



# 2024 GENERAL APPLICATION REQUIREMENTS

## TABLE OF CONTENTS

CDBG Eligible Applicants .....	2
National Objective Requirements .....	3
2024 Funding Priorities .....	5
Application Deadlines .....	5
Funding Limits.....	6
Application Rating Criteria (General) .....	7
Application Submission .....	7
State Compliance Criteria .....	7
Citizen Participation Requirements .....	9
Sample Public Hearing Notice .....	10
Administrative Requirements for the CDBG Program.....	10
Threshold Requirements.....	11
Technical Assistance Available.....	11
Completed Sample Public Hearing Notices .....	12

## LINKS

[How to Conduct a Survey](#)

[Applicable Laws and Regulations](#)

[Procurement of Professional Services](#)

## THE CDBG PROGRAM

The Community Development Block Grant (CDBG) program is funded by an annual Congressional appropriation through the U. S. Department of Housing and Urban Development (HUD). As outlined in the federal statute, the purpose of the program is to develop viable communities by providing decent housing, suitable living environments, and expanding economic opportunities, principally for persons of low- and moderate-incomes.

## ELIGIBLE APPLICANTS

Eligible applicants under the CDBG program are defined as “general purpose units of government.” These “units” are all counties and cities not participating in the entitlement program. **The entitlement program areas in Kansas include Kansas City, Wichita, Topeka, Lawrence, Leavenworth, Overland Park, Manhattan, and all of Johnson County.**

- In determining the eligible applicant for a project, the applicant is the one addressing its own community development needs. This holds also for “on behalf of” county applications.
- For projects proposing to resolve problems that exist in unincorporated areas of a county, the county governing body is the eligible applicant.
- A county may submit one application “on behalf of” a township, rural water district, rural sewer district, rural fire district, or a non-profit entity as well as one application for its own needs, or a county may elect to submit two “on behalf of” applications. Eligibility criteria will affect this allowance. An Interlocal Agreement by all parties must be executed prior to the application in “on behalf of” applications and must be included in the application. This limitation of grant submittal applies to all 2024 eligible activities.
- For projects located in two counties or that involve two or more governmental entities, called multi-jurisdictional grants, the entity with the highest number of beneficiaries is the applicant. However, all entities must be involved in the citizen participation process, and an Interlocal Agreement(s) is to be entered into authorizing the lead county to apply and is to be included in the application.
- An applicant may apply for only one type of grant in the Annual Competition categories, except for counties as discussed above.
- For the 2024 program, in general, a city or county will be deemed ineligible if it has an open CDBG project that needs a time extension or the open project has exceeded the original contract end date. However, please check the specific program’s guidelines for details on eligible applicants.

**Any expenses incurred prior to the grant award are ineligible for reimbursement with CDBG funds. This includes grant writing, engineering, and architecture.**

## NATIONAL OBJECTIVE REQUIREMENTS

An application must meet one of the following National Objectives: 1) Benefitting Low- and Moderate-Income (LMI) persons, 2) Preventing or Eliminating Slums and Blight, or 3) meet a need having a particular urgency (Urgent Need).

The total project and all funds must meet a National Objective – i.e.: an activity with local funds cannot be completed in the project if it does not meet LMI.

When the housing activity is dealing with single-family dwellings (except for demolition) LMI benefits must be 100 percent. When a multi-unit dwelling is affected, over 51 percent of units must benefit LMI. Demolition activities normally will qualify under the slum/blight criteria unless a replacement is planned, then it must be of replacement activity.

### **1. Low- and Moderate- Income Benefit**

#### **Area Benefit**

The area benefit category is the most used national objective for activities that benefit a residential neighborhood. An area benefit activity benefits all residents in a particular area, where at least 51 percent of the residents are LMI persons.

Commerce and the grantee are responsible for determining the service area of an activity. Factors for determining a service area include:

- The nature of the activity
- The location of the activity
- Accessibility issues
- Availability of comparable activities
- Existing boundaries for facilities and public services

An area is considered to meet the test of being LMI if there is a sufficiently large percentage (51 percent) of LMI persons residing in the service area by Census information or by an income survey.

#### **Limited Clientele**

Under this category, 51 percent of the beneficiaries of an activity must be LMI persons. Activities in this category provide benefits to a specific group of persons rather than everyone in an area.

To determine the beneficiaries of activities as LMI and qualifying under the limited clientele category, activities must meet one of the following tests:

- Require documentation on family size and income to show that at least 51 percent of the clientele are LMI; or
- Benefit a clientele that is generally presumed to be principally LMI. This presumption covers abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate persons, persons living with AIDS, and migrant farm workers; or
- Have income eligibility requirements limiting the activity to LMI persons only; or
- Be of such a nature and in such a location that it can be concluded that clients are primarily LMI. An example is a daycare center that is designed to serve residents of a public housing complex.

## Housing

The housing category of LMI benefit national objective qualifies activities that are undertaken to provide or improve permanent residential structures which, upon completion, will be occupied by LMI households.

To meet the housing LMI national objective, structures with one unit must be occupied by an LMI household. If the structure contains two units, at least one unit must be LMI-occupied. Structures with three or more units must have at least 51 percent occupied by LMI households.

## Jobs

The job creation and retention LMI benefit national objective addresses activities designed to create or retain permanent jobs, at least 51 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons.

The following requirements must be met for jobs to be considered created or retained:

- For funded activities that **create** jobs, there must be documentation indicating that at least 51 percent of the jobs will be held by, or made available to, LMI persons.
- For funded activities that **retain** jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 51 percent of the jobs:
  - o The job is held by an LMI person; or
  - o The job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, an LMI person.

## 2. Prevention/Elimination of Slums and Blight

The focus of activities under the elimination of slums and blight national objective is a change in the physical environment of a deteriorating area. Activities under this national objective are carried out to address one or more of the conditions that have contributed to the deterioration of an area designated as a slum or blighted area.

Two categories can be used to qualify activities under this national objective:

- Prevent or eliminate slums and blight on an area basis; or
- Prevent or eliminate slums and blight on a spot basis.

### Slum Blight Area Basis

This category covers activities that aid in the prevention or elimination of slums or blight in a designated area. To qualify under this category, the area in which the activity occurs must be designated as slum or blighted. The following tests apply:

- The designated area must meet the definition of a slum, blighted, deteriorated, or deteriorating area under state or local law; and
- Additionally, the area must meet either one of the two conditions specified below:
  - o Public improvement (must be at least 2) throughout the area are in a general state of deterioration; or
  - o At least 25 percent of the properties throughout the area exhibit one or more of the following:
    - 8 Physical deterioration of buildings/improvements;
    - 8 Abandonment of properties;
    - 8 Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;
    - 8 Significant declines in property values or abnormally low property values relative to other areas in the community; or
    - 8 Known or suspected environmental contamination.

Slum and Blight Spot Basis

These are activities that eliminate specific conditions of blight or physical decay on a spot basis and are not located in a slum or blighted area. Activities under this category are limited to acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, and building rehabilitation activities. Rehabilitation is limited to the extent necessary to eliminate a specific detrimental to public health and safety.

**3. Urgent Need**

The use of the urgent need national objective category is rare. It is designed only for activities that alleviate emergency conditions. Urgent need qualified activities must meet the following criteria:

- The existing conditions must pose a serious and immediate threat to the health and welfare of the community;
- The existing conditions are of recent origin or recently became urgent. A condition will generally be considered to be of a recent origin if it developed or became critical within 18 months preceding the grantee’s certification;
- Applications must be certified as an urgent need by the agency having jurisdiction over said conditions;
- The grantee certifies and Commerce determines that the grantee is unable to finance the activity on its own; and
- The grantee certifies and Commerce determines that other sources of funding are not available.

**2024 FUNDING PRIORITIES**

**Annual Competition Grants**

- Early Childhood Education and Care Facilities
- Community Centers, Senior Centers, Parks, Storm Shelters, and Libraries
- Sidewalks and Trails
- ADA Improvements
- Youth Job Training
- Water and Sewer Infrastructure

**Rolling Round Grants**

- Regional Water Implementation
- Housing Rehabilitation
- Commercial Rehabilitation
- Economic Development
- Urgent Need

**APPLICATION DEADLINES**

<b>ANNUAL COMPETITION GRANTS</b>	
First Date Hearing can be held (Four months from the deadline)	May 31, 2024
Last Date Hearing can be held (Fifteen days prior to the due date)	September 13, 2024
Application Deadline	September 30, 2024

<b>ROLLING ROUND GRANTS</b>
<p>These programs can submit applications throughout the year, depending upon funding availability. The online applications will go live on January 29, 2024. Funding will be available until December 2, 2024, or until funds are depleted, whichever occurs first.</p> <p>The first date you can hold your Rolling Round project’s public hearing is four (4) months prior to the submittal date. The last date you can hold your project’s public hearing is 15 days prior to the submittal date.</p>

## FUNDING LIMITS

To determine the grant amount, multiply the number of beneficiaries by \$2,000. This amount is what can be applied for up to the maximum allowed listed below.

CATEGORY	POPULATION <5,000	POPULATION >5,000	MINIMUM MATCH FUNDS
<b>COMMUNITY CENTERS, SENIOR CENTERS, LIBRARIES, PARKS, STORM SHELTERS, SIDEWALKS AND TRAILS</b>	\$650,000	\$800,000	25%
<b>NON-PROFIT CHILDCARE &amp; EARLY EDUCATION FACILITIES</b>			
<b>REGIONAL WATER IMPLEMENTATION</b>			
<b>WATER &amp; SEWER INFRASTRUCTURE</b>			

<b>YOUTH JOB TRAINING</b>	
Maximum Award	\$100,000
Administration	\$5,000
Minimum Match Funds	10%

<b>ADA IMPROVEMENTS</b>	
Maximum Award	\$50,000 (per building) or \$200,000 for city-wide project
Administration	\$10,000 for single building project and \$20,000 for city-wide
Minimum Match Funds	25%

<b>ECONOMIC DEVELOPMENT</b>	
Maximum Award	\$750,000, with a cap of \$35,000 per job created or retained
Administration	\$25,000 or 10% of grant, whichever is less
Minimum Match Funds	50%

<b>COMMERCIAL REHABILITATION</b>	
Maximum Award	\$300,000
Administration	\$25,000 or 10% of grant, whichever is less
Minimum Match Funds	25%

<b>URGENT NEED</b>	
Maximum Award	\$100,000
Administration	\$10,000 or 10% of grant, whichever is less
Minimum Match Funds	Not Required

<b>HOUSING</b>	
Please refer to the Housing Guidelines for funding details.	

## APPLICATION RATING CRITERIA (GENERAL)

The rating points, the required narrative, and required attachments to the applications can be found in the specific program guidelines.

## APPLICATION SUBMISSION

All CDBG applications will be submitted through an online submission process. Each application will be linked on the Kansas Department of Commerce website ([kansascommerce.gov/cdbg](http://kansascommerce.gov/cdbg)).

## STATE COMPLIANCE CRITERIA

1. Administration Allowance: To budget an application, applicants may not propose more than \$20,000 or 10 percent, whichever is less, for grants under \$250,000, and up to \$25,000 or 10% for grants over \$250,000 of the amount of funds proposed for CDBG. Projects which are determined Categorically Excluded and not Subject to (CENST) with no construction, are limited to \$10,000 or 10 percent of the grant amount, whichever is less.
2. Project Budgets: Construction line items are for construction only; acquisition line items are for the purchase price and appraisal costs; relocation is a separate line item. Administrative line items include all publishing fees. Therefore, grantees should not contract for the total administrative amount unless the administrator is to pay for all such items, or the grantee has agreed to pay for such items. Mortgage lien filings and all acquisition costs except purchase price and appraiser's fees should be shown as a legal cost but this does not deduct from administrator maximums. CDBG funds will not replace any existing employee salaries for administration, but they can be counted as a local match.
3. Administration by Engineering and Architectural Firms: Engineering/Architectural firms or any employee or principal thereof may not administer any CDBG grant in which they are participating in any other capacity, regardless of the size of the grant.
4. Administration by Housing Inspector, Risk Assessors, or Asbestos Inspectors: The Administrator of Record must be a different individual from the person or persons conducting Housing Inspector, Risk Assessor, or Asbestos Inspector inspections. The same individual may perform different types of inspections (i.e., Housing Inspectors, Risk Assessors, Asbestos Inspectors, or Radon Inspections). The Administrator and Inspector of record may belong to the same firm, organization, or company.
5. Engineering/Architectural Allowance: There are no CDBG requirements on allowance. If CDBG funds are going to be used for payment, CDBG procurement must be followed. If local funds are used for payment, the local procurement requirements must be followed.
6. Professional Assistance: The use of professional services is governed by the provision of 2 CFR Part 200 and applicable state, federal, and local laws. The selection of services must be done according to CDBG procurement regulations if grant funds will be used for payment. If local funds are used for payment, the local procurement requirements must be followed.
7. Agreements or Contracts: Written agreements shall be executed between the parties detailing the responsibilities, standards, and fees. For Engineering/Architectural documents it must include a not to exceed clause.
8. Negotiated Funding: The state reserves the right to negotiate with applicants and deny partial or total funding of any application each funding period.
9. Minimization of Displacement: Commerce will discourage applicants from proposing displacement in all projects unless no feasible alternative exists. Alternatives will be reviewed for feasibility and technical assistance will be provided to minimize displacement.

10. Environmental Impact: All CDBG projects are subject to Federal Environmental Regulations. Applicants are encouraged to be sensitive to potential environmental impacts while their CDBG projects are first being considered and planned to avoid problems that could delay or even prevent a project from being implemented. If the project is in a tribal area, consider this early and begin seeking the clearance prior to potential award.
11. Threshold Requirements: The requirements are outlined herein. Failure to meet the threshold requirements will result in the disqualification of an application from the grant competition and will not be rated.
12. Notification: The State will notify all applicants of the results of the CDBG competitions. Successful applicants who have unresolved financial audit exceptions in prior CDBG or other state or federal programs must resolve the findings before a contract can be executed.
13. CDBG Policy when Applicant Discovers Error after Award Announcement:
  - a. In the CDBG application process, unless the State has made a calculation or procedural error, there is no provision to correct applicant error after grant award announcements. The State would violate its Program Requirements if any application was reconsidered.
  - b. In all cases, it is the applicant's responsibility to proofread and double-check the accuracy of the information submitted in the application.
  - c. The mayor/county commission chairman (chief elected official) accepts the responsibility that the information in the application is correct as noted in Article (12) of the "Statement of Assurances and Certification" by signing the grant application submitted.
14. Kansas Small Cities CDBG Administrative Procedure for Request for Information:

#### Kansas Open Records Law

- a. All requests for information from the Small Cities (CDBG) program will be subject to the Kansas Open Records Law (K.S.A. 1983 Supp. 45-206 et. Seq.). The Kansas law requires that all records of a public agency be open to inspection. Kansas Small Cities (CDBG) applications are, as defined by K.S.A. 1983 Supp. 45-207, public records and as such are open for inspection, except as otherwise provided by the Act. All requests must be specifically made in writing.
  - b. Consensus rating information will be made available under the above procedures. Individual staff notes are not a part of the body of "public information" and, therefore, will not be made available. [K.S.A. 45-211(a)(20)].
15. Conflict of Interest: No city or county employee, elected or employed, can separately contract with the grantee to perform any portion of the grant either directly or through an outside firm.



## CITIZEN PARTICIPATION REQUIREMENTS

Each prospective applicant must **hold one (1) legal public hearing a minimum of 15 days prior to the application due date** for any application submitted for CDBG funding. The purpose of the hearing is to present the program to local citizens for discussion of community needs and to review the applicant's proposed project. The hearing must be held to address the specific project application that will be submitted. The notice must contain a description of the proposed project, the proposed project location (target area boundaries, if applicable), activities to be carried out, and the total estimated cost of all activities. The notice must include the grant amount requested and the total project cost. Notices shall be published in a local newspaper having the widest general circulation in the community.

Each notice shall be published **at least five full days** before (starting one day after the publication date and not counting the date of the hearing, i.e., a total of seven days) but **no more than 20 days** before the date of the hearing. Hearings for a specific application may be conducted no earlier than 120 days prior to the application due date. Public hearings must be conducted by the applicant's governing body. As stated previously herein, multi-jurisdictional grant applicants must ensure that all entities involved are informed of the public hearing(s).

**Notices must be published in all multi-jurisdictional areas.**

The hearing must be held at a time and location convenient to potential or actual beneficiaries, with accommodations for persons with disabilities. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate.

Local governments must provide citizens, especially residents of proposed project areas, an adequate opportunity to participate in the planning and development of CDBG applications. Examples of actions applicants may take to ensure citizen participation in the application stage include meeting with community groups and leaders prior to public hearings, holding informational meetings in proposed project areas, and distributing notices of meetings and public hearings to residents in the proposed project area. Applicants may also choose to distribute public hearing notices to local community action agencies, minority contractors, and other public and private organizations.

Public Hearings may not be held in any buildings built or rehabilitated with CDBG funds. This includes community centers and fire stations built under the KAN STEP program.

The local government should consider any comments or views on the proposed application before submission to the state. Applicants are encouraged to undertake their public hearing early enough to allow for a chance to redo the public hearing notice if a problem is encountered.

The total project funding and CDBG amount requested must match what appears in the public hearing notice.

Public hearing notices must describe the exact project being applied for, including project location, budget, scope of work, and funding source, and needs to match the application scope of work and budget.

## Sample Public Hearing Notice Community Improvement Applications

The City/County of \_\_\_\_\_ will hold a public hearing on (day), (date), at (time) in the (location) to consider an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant funds under the \_\_\_\_\_ category. A specific project application to be discussed is (description) in an area generally bounded by (location) that will consist of (specific activities). The estimated project cost is \$\_\_\_\_\_ with the grant request for \$\_\_\_\_\_ of the project cost. Other project proposals introduced at the hearing will be considered. Oral and written comments will be recorded and become a part of (City/County) CDBG Citizen Participation Plan.

Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to \_\_\_\_\_ by (date).

- A second hearing must be held after the project to inform the citizens of the project's successful or unsuccessful completion and to outline the benefit to the community.
- Housing public notices **MUST** be specific when describing the project and boundaries and must indicate the number of units to be completed in rehabilitation, and demolition.
- The project description in the initial public hearing notice must exactly reflect what is being applied for.
- All applicants are required to provide a scope of work that will address all aspects of the project.
- Completed sample notices can be found on page 12.

### **ADMINISTRATIVE REQUIREMENTS FOR THE CDBG PROGRAM**

The U.S. Department of Housing and Urban Development requires that all CDBG grants awarded by the Kansas Department of Commerce meet the following Administrative Requirements:

1. General Administrative Requirements and Guidelines
2. 2 CFR Part 200

The General Administrative Requirements and Guidelines include requirements and general information on administrative procedures not covered by the 2 CFR Part 200. Certain requirements and guidelines refer to specific attachments of 2 CFR Part 200 and other publications.

2 CFR Part 200 is published by the U.S. Office of Management and Budget to provide consistency and uniformity among federal agencies in the administration of grants to state and local governments. This circular is adopted by Commerce in the administration of CDBG for non-entitlement areas of the state.

## THRESHOLD REQUIREMENTS

Before the application will be scored and ranked, it must meet the following threshold requirements.

1. The applicant must be eligible.
2. The application must be received within the application period, on or prior to the deadline.
3. The proposed activity for CDBG funding must be an eligible 2024 activity.
4. The proposed activity must meet one of the CDBG National Objectives.
5. Survey, if applicable, must have a minimum of 51 percent LMI responding. LMI documentation must be correct, as discussed herein. Persons must be 51 percent LMI. If the survey conducted is to challenge census data and there is more than a six percent variance between the two, an explanation of the difference must be provided. An explanation, survey forms, tabulation form, and details of methodology must be included in the application. Those who do surveys will use the most current HUD Census Data for the total population served. Grantees can utilize the <https://data.census.gov/cedsci/> website to locate the demographics associated with their communities. Search for the city or county you wish to review, then select the appropriate category on the right side of the page to locate the demographic information you are searching for.
6. The public hearing notice must be published at least five full days before (starting one day after the publication date and not counting the date of the hearing, i.e., a total of seven days) but not more than 20 days prior to the public hearing. The public hearing must occur a minimum of 15 days but not more than 120 days prior to the application due date.

Should any document be missing, incorrect, or otherwise have deficiencies, contact will be made with the applicant after the applications are initially reviewed. The applicant will be given two weeks from notification to correct the deficiency. The purpose of this allowance of additional time is in no way intended to give extra time to obtain a commitment from other sources, remove contingencies, or finish the details of the application.

Threshold items such as the inadequate amount of time for the public hearing, public hearing not having required information, public hearing too late and not meeting a national objective would not be correctable and the application will not be scored.

## TECHNICAL ASSISTANCE AVAILABLE

Communities may request technical assistance from the CDBG program office in Topeka at (785) 296-3004 or by email at [cdbg@ks.gov](mailto:cdbg@ks.gov). It will not be the role of the CDBG program staff to assist communities in preparing their grant applications since they will ultimately be involved in the review and enforcement of these projects. Staff may answer specific technical questions, critique earlier application submissions at least three weeks prior to the deadline, and provide other assistance as needed.

For additional information and clarification of these program requirements, please contact the Kansas Department of Commerce. The following Public Hearing Notice is a sample that may be used by the applicant. Notices that fail to include the information specifically required in the instructions above may not meet the threshold requirements of public participation.

## COMPLETED PUBLIC HEARING NOTICE SAMPLES

The City of XYZ will hold a public hearing on Tuesday, September 2, 2022, at 7:30 p.m. in the XYZ City Hall at 101 E. Main to consider an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant funds under the Water/Sewer category. A specific project application to be discussed is water system improvements in an area generally bounded by the city limits of XYZ that will consist of complete replacement of the water distribution system including approximately 4,500 LF of 6" PVC pipe mains, 25 gate valves, and 30 fire hydrants. Additional proposed improvements include replacing the water tower level controller. A VFD motor controller will be added to each well. The estimated project cost is \$750,000 with the grant request for \$375,000 of the project cost. Other project proposals introduced at the hearing will be considered. Oral and written comments will be recorded and become a part of the City of XYZ CDBG Citizen Participation Plan.

Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to ???, City Clerk by Monday, September 1, 2022.

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The County of XYZ will hold a public hearing on Monday, October 6, 2022, at 10:30 a.m. in the Commission Room of the County Courthouse at 101 E. Main to consider an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant funds under the Community Facilities and Services category. A specific project application to be discussed is the demolition and replacement of FAS Bridge #370 located 1 mile south and 1 mile west of the City of George. The County bridge is an area generally bounded by a target area that includes townships of ABC, DEF and GHI that will consist of the demolition of the existing steel truss bridge with a 14' bridge roadway width consisting of 3-100' spans for a total bridge length of 300' and will be replaced with a steel welded plate girder bridge with a 26' bridge roadway width with span lengths of 100'-155'-100' for a total bridge length of 355'. Approach roadway grading will take place 600' south and 500' north of the bridge. The estimated project cost is \$1,877,000 with the grant request for \$400,000 of the project cost. Other project proposals introduced at the hearing will be considered. Oral and written comments will be recorded and become a part of the County of XYZ CDBG Citizen Participation Plan.


Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to ???, County Clerk by Friday, October 4, 2022.


More Questions?

**CONTACT THE CDBG TEAM**

 [CDBG@ks.gov](mailto:CDBG@ks.gov)

 [kansascommerce.gov/cdbg](https://www.kansascommerce.gov/cdbg)

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