or organization that fails to complete and submit this Affidavit with the firm, corporation or organization's bid or application or fails to have this Affidavit on file with the City of Miami Beach.

Lead-Based Paint Certification

Applicant: 0

Applicability:
A. The lead based paint rule applies to CDBG-funded housing activities involving construction, purchase and rehabilitation.
B. The following housing rehabilitation activities are excepted:
l. Emergency repairs (but not lead based paint-related emergency repairs)
2. Weatherizing
3. Water and/or sewer hookups
4. Installation of security devices
5. Facilitation of tax exempt bond issuances for funds
6. Other single-purpose activities that do not include physical repairs or remodeling of applicable surfaces
7. Other activities that do not involve applicable surfaces and do not exceed $3,000 per unit.

Inspection and Testing Requirements:
The Provider shall be required to test the lead content of chewable surfaces of an apartment building to be rehabilitated, if there is a family residing in one of the units with a child under seven years of age with an identified elevated blood level condition (concentration of lead in blood of 25 micrograms per deciliter or greater) and the building was constructed prior to 1978.

Chewable surfaces are defined as all exterior surfaces of a residential structure, up to five feet from the floor or ground, such as: a wall, stairs, deck, porch, railing, windows or doors that are readily accessible to children under seven years of age, and all interior surfaces of a residential structure.

Lead content shall be tested by using an x-ray fluorescence analyzer or other method approved by HUD. Test readings of 1 mg/cm or higher shall be considered positive for presence of lead based paint.

Required Treatment:
Treatment of lead based paint conditions must be included as part of the proposed rehabilitation work. All chewable surfaces in any room found to contain lead based paint must be treated before final inspection and approval of work. Similarly, all exterior chewable surfaces must be treated when they are found to contain lead based paint.

Minimum treatment involves covering or removing the painted surfaces. Washing and repainting without thorough removal or covering does not constitute adequate treatment. Covering can be achieved by adding a layer of gypsum wallboard or fiberglass cloth barrier. Depending on the wall condition, permanently attached, non-strippable wallpaper may be applied. Covering or replacing trim surfaces is also permitted. Removal can be accomplished by scraping, heat treatment (infrared or coil type heat guns) or chemicals. Machine sanding and propane torch use are not allowed.

I hereby acknowledge that I have read the specific requirements for lead based paint contained in this Certification, and understand that my organization's project eligibility depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date	Signature of Authorizing Party/ Date
Name/Title:	Name/Title:
Signature of Board Chair/ Date	Signature of Board Secretary/ Date
Name/Title:	Name/Title:

Certification Regarding Religious Activities

Applicant: 0

In accordance with First Amendment of the U.S. Constitution - "church/state principles", CDBG assistance may not, as a general rule, be provided to primarily religious entities for any secular or religious activities.

Therefore, the following restrictions and limitations apply to any provider which represents that it is, or may be deemed to be, a religious or denominational institution or an organization operated for religious purposes which is supervised or controlled by or operates in connection with a religious or denominational institution or organization.

A religious entity that applies for and is awarded CDBG funds for public service activities must agree to the following:

1. It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;

2. It will not discriminate against any person applying for such public services on the basis of religion and will not limit such services or give preference to persons on the basis of religion;

3. It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of such public services;

4. The portion of a facility used to provide public services assisted in whole or in part under this Agreement shall contain no sectarian or religious symbols or decorations; and

The funds received under this Agreement shall not be used to construct, rehabilitate, or restore any facility which is owned by the Provider and in which the public services are to be provided. However, minor repairs may be made if such repairs are directly related to the public services; are located in a structure used exclusively for non-religious purposes; and constitute, in dollar terms, only a minor portion of the CDBG expenditure for the public services.

I hereby acknowledge that I have read the specific requirements contained in this Certification, and that eligibility of my organization's project depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date

Name/Title:

Signature of Authorizing Party/ Date

Name/Title:

Signature of Board Chair/ Date

Name/Title:

Signature of Board Secretary/ Date

Name/Title:

Certification Regarding CDBG-Funded Construction & Rehabilitation Projects (1 of 2)

Applicant: 0

If the Provider anticipates using CDBG funds for construction or rehabilitation, the following federal and City of Miami Beach requirements must be acknowledged:

A. All construction or rehabilitation plans and specifications for the project must be approved by the City's departments of: Planning; Office of Real Estate, Housing & Community Development; Public Works; Building; Code Compliance; and Fire. If the project is located in the Miami Beach Architectural District, or affects a building listed or eligible for listing on the National Register of Historic Places, all plans and specifications must be approved by the State Historic Preservation Office (SHPO), in accordance with the Memorandum of Understanding between the SHPO and the City.

B. The City shall not be obligated to pay any funds to the project prior to the completion by the City of an environmental review of the project, and said review is approved by any government agencies as may be required by law.

C. The Provider will assure all wages paid to construction workers by it or its subcontractors are in compliance with federal, state and local labor requirements. The Provider agrees to include in the construction bid specifications in connection with this agreement the applicable Federal Wage Determination assigned to this project by HUD. The Provider must also inform his contractor/subcontractors that they will be required to submit documents after a city-conducted pre-construction conference and prior to construction. Weekly and/or monthly reports must be submitted thereafter, as required by the federal government.

D. The Provider agrees to comply with, and to assure that its subcontractors comply with, the federal Office of Management and Budget (OMB) Circular Number A-102 Attachment E for programs funded in whole or in part by CDBG funds; with federal OMB Circular A-102 Attachment O for the procurement of supplies, equipment, construction and services; and with Federal Management Circular A-87; or any other applicable OMB circular.

E. Pursuant to Section 109 of the Act, the Provider specifically agrees that no person shall be denied the benefits of the program on the grounds of race, color, sex, religion or national origin.

F. The Provider agrees, on its own behalf and on behalf of its contractors and subcontractors, to take affirmative action in attempting to employ low income and minority persons, as mandated by law.

G. As required by OMB Circular Number A-102, and by Florida Statutes Section 287.055, professional services must be competitively selected. The competitive selection process must include a public advertisement; issuance of a request for application and a competitive review based on uniform criteria. Selection criteria must consider the basic qualifications, professional competence, experience and suitability of each firm. Fees for professional services must be requested as a fixed sum and not stated as a percentage of construction costs.

H. All documents, bid specifications, notices and construction drawings must be submitted for the review and approval of the Neighborhood Services Department prior to public advertisement.

Certification Regarding CDBG-Funded Construction & Rehabilitation Projects (2 of 2)

I. The bidding process for construction contracts must include a formal advertisement, published in The Miami Review, Dodge Reports and The Miami Builder's Exchange. This announcement must include the following:
1. The date, time and place that bid documents are available, and the same information for any pre-bid conferences and receipt of bids.

2. The requirement of bid surety in the amount of ten percent (10%) of the bid, and a performance and payment bond equal to 100% of the award.

3. A standard statement regarding the "in whole or in part" federal funding of the project and the various applicable federal regulations.

J. The City reserves the right to be present at the time of bid openings. If City CDBG monies are the sole funding source, the City may require that bids be received and opened by the City's Procurement Department.

K. The Provider agrees to submit to the City's Office of Real Estate, Housing & Community Development all documentation of the steps followed in the selection of professional services and construction contracts.

L. The Provider agrees to specify a time of completion and include a liquidated damage clause in all construction contracts. Cost plus a percentage of cost, and percentage of construction cost contracts will not be permitted.

M. If the Provider is awarded CDBG funds, other conditions and requirements will be specified in the funding agreement.

N. The Provider agrees that it will not start construction until an official "Notice to Proceed" has been issued.

O. Pursuant to 570.608 of the CDBG Regulations, and the new provisions in the Economic and Community Development Act of 1974 as amended, the Provider agrees to comply with the inspection, notification, testing and abatement procedures concerning lead-based paint.

I hereby acknowledge that I have read the specific requirements contained in this Certification, and that eligibility of my organization's project depends upon compliance with the requirements contained in this document.

Signature of Preparing Party/ Date	Signature of Authorizing Party/ Date
Name/Title:	Name/Title:
Signature of Board Chair/ Date	Signature of Board Secretary/ Date
Name/Title:	Name/Title:

Section 3 Certification

Applicant: 0

All contractors submitting bids or proposals to the City of Miami Beach are required to certify that they comply with the requirements of Section 3. The Section 3 Contract Clause specifies the requirements for contractors hired for Section 3 covered projects.

TRAINING, EMPLOYMENT AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND THE LOW- AND VERY LOW-INCOME AREA RESIDENTS.

A. The project assisted under this (contract/agreement) is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S. C. 170U. Section 3 requires 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 business concerns which are located in or owned in substantial part by persons residing in the area of the project.

B. Notwithstanding any other provision of this (contract/agreement), the (recipient/contractor) shall carry out the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this (contract/agreement). The requirements of said regulations include but are not limited to development and implementation of a Section 3 Opportunity Plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the project; the making of a good faith effort, as defined by the regulation, to provide training, employment and business opportunities required by Section 3; and incorporation of the "Section 3 Clause" specified by Section 135.20 (b) of the regulations in all contracts (subcontracts) for work in connection with the project. The (recipient/contractor) certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

C. The (recipient/contractor) shall provide a status report identifying its progress in meeting the Section 3 goals as established in its Section 3 Opportunities Plan on a monthly basis throughout the (contract/agreement) period. The monthly report shall be submitted no later than 10 days after the end of each calendar month of the contract (i.e., January 10 for December).

D. Compliance with the provision of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this (contract/agreement), shall be a condition of the Federal financial assistance provided to the project, binding upon the (recipient/contractor), its successors and assigns. Failure to fulfill these requirements shall subject the (recipient/contractor), its contractors and subcontractors, its successors, and assigns to the sanctions specified by the (contract/agreement), and to such sanctions as are specified by 24 CFR Section 135.

Signature of Authorized Individual	Title	Date

Place Notary Stamp Here

Print Name

Sworn to and subscribed before me
This _____ day of _____
_____ 20__.

Notary Public