

MONTANA COMMUNITY REINVESTMENT PLAN ACT PLANNING GRANT PROGRAM Section 22 of HB 819 (2023)

PLANNING GRANT APPLICATION GUIDELINES, GRANT ADMINISTRATION, AND APPLICATION

Current Grant Application Deadline: February 9, 2024

DOCCDD@MT.GOV

http://comdev.mt.gov

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I. APPLICATION GUIDELINES

INTRODUCTION

In 2023, the Montana Legislature passed the Montana Community Reinvestment Plan Act, <u>HB 819</u>, with the purpose "to begin to address housing needs and offer a regional, community-based solution to creating affordable, attainable workforce housing infrastructure in the state." Section 22 of HB 819 appropriated \$1 million to the Department of Commerce to "provide planning grants to local governments and tribal governments for planning and zoning reforms to increase housing supply" and "cover administrative costs of the grant program." The Montana Department of Commerce ("Commerce") Community MT Division ("CMT") will administer the Montana Community Reinvestment Plan Act ("MCR") Planning Grant Program in accordance with these Guidelines. The Department anticipates providing at least \$1,000,000 in planning grants to eligible applicants during the current biennium (State Fiscal Years 2024 and 2025).

A. ELIGIBLE APPLICANTS

As established by § 22(2)(a) of HB 819, the following may apply for MCR planning grants:

- Local governments (including incorporated cities, and towns, counties, and consolidated citycounty governments); and
- Tribal governments (includes any federally recognized Indian tribe within the State of Montana).

Local governments and tribal governments may apply for one (I) MCR planning grant per funding cycle. Applicants with an open MCR planning grant generally are ineligible to apply for an additional planning grant until their current planning project is completed and closed out, unless approved in writing in advance by Commerce.

Because they are consolidated local governments, Butte-Silver Bow and Anaconda-Deer Lodge may apply for two MCR planning grants per funding cycle and may have up to two (2) planning grants open at any given time.

If you have additional questions involving eligibility, please contact CMT staff at Commerce directly.

B. ELIGIBLE PLANNING PROJECTS AND COSTS

Eligible applicants may use MCR planning grant funds "for planning and zoning reforms to increase housing supply." Eligible uses include the creation or update of plans, assessments, or studies in any of the areas listed below that contribute to an increase in local housing and with a special emphasis on increasing attainable, affordable workforce housing infrastructure in Montana.

Please contact CMT staff directly if you have any questions about whether a proposed planning project is eligible.

Funding recipients generally may use MCR planning grant funds to pay for the following activities to increase local housing supply:

- Growth policies, growth policy updates, and Land Use Plans (as required by the Montana Subdivision and Platting Act and the Montana Land Use Planning Act) related to increasing attainable workforce housing;
- Zoning regulations and zoning regulation updates related to increasing attainable workforce housing;
- Subdivision regulations and subdivision regulation updates related to increasing attainable workforce housing;
- Conducting housing needs assessments;
- Housing condition surveys;
- Housing affordability and market feasibility studies;
- □ Inventories of opportunities for infill and redevelopment of land to increase attainable workforce housing;
- Development of local or regional housing assistance programs;
- □ Fair housing plans;
- □ Adaptive re-use or redevelopment plans that would result in an increase in attainable workforce housing or the improvement in the condition of existing workforce housing;
- Preliminary architectural reports ("PAR") for new or renovated attainable workforce housing;
- □ Site-specific development plans for new attainable workforce housing; and
- Downtown/neighborhood revitalization or master plans that would result in an increase in attainable workforce housing or the improvement in the condition of existing workforce housing.

A planning project related to increasing attainable, affordable local workforce housing supply other than those listed above also may be approved by Commerce (please contact Community MT staff prior to submitting an application for additional guidance).

C. INELIGIBLE PLANNING PROJECTS AND COSTS

MCR planning grant funds generally <u>cannot</u> be used to pay for the following activities:

- Operation and maintenance costs or expenses;
 Purchase of furnishings, fixtures, equipment, or real property;
 Non-planning documents, such as final design or construction drawings;
 Construction or any other non-professional services;
 Grant administration and management expenses, with the exception of postage costs, instate mileage costs and copy and printing costs associated with the administration of eligible planning grant activities;
 Researching other grant opportunities;
- Any otherwise eligible planning project costs incurred prior to the date of announcement of grant award by the Montana Department of Commerce.

☐ Financial expenses, including but not limited to interest expense, bond issuance costs, or any

D. AWARD AMOUNTS & REQUIRED MATCH

other debt- related costs or expenses; or

MCR planning grants are available in amounts **up to \$30,000**. Applicants must provide a minimum financial match of 20% of the amount of the total cost of the proposed planning activity. Up to 50% of the required match can be met by "in-kind" contributions, such as regular salaried staff time or other services provided by applicants. Matching funds must be firmly committed by the time grant funds are released.

The amount of MCR funds requested, and matching funds to be committed, must be described in the proposed budget as part of the application materials (see Exhibit 2, below, for the required budget format and instructions).

Firm loan commitments—such as funds borrowed from the Montana Board of Investments INTERCAP Program—or local cash reserves—are acceptable forms of match. Grants or cash contributions from other local, state, or federal agencies and programs or private organizations are also acceptable forms of match for MCR planning grant awards.

In documenting a firm commitment of matching funds, the applicant must:

- 1. Specify the amount and use of the funds committed by the applicant as match; and
- 2. For funds to be provided by an entity other than the applicant, provide a letter of commitment from the agency or organization involved. The commitment of funds or resources may be made contingent on MCR funds being awarded for the <u>proposed</u> planning project.

Reduction or Waiver of Match

Commerce may reduce or entirely waive the match requirement, if specifically requested by the applicant and granted by Commerce in writing, in limited and extreme hardship cases only. Applicants requesting a reduction of the match or a waiver may experience a longer review time. Applicants seeking to reduce or waive the match requirement must request a reduction of the match or a waiver in their application and include documentation which clearly demonstrates that higher financial participation is not possible.

E. APPLICATION SUBMISSION AND DEADLINE

MCR planning grant applications are due to Commerce no later than 5:00 p.m. on February 9, 2024.

To apply for an MCR planning grant, eligible applicants must complete the application found on Commerce's website and contained below in Section III.

To submit your application electronically, please upload the application to the State of Montana File Transfer Service (FTS). To access the FTS, an applicant must register with OKTA. To register with OKTA, go to the FTS <u>page</u> and select 'Register now!' from the Login screen and follow the prompts. After registration, an applicant can access the FTS to upload the application for submission. Please see these <u>instructions</u> for additional help. If you have difficulties submitting your application electronically, please email <u>DOCCDD@mt.gov</u> or call 406.841.2770 for assistance.

Electronic submission is preferred but you may also submit your application by first class mail or hand delivery to:

Montana Department of Commerce Community MT Division Community Planning Program 301 S. Park Avenue - P.O. Box 200523 Helena, MT 59620-0523

Applicants are encouraged to contact CMT staff with any questions they have concerning application submittal and requirements.

Alternative accessible formats for this document will be provided upon request. If you need this document in an alternative format, such as large print, braille, or audio recording, please contact the Montana Department of Commerce Community MT Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals who need aids or services for effective communication or need other disability-related accommodations in the programs and services offered, are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

F. APPLICATION REVIEW PROCESS

Awards will be based on overall merit of the application and its ability to meet the Montana Community

Reinvestment Program goal of increasing local housing supply, with an emphasis on increasing attainable, affordable workforce housing. CMT staff will review planning grant applications and evaluate the extent to which each proposed planning project meets the goal of the MCR program and the purpose of HB 819. The Department of Commerce Director makes final decisions on grant awards.

CMT staff will first review each application for completeness. During this review, staff may contact an applicant to discuss any concerns or questions, or to request additional information or documentation. Staff may require additional information from the applicant to clarify information presented in the application; however, the applicant may only submit additional information after the initial application if specifically requested by staff.

In addition to evaluating how well the proposed planning project meets the goals of the MCR program, CMT staff will consider the overall quality of the application, including measurable project goals, tasks, and activities, a well-developed work plan and budget, and easily identifiable deliverables, in making award decisions.

Priority will be given to planning projects that increase local housing supply, especially attainable, affordable workforce housing, while enhancing the unique and resilient characteristics of communities by: I) investing in healthy, safe, walkable downtowns and neighborhoods – rural, urban, and suburban; 2) encouraging development and community revitalization that utilizes existing infrastructure and community services; and 3) aligns with the community's long-range planning/zoning vision and goals.

Commerce will notify successful applicants of an MCR planning grant award by sending a formal award letter. The completed application, including any written modifications resulting from the review of the application by CMT staff and approved by the Department, will be incorporated into the grant contract between Commerce and the successful applicant. The grant contract must be executed by an authorized agent of the applicant prior to disbursement of any grant award.

II. GRANT ADMINISTRATION

A. ADMINISTRATIVE PROCEDURES & REQUIREMENTS

The provisions below describe some of the more significant administrative procedures and requirements with which successful MCR planning grant applicants must comply. All procedures and requirements that the award recipient must comply with will be set forth in the grantee's contract with Commerce. Forms and templates are available on the CMT website at http://comdev.mt.gov/.

I. Payment: MCR planning grant recipients must execute a contract with Commerce before any funds can be disbursed. Payment for approved expenses under the grant contract will be on a reimbursement basis only. Commerce will typically disburse 50% of the planning grant award upon request for payment accompanied by proper documentation and submittal of draft project deliverables, when applicable. To request payment from the Department, grantees must submit a Request for Funds form with supporting documentation, including a Signature Certification Form and all applicable invoices detailing the project expenditures by activity, employee and showing hourly rate breakdowns (i.e., number of hours worked at a specified rate), along with a project progress report. Documentation of the procurement process followed will be required to be submitted as part of the initial request for payment.

To receive final payment, the grantee must show proof of expenditure of all matching funds and

include one electronic copy of the final planning deliverables (e.g. growth policy, zoning regulations, PAR, etc.). Commerce will determine whether supporting documents for a request for payment are sufficient and adequate to approve reimbursement. If the grantee fails to obligate expenses on or before the termination date of the grant contract, Commerce cannot reimburse the grantee planning grant award funds, unless the grantee can demonstrate, to the satisfaction of Commerce, a reasonable basis for the delay in requesting reimbursement. All documentation and requests for reimbursement must be received by the department more than 60 days prior to termination of the grant contract.

- 2. **Documenting In-Kind Match:** If grantees are using "in-kind" contributions/services as part of their match, they must provide a detailed description of the services in their requests for reimbursement that is signed by a representative with personal knowledge of the "in-kind" contributions/services actually used and that includes:
 - 1) a description of the work performed;
 - 2) the number of hours worked;
 - 3) the hourly rate for each hour of in-kind service provided; and
 - 4) work performed date(s) and work items completed.
- 3. **Reporting Requirements/Project Monitoring:** Grantees will be required to submit progress and expenditure reports in accordance with the requirements of the grant contract. Commerce reserves the right to perform site inspection(s) to monitor the grantee's compliance with the terms of grant contract, including but not limited to verification of planning services performed and monitoring of MCR planning grant funds.
- 4. **Public's Right to Know:** Applications that are funded are subject to disclosure, in response to requests received under the Montana Constitution (Art. II, § 9) and/or Montana Public Records Act. If an applicant believes their application contains information that could reasonably be considered to be proprietary, privileged, private or confidential in nature, they should contact Commerce staff prior to submitting and request to fill out an affidavit (see, e.g., this <u>form</u> affidavit) identifying what information they contend should be protected from public disclosure.
- 5. **Authority/Approvals:** The signature on the application is the Applicant's (or their authorized agent's) certification that the local government has approved submittal of the application and has firmly committed the matching funds required.
- 6. **Compliance with Laws:** The Applicant must certify on the application that the proposed planning project complies with all state, federal, and local laws, ordinances, and regulations, including any necessary environmental review and procurement requirements.
- 7. **Compliance with Contract Conditions:** Commerce may require grantees to adhere to technical guiding documents and templates based on scope of project as applicable.
- 8. **Dissemination of Information/Technology Transfer:** Grantees will be contractually required to allow Commerce access to any facility, site, and/or associated with the planning project, and to provide Commerce with the ability to obtain, publish, disseminate, or distribute any and all information obtained from the planning project (except any data or information identified as confidential or proprietary), without restriction and without payment or compensation by Commerce.

- 9. Grant Duration/Performance Period: The grant term will begin upon execution of the grant contract and will end one (I) year after the date of the Award Letter, or upon final reimbursement for costs and close-out of the planning activity by Commerce. Commerce will consider special circumstances, on a case-by-case basis, that necessitate a longer contract period. No requests for payment may be submitted for any costs or expenses obligated by the grantee for reimbursement after termination of the grant contract. All planning projects for which an MCR planning grant has been awarded must be completed within the time frame specified in the contract. Commerce, at its sole discretion, may grant an extension in writing to this deadline if the planning project is near completion but will not be fully completed by the deadline, and the grant recipient can demonstrate a good faith effort to complete the project on time and within the original budget.
- 10. Return of Funds: At Commerce's sole discretion, the grantee will be required to and agrees it shall return to Commerce any and all funds that are determined by Commerce to have been spent in violation of the terms and conditions of the grant contract.
- 11. Cost Savings: In the event that expenses for an MCR planning grant projects are less than the projected costs and grant award, Commerce may, at its sole discretion, authorize additional related planning efforts for the same facility to enhance the overall project or reduce the grant award accordingly.

B. PROCUREMENT OF PROFESSIONAL SERVICES

To be eligible for reimbursement of professional services, including architectural, engineering, and land surveying services, those services must be procured in compliance with applicable state and federal laws, including but not limited to, any applicable sections of MCA §§ 18-8-201 through 212 and 2 CFR Part 200. The grantee will be required to submit a form (Exhibit 3) attesting that it followed the appropriate procurement process prior to requesting reimbursement. In order to ensure that expenditures will be eligible for reimbursement, please contact a CMT staff member directly for guidance BEFORE procuring professional services or incurring any costs for which the local government may later request reimbursement.

For procurement of planners, grant writers and consultants, CMT recommends grantees follow the best practice of using the formal RFQ process to increase the community's ability to hire the best qualified consultant. A planning RFQ should be concise, contain all the important information needed for firms to respond in a factual manner, and indicate the services the consultant would be expected to provide. It also should include information regarding the time frame, factors that will be used to evaluate the responses, and a contact person.

At a minimum, local governments are required to conduct limited solicitation. Grantees will be asked to provide documentation that a minimum number of adequate, qualified firms were contacted in writing or via phone and provided formal quotes for consideration. Commerce recommends reaching out to 3-5 firms. The grantee will be required to submit evidence that the limited solicitation process was followed and documentation of the review and selection process. Any representative hired by a local government to conduct the RFP solicitation or procurement process cannot be subsequently hired by the local government to perform the planning services.

III. MCR PLANNING GRANT APPLICATION

MONTANA COMMUNITY REINVESTMENT PROGRAM MONTANA DEPARTMENT OF COMMERCE – COMMUNITY MT DIVISION

SECTION A - APPLICANT CERTIFICATION

The Applicant hereby certifies that: It will comply with all requirements established by the Montana Department of Commerce and applicable State and Federal laws, regulations, and administrative procedures.

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

Name (printed):		
Title (printed):		
Signature:	Chief Elected Official or Authorized Representative	
SECTION B - APPI	CANT INFORMATION	
I. Name of Ap	licant:	
2. Mailing Add	ess:	
3. Type of Ent	y:	
4. Federal Tax Number:	D	
5. Type of Pro	ct:	
6. UEI Numbe		

SECTION C – CONTACT INFORMATION SUMMARY—ALL FIELDS MUST BE COMPLETED UNLESS OTHERWISE NOTED. FAILURE TO COMPLETE ALL FIELDS MAY RESULT IN A DELAY IN PROCESSING YOUR APPLICATION

CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE:	PRIMARY CONTACT PERSON (if different from CEO/Auth Rep):
(Name)	(Name)
(Title)	(Title)
(Street/PO Box)	(Street/PO Box)
(City) (Zip)	(City) (Zip)
(Telephone)	(Telephone)
(Email)	(Email)
PROJECT PLANNER/ARCHITECT/ENGINEER (if applicable):	GRANT/LOAN ADMINISTRATOR (if applicable):
(Name)	(Name)
(Title)	(Title)
(Street/PO Box)	(Street/PO Box)
(City) (Zip)	(City) (Zip)
(Telephone)	(Telephone)
(Email)	(Email)
LEGAL COUNSEL/ATTORNEY:	CLERK/CONTRACT ATTESTER:
(Name)	(Name)
(Title)	(Title)
(Street/PO Box)	(Street/PO Box)
(City) (Zip)	(City) (Zip)
(Telephone)	(Telephone)
(Email)	(Email)

SECTION D - REQUIRED DOCUMENTATION

TO BE SUBMITTED AS ATTACHMENTS AT THE END OF THE APPLICATION (AS APPLICABLE):

- I. PROJECT IMPLEMENTATION SCHEDULE

 Provide a project implementation schedule using Exhibit 1 attached. Include a brief narrative to explain your proposed project schedule.
- II. PROPOSED PROJECT BUDGET AND BUDGET JUSTIFICATION NARRATIVE

 Use Exhibit 2 attached to list your project budget and to provide a detailed narrative that explains and justifies each line item of your proposed budget.
- III. WAIVER OF MATCH REQUESTED?

 If waiver of match is requested, provide supporting documentation and narrative justification as part of the budget narrative (See Guidelines, page 6).
- IV. LETTER(S) OF COMMITMENT

 For funds or resources to be provided by a non- profit agency, water and sewer district, or similar organization. (See Guidelines, page 5).
- V. LETTERS EXPRESSING COMMUNITY SUPPORT FOR THE PROPOSED PLANNING PROJECT (if available).

SECTION E - PLANNING ACTIVITY PROPOSAL

Population, Community Change, and Housing Challenges

Us	e this li	nk: Workbook: CMT_MT_COMMUNITY_REINVESTMENT_SFE
	•	ntion of Planning Area (from most recent Census or American Community Survey, Use nerce Census and Economic Information Center website:):
	Popula Inform	ation Change of Planning Area over past 10 years (Use Commerce Census and Economic nation Center website):
	Inform	ation Change of Planning Area year over year (Use Commerce Census and Economic nation Center website):
		ng Affordability Index number (Use Commerce Census and Economic Information Center e):
	Housi	ng vacancy rate (Use Commerce Census and Economic Information Center website:):
	expect Yes	community experiencing significant economic change (positive or negative) or does it to experience significant economic change (positive or negative) in the next five years? No If Yes, include and describe in Problem/Solution responses below
Past	PLANN	IING ACTIVITIES
		long-range planning projects the applicant has completed in the last 10 years, check all that cate year of most recent update:
		Growth Policy, year
		Capital Improvements Plan, year
		Zoning Regulations, year
		Subdivision Regulations, year
		Downtown Master Plan, year
		Comprehensive Economic Development Strategy, year
		Community Needs Assessment, year
		Housing Needs Assessment, year
		Transportation Plan, year
		Trails/Parks Master Plan, year
		Other (describe)

PROJECT DESCRIPTION, IMPACT, OUTCOME, NEXT STEPS, AND CAPACITY

Using separate sheets, address each of the questions below. Links to supplemental documents or community specific data and related information are encouraged to help support or illustrate the planning activity for which funding is being requested.

- 1. **Problem:** In 500 words or less, describe the local attainable, affordable workforce housing supply problem that the proposed planning activity will address. Include relevant statistics and examples where applicable.
- 2. **Solution**: In 500 words or less, describe how the proposed planning activity will increase the housing supply and/or increase the availability of local attainable, affordable workforce housing. If possible, provide statistics, studies and/or specific examples of similar planning activities/solutions from other communities that help connect the planning activity to an actual increase in housing.
- 3. Next Steps: In 250 words or less, describe the next steps the community will take following the conclusion of the planning activity to increase housing supply and/or increase the availability of local attainable, affordable workforce housing (e.g., additional grant funds sought and sources, implementation, project construction, etc.).
- 4. **Community Support:** In 100 words or less, indicate the community's support for the planning project. Attach any copies of letters expressing community support for the proposed planning project at the end of the application.
- 5. Need for Financial Assistance: In 100 words or less, describe the need for financial assistance to complete the planning project.
- 6. Capacity: In 100 words or less, describe the fiscal capacity of the applicant to meet the grant conditions required by the Department including, but not limited to, managing the planning project and utilizing generally accepted accounting principles.

Alternative accessible formats of this document will be provided upon request. If you need this document in an alternative format, such as large print, braille, audio tape, or computer diskette, please contact the Montana Department of Commerce Community Development Division at (406) 841-2770, TDD (406) 841-2702, or the Relay Services number, 711.

The Department of Commerce does not discriminate on the basis of disability in admission to, access to, or operations of its program, services, or activities. Individuals, who need aids or services for effective communication or need other disability-related accommodations in the programs and services offered, are invited to make their needs and preferences known. Please provide as much advance notice as possible for requests.

EXHIBIT I MCR COMMUNITY PLANNING GRANTS PROJECT IMPLEMENTATION SCHEDULE

TASK	MONTH/YEAR
Project Startup	
Preparation of MDOC Contract	
Procurement of Professiona	Il Services
Publish RFQ/Conduct limited solicitation	
Select professional	
Execute agreement with professional	
Submit (Exhibit 3) attesting that procurement followed applicable laws	
Project Implementat	ion
Prepare draft plan/report	
Submit interim Request for Funds and 50% draft of the final plan/report	
Public review and comment	
Finalize plan/report	
Project Closeout	
Submit final product in electronic format	
Submit final Request for Funds and Completion Report	

EXHIBIT 2 MCR COMMUNITY PLANNING GRANTS PRELIMINARY PROJECT BUDGET & BUDGET NARRATIVE

APPLICANT NAME:				
MCR Planning Grant Funds R	equested: \$			
☐ 20% of total cost of proposed planning activity must be provided as a match by the applicant; 50% of the total match amount may be satisfied by in-kind contributions				ne applicant; 50%
(Note: Required matching	g funds and amoun	ts must be included ir	this preliminary bu	udget)
	SOURCE: MCR Planning Grant	SOURCE: Match (Specify cash or in-kind or both))	SOURCE: (Specify)	TOTAL
Status of non-MCR funds (<i>Pending or Firm)</i>				
Professional Planning Activities				
Professional Architectural/Engineering Services				
Other (Describe)				
TOTAL PLANNING PROJECT	\$	\$	\$	\$

The budget justification narrative must thoroughly explain the rationale or basis for all proposed budget costs for each line item.

Quotes from qualified professionals may be requested by Commerce to justify the proposed budget; applicants are encouraged to provide estimates from qualified contractors as part of the application package, in support of the amount of funds requested.

Commerce will consider the thoroughness of the budget justification during its review of the application.

The budget for the planning project must be accompanied by a detailed narrative that explains:

- The justification for each budget line item for the MCR funds requested included estimated number of hours to complete each task and rates for each service provided;
- Local matching funds including in-kind match broken down into individual line items for applicable staff time, etc.; and

Other sources and amounts of local, state, federal, or private funds to be involved.

Reminder: Planning grants may not be used for reimbursement of activities undertaken or completed prior to the date of announcement of grant award by the Department of Commerce. However, costs incurred before the grant award date may be applied to the grantee's required match.

Budget Justification Narrative Response (response below or attached):

EXHIBIT 3

MONTANA COMMUNITY REINVESTMENT PLANNING GRANT PROGRAM PROCUREMENT ATTESTATION FORM

App	plicant Name
	(Local government or Tribal government)
Aut	thorized Person
	(Person authorized to enter into a grant agreement with the state of Montana)
	I attest that applicant listed above has completed procurement of professional services to complete the planning activity funded with a Montana Community Reinvestment Planning Grant to complies with a applicable state and federal laws including, but not limited to, any applicable section MCA §§ 18-8-20 through 212 and 2 CFR Part 200.
Sign	nature Date