



MONTANA

DEPARTMENT OF COMMERCE

**2020
COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM**

**COMMUNITY PLANNING GRANT
APPLICATION GUIDELINES, GRANT
ADMINISTRATION, AND APPLICATION**

**Grant Applications Due No Later
Than October 15, 2020**

DOCCDD@MT.GOV

<http://comdev.mt.gov/programs/cdbg>

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I. APPLICATION GUIDELINES

INTRODUCTION

The Montana Department of Commerce (Commerce) Community Development Division (CDD) will set aside up to \$500,000 of Community Development Block Grant (CDBG) funds, supported by funding from the U.S. Department of Housing and Urban Development (HUD), for Community Planning (Planning) grants that support long-term, sustainability planning for housing, public infrastructure, community facilities, and economic development.

A. ELIGIBLE APPLICANTS

CDBG Planning grants are available to eligible counties, cities, and towns. Local governments may apply on behalf of special purpose districts (such as water or sewer districts), unincorporated areas, public school districts, non-profit or for profit organizations (such as a Human Resource Development Council, an Economic Development Agency, an Area Agency on Aging, a local domestic violence shelter, a Boys and Girls Club, local food bank, hospital, nursing home, etc.). Counties may also apply for Planning grants on behalf of tribal utility authorities to assist in serving impacted county and tribal residents.

Local governments may apply for one (1) CDBG Planning grant per funding cycle. Local governments with an open CDBG Planning grant from a previous funding cycle are ineligible to apply for an additional Planning grant until their current planning project is completed and closed out.

As consolidated local governments, Butte-Silver Bow and Anaconda-Deer Lodge may apply for two Planning grants and may have up to two (2) Planning grants open at any given time.

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

B. ELIGIBLE PLANNING PROJECTS AND COSTS

CDBG Planning grant funds awarded through the current grant cycle may be used for the creation or update of plans, studies, training or research in any of the areas listed below. Special emphasis will be placed on those proposals that address major community development needs, concerns, and issues and demonstrate an ability to achieve significant community impacts. Commerce strongly recommends planning documents include, as applicable, consideration of visit-ability and accessibility features.

Please contact CDD staff directly if you have any questions about whether the proposed planning project is an eligible activity under HUD regulations.

CDBG Planning grant funds can be used to pay for the following activities:

- Growth Policies
 - The Growth Policy should include a detailed description of the public service and facility needs of particular groups of persons who generally fall within the low and moderate-income category, such as the elderly, single heads of households, people that are homeless or at-risk of homelessness, or abused or neglected children. ADA Self-

Assessment Plans, (and related studies, policy development and regulation to promote accessibility)

- ❑ Comprehensive Economic Development Strategy Plans
- ❑ Downtown/Neighborhood Revitalization or Master Plans, to include comprehensive market studies, urban renewal plans, research and analyses of fair housing availability, the development of supporting policy, and related environmental studies
- ❑ Historic and Architectural Preservation Plans, Studies, and Analyses
- ❑ Housing plans, to include housing needs assessments, housing condition surveys, housing affordability and market feasibility studies, or the development of local or regional housing assistance programs
- ❑ Planning activities associated with the preparation and adoption of an Urban Renewal District (URD) or Targeted Economic Development District (TEDD)
- ❑ Adaptive Re-Use or Redevelopment Plans
- ❑ Preliminary Architectural Reports (PAR) for housing, public facilities, school facilities and economic development projects
- ❑ Site-specific Development Plans
- ❑ Development of Business Plans, Feasibility Studies, and Market Analyses
- ❑ School Facility Condition Assessments, School Facility Energy Audits and Comprehensive School Facility Master Plans
- ❑ Infrastructure related planning activities including:
 - Preliminary Engineering Reports (PERs) for drinking water, wastewater, stormwater or solid waste facilities (or other public facilities), and economic development projects
 - Comprehensive Capital Improvements Plans (CIP)
- ❑ Preparation of grant applications for CDBG Housing, Public Facilities or Economic Development projects, in conjunction with a planning project listed above.

A planning project other than those listed above, recognized and agreed to by Commerce (please contact CDD staff prior to submitting an application for additional guidance).

CDBG planning funds can be used for general community planning (e.g. a growth policy or CIP) or a potential community development activity. They can also be used for site-specific planning activities (e.g. a preliminary engineering or architectural report) if those activities address a national objective as specified in Title I of the Housing and Community Development Act of 1974 and identified by HUD. These national objectives include benefiting low- to moderate-income persons or preventing or eliminating the presence of slums and blight. To determine whether your proposed planning activity is considered eligible as general community planning or whether it will need to meet one of the national objectives, consider the following:

1. If the CDBG planning funds are being used for general community planning, these plans **do not need to meet a national objective**. Types of general community plans include, but are not limited to:
 - comprehensive plans such as a Growth Policy;
 - feasibility studies or market studies;
 - community development plans;
 - capital improvement plans (CIP);
 - local analyses of impediments to fair housing choice;
 - historic preservation and environmental studies;
 - and functional plans (such as housing, land use, energy conservation, or economic development).

Any general community planning activity funded by CDBG funds should consider, the greatest extent possible, how the activity will benefit low- and moderate-income persons and, where applicable, how the planning activity can prevent or eliminate the presence of slums and blight.

2. If the CDBG planning funds are being used for a site specific project, the applicant must demonstrate that the proposed planning activities will either benefit low- to moderate-income persons in the service area **or** will result in the prevention or elimination of the presence of slums and blight. Types of planning activities that may have to meet one of these national objectives include, but are not limited to:
 - Historic and Architectural Preservation Plans, Studies, and Analyses;
 - Adaptive Re-Use or Redevelopment Plans;
 - Preliminary Architectural Reports (PAR) for housing, public facilities, school facilities and economic development projects;
 - Preliminary Engineering Reports (PERs) for drinking water, wastewater, stormwater or solid waste facilities (or other public facilities), and economic development project;
 - Development of Business Plans, Feasibility Studies, and Market Analyses;
 - School Facility Condition Assessments, School Facility Energy Audits and Comprehensive School Facility Master Plans; and
 - Preparation of grant applications for CDBG Housing, Public Facilities or Economic Development projects, in conjunction with a planning project listed above.

To meet the national objective of benefitting low- and moderate-income persons, the applicant must provide documentation that at least 51% of the beneficiaries are low- to moderate-income. Documentation can include Census data of the area served by the project, an income survey of the area to be served, or documentation that the planning activity will serve a qualifying limited clientele. How to document that the project meets this objective is further discussed in these guidelines and the National Objective Worksheet, Exhibit 4.

To meet the national objective of preventing or eliminating the presence of slums or blight, the applicant must provide documentation to demonstrate that existence slums or blight or of the conditions that will lead to slums or blight within the service area. How to document that the project meets this objective is further discussed in these guidelines and the National Objective Worksheet, Exhibit 4.

If you have any questions about whether your proposed planning activity should be considered a general community planning activity or whether it might need to meet one of the national objectives, please contact the CDD staff.

C. INELIGIBLE PLANNING PROJECTS AND COSTS

CDBG Planning grant funds cannot 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, in-state mileage costs and copy and printing costs associated with the administration of eligible planning grant activities;
- ❑ Financial expenses, including but not limited to interest expense, bond issuance costs, or any other debt-related costs or expenses; or
- ❑ Any otherwise eligible planning project costs incurred prior to the date of announcement of grant award by the Commerce.

D. AWARD AMOUNTS & REQUIRED MATCH

CDBG Planning grants are available in amounts **up to \$50,000**. Planning grant funds requested for long-range community development activities that have an overall community benefit will require the applicant provide match on a 1:3 basis; in other words, an applicant must provide a minimum of \$1 in match for every \$3 of CDBG Planning grant funds awarded. Planning grant funds requested for economic development activities on behalf of a private entity for site-specific projects will require the applicant provide match on a 1:1 basis. Matching funds must be firmly committed by the time CDBG grants funds are released.

The amount of CDBG funds requested, and matching funds to be committed, must be described in the proposed budget as part of the application materials (see *Exhibit 2* of the application 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 CDBG planning grant awards. However, 1/3 of the matching funds must be committed from local sources (i.e. not from state or federal grants).

Grant applicants cannot substitute “in-kind” services provided by local governments, such as regular salaried staff time, for cash match. In-kind match is difficult to document; therefore, CDBG will only accept cash, grants or loans as a match.

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 CDBG funds being awarded for the proposed planning project.

Reduction or Waiver of Match

Commerce may reduce or entirely waive the match requirement, if specifically requested by the applicant, 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 formally request a reduction of the match or a waiver at the time of application. An applicant requesting match reduction, or a match waiver must include documentation in the application materials which:

1. Clearly demonstrates that higher financial participation is not possible **and**
2. Provides written evidence that the need for the planning project relates to an immediate need to protect public health or safety or would respond to a serious need principally impacting low- or moderate-income persons or households.

E. APPLICATION SUBMISSION

CDBG Planning grant applications are due to Commerce no later than October 15, 2020.

Applications for the preparation of comprehensive Capital Improvements Plans (CIPs) or Preliminary Engineering Reports (PERs) for water, wastewater or stormwater systems that are not directly tied to economic development through job creation and job retention, will be accepted at the same time but may be considered secondary to other planning priorities for funding due to other state and federal program funds available. Applications for the preparation of short-term economic development related planning projects, such as the development of Business Plans, Feasibility Studies, and Market Analyses, will be accepted at the same time but may be considered secondary to other planning priorities for funding due to other state and federal program funds available.

To apply for a CDBG Planning grant, all eligible applicants must complete the application found on Commerce's [website](#). Completed applications and all supplemental materials are required to be submitted by first class mail, hand delivery, or email to:

Montana Department of Commerce
Community Development Division
Community Planning Program

Each application submitted must be complete and accompanied by all required supplemental materials. Applicants must complete the environmental process as provided in exhibit 3-A and 3-B. If an exempt determination cannot be made by the applicant, the applicant must contact CDD staff for further assistance. Commerce reserves the right to reject ineligible, incomplete, or otherwise improper applications.

Applicants are encouraged to contact CDD staff with any questions they have concerning application submittal and the requirements related thereto.

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.

F. APPLICATION REVIEW PROCESS

Awards will be based on overall merit of the application and its ability to meet established CDBG goals and objectives. CDD staff will review all CDBG Planning grant applications and evaluate the extent to which each proposed planning project relates to the criteria set forth below. The Department of Commerce Director makes all final decisions on grant awards.

Awards may be delayed due to fluctuation of the Federal budget and State allocation.

CDD 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 and when specifically requested by staff.

Applicants for CDBG planning grant funds will be evaluated as to how the proposed long-term planning project meets each of the application criteria, consistent with the overall goal of helping communities address their greatest needs, concerns and issues, and especially address the needs of low- and moderate-income households, combined with the likelihood to achieve substantial community impact. CDD 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 enhance the unique and resilient characteristics of all communities by: 1) investing in healthy, safe, walkable downtowns and neighborhoods – rural, urban,

and suburban; 2) encourages development and community revitalization that utilizes existing infrastructure and community services; and 3) aligns with the community's long-range vision and goals.

Commerce will notify successful applicants of a CDBG Planning grant award by sending a formal award letter. The completed application, including any written modifications resulting from the review of the application by CDD 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 local government.

DOCUMENTING YOUR PROPOSED PLANNING ACTIVITY: IS IT GENERAL COMMUNITY PLANNING OR DOES IT NEED TO MEET A CDBG NATIONAL OBJECTIVE?

As described above, CDBG planning funds can be used for general community planning or for site-specific planning activities. If your proposed planning activity is site-specific it may need to meet one of the CDBG program's national objectives of either benefiting low- and moderate-income persons or for preventing or eliminating the presence of slums and blight. Below is an explanation of the information and documentation you will need to provide depending on if your project is a general community planning activity or if it is a site-specific activity that must meet a national objective.

□ General Community Planning

Eligible general community planning activities include, but are not limited to: comprehensive plans such as a Growth Policy; feasibility study or market study; community development plans; capital improvement plans (CIP); local analyses of impediments to fair housing choice; historic preservation and environmental studies; and functional plans (such as housing, land use, energy conservation, or economic development). If you have a question about whether your proposed planning activity is a general community planning activity, please contact the CDD staff.

To show that your project is an eligible general community planning activity you will need to provide, with your application:

- A map of the service area; and
- In your application narrative, an explanation of how, to the greatest extent possible, the proposed planning activity benefits low- and moderate-income persons in the service area and, if applicable, how it will prevent or eliminate slums and blight in the service area.

If your proposed planning activity is site-specific and must meet a national objective, you will use the National Objective Worksheet in Exhibit 4, to provide the necessary documentation for meeting the applicable objective. Below is a description of the kind of information and documentation you will need to provide to meet the low- and moderate-income persons objective based either on an area basis or a limited clientele basis or to meet the prevention or elimination of slums and blight objective:

□ National Objective: Benefit to Low- and Moderate-Income Persons (LMI) – Direct Benefit Basis

If the proposed planning activity will provide direct assistance to an income-eligible household, it meets the national objective of benefitting LMI persons. Examples of Direct Benefit projects include rehabilitating housing occupied by LMI households, or a public facility project that will pay utility hookup charges or assessments for only LMI households. To meet the benefitting LMI persons objective through Direct Benefit, the applicant use the National Objective Identification Worksheet (Exhibit 4) and provide adequate documentation of the gross annual incomes of the benefitting households.

- **Nation Objective: Benefit to Low- and Moderate-Income Persons (LMI) – Area Basis**
 To show that a project benefits an area of low and moderate income people, you will need to provide the following information in the application using the National Objective Identification Worksheet (Exhibit 4):

 - The boundaries of the service area and how the boundaries correspond to the project’s intended beneficiaries.
 - The percentage of persons in the service area who are low- and moderate income from Census data or a certified income survey. Guidance for documenting the percentage of persons in the service area who are low- and moderate- income and for conducting a certified income survey can be found in the “Documenting Benefit to Low and Moderate Income Persons” handbook on our website [here](#).
 - How the income characteristics of the target population was determined.
 - If the proposed facility available to all the service area residents.

- **National Objective: Benefit to Low- and Moderate-Income Person – Limited Clientele Basis**
 For a limited clientele project, you will need to provide the following information and documentation in the application using the National Objective Identification Worksheet (Exhibit 4):

 - Who will use the proposed facility and whether the beneficiaries are in a group presumed to be low- and moderate-income, or if beneficiaries be qualified based on income.
 - If any other groups or the general public also use the facility, and, if so, to what extent
 - If the facility is to be used on an income-eligible basis, how income and family size information of users will be documented.
 - Guidance for documenting service to low- and moderate-income persons on a limited clientele basis can be found in the “Documenting Benefit to Low and Moderate Income Persons” handbook on our website [here](#).

- **National Objective: Prevention or Elimination of Slums or Blight**
 To meet this objective, you will need to provide the following information and in the application using the National Objective Identification Worksheet:

 - The boundaries of the service area.
 - A description of the conditions that cause the area to be considered blighted.
 - A description of what public facilities in the service area are deteriorated, how they are deteriorated.
 - The percentage of buildings in the service area that are deteriorated, how they are deteriorated.
 - *To qualify, an area must include public improvements or facilities in a general state of deterioration **OR** at least 25% of the properties throughout the area must exhibit one or more of the following: physical deterioration; abandonment of properties; chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings; significant declines in property values or abnormally low property values relative to other areas in the community; or known or suspected environmental contamination.*
 - How the proposed project will remedy one or more of the blighted conditions described above.

The following documentation **MUST** be included with a slum and blight application:

- Municipal resolution passed, by the application due date, by governing body that describes boundaries of the specific blighted conditions within the area, and officially designates an area

as blighted or an area in need of redevelopment in accordance with MCA 7-15-42. Resolution cannot be older than 10 years.

- Photographic documentation **with captions and dates** of the slum or blighted conditions that prompted the municipal resolution.
- Map of area showing location of project activities. Map must provide street level detail.

II. GRANT ADMINISTRATION

A. ADMINISTRATIVE PROCEDURES & REQUIREMENTS

The provisions below describe some of the more significant administrative procedures and requirements successful CDBG Planning grant applicants must comply with. 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 CDD website at <http://comdev.mt.gov/>.

1. **Payment:** CDBG Planning grant recipients must execute a contract with Commerce before any funds can be reimbursed. 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, along with a project progress report. Documentation of the procurement process followed will be required 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 hard copy and one electronic copy of the final planning deliverables (e.g. growth policy, CIP, 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 within 60 days of termination of the grant contract.

2. **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) in order 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 CDBG grant funds.
3. **Public's Right to Know:** Applications that are funded are subject to disclosure, in response to requests received under provisions of the Montana Constitution (Art. II, §9). Information that could reasonably be considered to be proprietary, privileged, or confidential in nature should be identified as such in the application.
4. **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.

5. **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.
6. **Compliance with Contract Conditions:** Commerce may require grantees adhere to technical guiding documents and templates based on scope of project as applicable.
7. **Dissemination of Information/Technology Transfer:** Grantees will be contractually required to allow Commerce access to any facility or site associated with the planning project, and 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.
8. **Grant Duration/Performance Period:** The grant term will begin upon execution of the grant contract and will end one (1) year after the date of the Award Letter, or upon final reimbursement for costs and close-out of the planning project by Commerce, whichever is sooner. Commerce will consider special circumstances, on a case-by-case basis, that necessitates a longer contract period. No requests for payment may be submitted for any costs or expenses obligated by the district for reimbursement after termination of the grant contract. All planning projects for which a CDBG Planning Grant has been awarded must be completed within the time frame specified in the contract. Commerce, in its sole discretion, may grant an extension 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.
9. **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.
10. **Cost Savings:** In the event that expenses for a CDBG Planning grant projects are less than the projected costs and grant award, Commerce may, in its sole discretion, authorize additional related planning efforts for the same facility to enhance the overall project or reduce the grant award accordingly.
11. **Uniform Relocation Act:** CDBG planning grants funding the preparation of preliminary engineering (PER) or architectural (PAR) reports that consider, recommend or require the acquisition of real property are subject to the Uniform Act (URA). Grantees are encouraged to contact CDD staff anytime acquisition is being considered as part of a planning grant application or award, to ensure all necessary and appropriate URA procedures are followed.

B. PROCUREMENT OF PROFESSIONAL SERVICES

To be eligible for reimbursement, professional architectural or engineering services must be procured in compliance with federal and state laws, including but not limited to, 2 CFR Part 200 and applicable sections of MCA 18-8-201 through 212. The local government will be required to submit evidence showing the procurement process was followed and provide documentation of the review and selection process, prior to requesting reimbursement. In order to ensure that expenditures will be eligible for reimbursement, please contact a CDD 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, CDBG recommends using the formal RFP process to increase the community's ability to hire the best qualified consultant. A planning RFP 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 (HUD's Procurement by "Small Purchase Procedures"), which can be found in the CDBG/NSP Grant Administration Manual, Procurement Chapter. 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 local government 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.

Documentation that the following CDBG requirements have been met will apply to all CDBG planning grant recipients when procuring for professional services:

Disadvantaged Business Enterprise Requirements

Outreach to qualified Disadvantaged Business Enterprise and Women-owned Business Enterprise and Minority-owned Business Enterprise (all referred to as DBE) firms should be completed each time a procurement action is undertaken. For most projects, this would mean copying DBE firms at the time of issuing a Request for Proposals (RFP) or Request for Qualifications (RFQ) to hire an engineer, architect or planner. A sample Letter of Work Notification to DBE firms may be found on the [website](#).

A list of Montana Disadvantaged Business Enterprises created by the Montana Department of Transportation (MDT) Disadvantaged Business Enterprise Program may be found by calling MDT at (406) 444-6337 or downloaded from their [website](#).

The primary objective of this requirement is that grantees and any sub-grantees take all necessary affirmative steps to ensure that DBEs in labor surplus areas are used when possible in the procurement of goods and services for CDBG funded activities. In order to accomplish this DBE-related objective, CDBG planning grantees must take the following affirmative steps:

- ❑ Ensure that small and minority businesses and women's business enterprises are solicited whenever they are potential sources of goods or services;
- ❑ Divide total requirements -- when economically feasible and consistent with state law -- into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises.

Section 3 Requirements

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u and 24 CFR Part 135) represents HUD's policy for providing preference for new employment, training and contracting opportunities created from the usage of covered HUD funds to residents in the community who earn at or below 80% of area median income and the businesses that substantially employ these persons. Section 3 does not apply on a "per project" basis, whenever any portion of HUD funding is invested into projects

involving housing construction, demolition, rehabilitation or other public construction, the requirements of Section 3 apply. In other words, Section 3 applies to the entire covered project or activity regardless of whether the activity was fully or partially funded with covered assistance for all projects that will result in new employment, contracting, training opportunities.

While Section 3 is not specifically required for CDBG Planning grant projects, if a planning grant project will result in a “covered” project, Section 3 must be followed during the planning grant project, CDD staff will work with all grantees to determine if Section 3 applies and request of the grantee to indicate if the planning grant may result in an application to complete a project with other covered HUD funded programs (such as CDBG or HOME).

To follow the Section 3 requirements, a Section 3 Notice (must be published at least once at the beginning of the project but can be published each time a major procurement action is undertaken on CDBG Public and Community Facilities, Housing, and Economic Development grant projects. For most projects, this would mean publishing the first Section 3 notice at the time of issuing a Request for Proposals (RFP) or Request for Qualifications (RFQ) to hire an engineer or architect. This notice is to ensure that interested parties and residents have a reasonable opportunity to hear about the potential Section 3 employment opportunities as a result of the CDBG project. The language containing the Section 3 requirements must be included in advertisements and any contracts awarded to contractors that benefit from CDBG funds.

A sample Section 3 Public Notice: Economic Opportunities for Low- and Moderate-Income Persons is provided below and can also be found in the CDBG/NSP Grant Administration Manual, Procurement Chapter, found on the CDD [website](#). This notice or its equivalent must be published in order to inform the community of employment and business opportunities and to demonstrate compliance with Section 3 requirements. Section 3 activities must be reported to CDD staff prior to CDBG Planning grants funds being disbursed.

Section 3 requires that to the greatest extent feasible, in CDBG or HOME-assisted projects, opportunities for training and employment must be given to:

- Residents at or below 80% of area median income in areas;
- Residents of Public and Indian Housing;
- Businesses that are 51% or more owned by Section 3 residents; or
- Businesses where at least 30% of employees are Section 3 residents.
- Contracts for work in connection with such projects should be awarded to business concerns located in, or owned in substantial part by "project area" residents. (See the CDBG/NSP Grant Administration Manual, for additional information about required Section 3 reporting by CDBG grantees at the time of project closeout.)

A sample notice form for CDBG grant recipients can be found by visiting the [website](#), and should be used to inform the community of prospective employment and business opportunities.

Professional Services Agreements and Supplemental Conditions

Once the procurement process is complete and a consultant is hired, grantees may use the sample [professional services agreement](#) found in the CDBG/NSP Grant Administration Manual, Procurement Chapter, (see [website](#)) which includes the standard language used in such contracts and the clauses required for CDBG-funded grant contracts. It is the grantee’s responsibility to include provisions related to all applicable CDBG requirements in any contract or agreement through which CDBG funds are

passed on to a contractor or subcontractor.

The [CDBG Supplemental Conditions to Contracts](#) found in CDBG/NSP Grant Administration Manual, Procurement Chapter, (see [website](#)) must be included in contracts for professional services, even if a contractor prefers to use their existing contract format. In both sample formats, the required clauses have been noted with an asterisk.

III. CDBG PLANNING GRANT APPLICATION

MONTANA COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MONTANA DEPARTMENT OF COMMERCE – COMMUNITY DEVELOPMENT DIVISION

SECTION A – APPLICANT CERTIFICATION

The Applicant hereby certifies that: It will comply with all applicable parts of Title I of the Federal Housing and Community Development Act of 1974, as amended, which have not been cited herein, as well as with other applicable federal laws and regulations.

It will comply with all requirements established by the Montana Department of Commerce and applicable State laws, regulations, and administrative procedures.

It accepts the terms, conditions, selection criteria, and procedures established by the Montana Community Development Block Grant (CDBG) Program and expressly waives any statutory or common law right it may have to challenge the legitimacy and propriety of these terms, conditions, criteria, and procedures in the event that it is not selected for an award of CDBG funds.

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: _____ Date: _____
Chief Elected Official or Authorized Representative

SECTION B – APPLICANT INFORMATION

1. Name of Applicant: _____

2. Mailing Address: _____

3. Type of Entity: _____

4. Federal Tax ID Number: _____

5. Type of Project: _____

6. DUNS Number: _____

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:

(Name)

(Title)

(Street/PO Box)

(City)

(Zip)

(Telephone)

(Email)

PROJECT ENGINEER/ARCHITECT (if applicable):

(Name)

(Title)

(Street/PO Box)

(City)

(Zip)

(Telephone)

(Email)

LEGAL COUNSEL/ATTORNEY:

(Name)

(Title)

(Street/PO Box)

(City)

(Zip)

(Telephone)

(Email)

PRIMARY CONTACT PERSON (if different from CEO/Auth Rep):

(Name)

(Title)

(Street/PO Box)

(City)

(Zip)

(Telephone)

(Email)

GRANT/LOAN ADMINISTRATOR (if applicable):

(Name)

(Title)

(Street/PO Box)

(City)

(Zip)

(Telephone)

(Email)

CLERK/CONTRACT ATTESTER:

(Name)

(Title)

(Street/PO Box)

(City)

(Zip)

(Telephone)

(Email)

SECTION D – REQUIRED DOCUMENTATION

TO BE SUBMITTED WITH APPLICATION (AS APPLICABLE):

I. 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).

II. 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).

III. PROJECT IMPLEMENTATION SCHEDULE

Provide a project implementation schedule using Exhibit 1 attached. Include a brief narrative to explain your proposed project schedule.

IV. 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.

V. DETERMINATION OF ENVIRONMENTAL EXEMPTION

Provide a resolution or letter, signed by the chief elected official, documenting determination of environmental exemption. Use Exhibit 3-A and 3-B.

VI. NATIONAL OBJECTIVE IDENTIFICATION WORKSHEET

Using Exhibit 4 attached, determine which national objective your proposed planning activity meets or whether your proposed planning activity is a general community planning activity that does not need to meet a national objective. Use Exhibit 4 to submit required documentation as specified in the Guidelines pages 8-10.

SECTION E – PROJECT DESCRIPTION

PROVIDE A BRIEF DESCRIPTION OF THE PROPOSED PLANNING ACTIVITY AND THE COMMUNITY/ENTITY BENEFIT.

(Describe what the final work product will be and provide a description of the items that make up the work scope. A more thorough description may be necessary if the planning activity is for a product other than a CIP, Growth Policy or PAR/PER. Include a discussion regarding the schedule including when key project milestones will be started and completed, see Exhibit I.)

Please limit the response to this description of the proposed planning activity to a maximum of one page.

SECTION F – PROJECT PROPOSAL DETAILS

Planning activities proposed to be funded by the CDBG program should align with the objectives outlined within the [Annual Action Plan for Montana's Consolidated Plan](#) which include: supporting existing Montana communities; investing in vital public infrastructure; enhancing Montana's economic competitiveness; promoting equitable, affordable housing in Montana; and reducing homelessness in Montana. Community Planning Staff will review all applications to determine that the proposed project meets these objectives.

Using separate sheets, applicants must address each of the questions below. If a question is not applicable to the proposed planning project, the applicant must briefly address why it is not applicable. Links to supplemental documents or community specific data and related information are encouraged to help support or illustrate the planning activity that funding is being requested for. Please limit the response to each question below to a maximum of two pages each.

- A. Address the following elements as they relate to the proposed planning project, providing references and supplemental documentation as necessary to adequately illustrate a response:
 1. The need for financial assistance to complete the planning project.
 2. The fiscal capacity of the applicant to meet the grant conditions required by the Department, including but not limited to its ability to manage the planning project and demonstrate the use of generally accepted accounting principles.
 3. Past efforts to ensure sound, effective, long-term community wide planning. Provide information for at least the past 5-10 years.
 4. The demonstrated importance of, and the community's current support for, the planning project.
 5. Relation of planning project to business expansion or retention, specifically the number of potential jobs created or retained as a result of the proposed planning activity (directly or indirectly).

- B. Identify the type of planning activity you are proposing for CDBG funding. Check the appropriate box and follow the instructions for providing the required information and documentation. If you have any questions about what type of planning activity you are proposing, please contact the CDD staff.
 - General Community Planning activity
 - If you checked this box, please provide a map of the service area for the proposed planning activity and a description of how the activity will, to the greatest extent possible, benefit low- and moderate-income persons and, if applicable, aid in the prevention or elimination of slums and blight.
 - Site-specific and will meet the national objective of benefitting low- and moderate-income persons (LMI)
 - If you checked this box, use the National Objective Worksheet (Exhibit 4) to provide the required information and documentation.

- Site-specific and will prevent or eliminate slums and blight
 - If you checked this box, use the National Objective Worksheet (Exhibit 4) to provide the required information and documentation.

C. Describe how the proposed planning project will support Montana communities by:

1. Targeting funding toward existing communities to increase community revitalization, improve the efficiency of public works investments, and safeguard rural landscapes.
2. Encouraging appropriate and comprehensive planning, market studies, preliminary architecture reports, and other studies or plans that support the sustainability of local communities, affordable housing, public works investments, vital employment centers, and the environment.
3. How will the receipt of planning grant funds have a positive impact on the applicant community?

D. Describe the intended outcome of the proposed planning project.

E. Describe what steps will be taken following the conclusion of the planning activity (additional grant funds sought and what sources, implementation, project construction, etc.)?

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
CDBG COMMUNITY PLANNING GRANTS
PROJECT IMPLEMENTATION SCHEDULE**

TASK	MONTH
PROJECT START UP	
Preparation of MT Dept. of Commerce Contract	
PROCUREMENT OF PROFESSIONAL ASSISTANCE	
<i>Including professional engineers, architects, and planning consultants, etc.</i>	
Submit Request for Proposals (RFP) to DOC for review <i>(Architectural and engineering services must be procured in compliance with Section 18-8-201, MCA)</i>	
Publish RFP or RFQ/Conduct limited solicitation	
Select professional	
Execute agreement with professional	
PROJECT IMPLEMENTATION	
Prepare draft plan/report	
Submit interim Request for Funds, and 50% draft of final product (digital copy)	
Public review and comment	
Finalize plan/report	
PROJECT CLOSEOUT	
Submit final product, both in digital and printed formats Submit final Request for Funds and Project Completion Report	

**EXHIBIT 2
CDBG COMMUNITY PLANNING GRANTS
PRELIMINARY PROJECT BUDGET & BUDGET NARRATIVE**

APPLICANT NAME:				
CDBG Planning Grant Funds Requested: \$ _____				
<input type="checkbox"/> Community Benefit – 1:3 match required <input type="checkbox"/> Site-Specific/Private Entity Benefit – 1:1 match required (Note: Required matching funds and amounts must be included in this preliminary budget)				
	SOURCE: <i>CDBG Planning Grant</i>	SOURCE: <i>Match (Specify)</i>	SOURCE: <i>(Specify)</i>	TOTAL
Status of non-CDBG funds <i>(Pending or Firm)</i>				
Professional Planning Activities				
Professional Architectural/Engineering Services				
Other (Describe)				
TOTAL PLANNING PROJECT	\$	\$	\$	\$

Note – Because the amount of funding is limited, applicants will be expected to absorb most costs associated with the administration of the CDBG Planning Grant.

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 MDOC 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.

The thoroughness of the budget justification will be a consideration in the review of the application.

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

- 1) The justification for each budget line item for the CDBG funds requested;
- 2) Local matching funds; and

- 3) 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.

Budget Justification Narrative Response (response below or attached):

EXHIBIT 3-A
CDBG COMMUNITY PLANNING GRANTS
DESIGNATION OF ENVIRONMENTAL CERTIFYING OFFICIAL

(Sample - To Be Completed on Local Government Letterhead)

(Date)

(Name of Community Planning Program Liaison)

Montana Department of Commerce
Community Development Division
301 S. Park
P.O. Box 200523
Helena, MT 59620

Dear *(Name of Community Planning Program Liaison)*:

This is to notify you that _____ *(Name)* _____, _____ *(Title)* _____, is designated as the Environmental Certifying Official responsible for all activities associated with the environmental review process to be completed in conjunction with the 20XX__ CDBG grant awarded to _____ *(Name of Grantee)* _____, Montana.

Sincerely,

Signature*

Typed Name and Title

**The chief elected official should sign this letter (mayor or chairperson of county commission).*

EXHIBIT 3-B
CDBG COMMUNITY PLANNING GRANTS
FINDING OF EXEMPT ACTIVITIES
(Sample - Complete on Local Government Letterhead)

(Date)

(Name of Community Planning Program Liaison)

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

Dear *(Name of Community Planning Program Liaison)*:

It is the finding of the *(Name of Grantee: City, Town or County of _____)*, Montana, that the following activities approved for funding under the Montana CDBG program are defined as exempt activities under 24 Part 58.34, and meet the conditions specified therein for such exemption, of the Environmental Review Process for Title I Community Development Block Grant Programs, and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the statutory authority for exemption are listed below:

List applicable activities, descriptions, and authority. **For example:**

1. Planning activities to include preparation of a preliminary engineering report.

Authority – Section 58.34(a)(1): Environmental and other studies, resource identification and the development of plans and strategies.

Sincerely,

Signature of Environmental Certifying
Official or Chief Elected Official

EXHIBIT 4 NATIONAL OBJECTIVE IDENTIFICATION WORKSHEET

The National Objectives Identification Worksheet is included to ensure that the project meets an objective of the federal CDBG program. On this page, all applicants **must indicate which national objective the proposed planning activity meets.. If the proposed planning activity is “General Community Planning”, you do not need to complete this Worksheet.** See Guidelines pages 4-5 and 9-10 for an explanation of the national objectives and what is required to meet each. Documentation supporting this section may be added to your application as Appendix A. Please cite page number for reference within this section (ex. A-00).

I. Identify which of the CDBG National Objectives your proposed planning activity will meet (only one):

Benefit to Low- and Moderate-Income Persons (LMI)—if you checked this box, proceed to II (do not complete section III).

Prevention or Elimination of Slums or Blight—if you checked this box, proceed to III (do not complete section II).

II. Indicate how you plan to determine the percentabe of benefit of LMI persons to meet the national objective of serving LMI persons (check one):

Direct Benefit to LMI Households (“Direct Benefit”)—if you checked this box, proceed to II-A

Area-wide Benefit to LMI Persons (“Area Basis”)—if you checked this box, proceed to II-B

Limited Clientele Benefit (“Limited Clientele”)—If you checked this box, proceed to II-C

II-A Direct Benefit—complete the following items. **For detailed guidance about how to document benefitting LMI persons through Direct Benefit see the “Documenting Benefit to Low and Moderate Income Persons” handbook [here](#).**

1. Does the project provide direct assistance to an income-eligible household (e.g. through planning for rehabilitation of housing occupied by LMI households or planning for a public facility project that will pay utility hookup charges or assessments for only LMI households)? If so, provide documentation indicating the gross annual income of the household applicants that will be served.

II-B Area Basis—complete the following items. **For detailed guidance about how to document benefitting LMI persons on an Area Basis see the “Documenting Benefit to Low and Moderate Income Persons” handbook [here](#).** Census data must be provided even if a Certified Income Survey is used. Census information can be found at www.census.gov. Supporting materials should be included in Appendix A.

1. Percentage served by the project from HUD Low/Mod Summary Data (Census): %

2. List the census tract number(s) that are included in the project area:

3. List the census tract block group(s) that are included in each of the census tracts listed in the previous question:

- o If a Certified Income Survey was used, please complete the following items. **For detailed guidance about how to conduct an Income Survey see the “Documenting Benefit to Low and Moderate Income Persons” handbook [here](#).**

1. **Include a letter from the authorized representative justifying why an Income Survey should be used over Census data Appendix A.**

- Public improvements or facilities throughout the area are in a general state of deterioration; or
- At least 25% of the properties throughout the area exhibit one or more of the following:
 - Physical deterioration of buildings/improvements;
 - Abandonment of properties;
 - Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;
 - Significant declines in property values or abnormally low property values relative to other areas in the community; or
 - Known or suspected environmental contamination

AND:

- Applicant has documentation establishing the boundaries of the area and that the conditions that qualified the area as a slum or blight at the time of its designation by the appropriate local government and that designation (or re-designation) occurred within the past 10 years; and
- Planning activities assisted with CDBG funds will be limited to those that address one or more of the conditions that contributed to the decline of the area.

IV. Explain why the National Objective was selected and how this project meets the criteria of that Objective. Refer to these Guidelines pages 4-5 and 9-10 for further guidance on the criteria and information that must be included. Specifically, make sure to address the questions listed here (in Exhibit 4) for the chosen national objective.