



URGENT NEED FOR DISASTERS

FUNDING \$100,000	MATCH Not Required	APPLICATION DEADLINE Accepted Year-Round	QUALIFY ✓ Have an acceptable use project ✓ Meet the Urgent Need requirement
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TABLE OF CONTENTS

The CDBG Program 2

Urgent Need Grants..... 2

Eligible Applicants..... 2

National Objective Requirements 3

Eligible Activities 3

State Compliance Criteria 3

Administrative Requirements..... 4

Community Responsibility 4

Citizen Participation Requirements 5

Sample Public Hearing Notice..... 6

Technical Assistance 6

Application Rating Criteria 6

Required Attachments to the Application 7

Threshold Requirements..... 8

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.

URGENT NEED REQUIREMENTS

Applications for Urgent Need projects may be submitted at any time from January 29, 2024, to December 2, 2024. The Urgent Need category has a \$100,000 allocation in 2024. Reimbursement for project costs can be effective with the date of the disaster upon prior approval by Commerce.

These funds will be used for project activities that address an urgent need resulting from a sudden and severe natural or other disaster. The following conditions must be met in order to secure an Urgent Need grant:

- The conditions are such that they pose a serious and immediate threat to the health or welfare of the community.
- These conditions must be of recent origin and have become urgent within six months following the disaster.
- Applications must be certified as an urgent need by the agency having jurisdiction over said conditions.
- The project must demonstrate that no other financial resources are available to address the conditions.
- The project must demonstrate that no other financial resources are available to address the conditions. This includes financing the project themselves or having access to any local, state, or federal funding resources.

Only the immediate emergency will be addressed through this category with long-term resolution of the problem being addressed through regular CDBG rounds of awards or other funding sources.

ELIGIBLE APPLICANTS

All incorporated cities or counties in Kansas that do not receive an annual CDBG entitlement allocation from HUD are eligible to apply to the Kansas CDBG program. Successful applicants are called Grantees. (The following communities receive entitlements and are ineligible to participate in the state program: Kansas City, Lawrence, Leavenworth, Manhattan, Overland Park, Topeka, Wichita, and all of Johnson County.) The applicant must be a unit of general local government – a city or county.

All grantees may select a grant administrator. Commerce maintains a list of persons who are interested in administering CDBG projects in Kansas. Grant administration is an eligible cost under the program. However, cities and counties may choose to administer their grants on a local level with their staff members. If local staff members are used, CDBG funds may not be used to compensate staff salary. Staff services can be listed as an in-kind match toward project costs.

- For projects proposed to resolve emergencies that exist in unincorporated areas of a county, the county governing body would be the eligible applicant.
- For county **projects that are located in two counties**, the county with the highest number of beneficiaries is the applicant, but an intergovernmental agreement must be executed before the application submittal.
- For projects that propose to resolve emergencies that exist in a city, the city governing body is the eligible applicant.

NATIONAL OBJECTIVE

All projects must meet a national objective and involve an eligible activity under the Housing and Community Development Act of 1974. National objectives are 1) benefitting low- and moderate-income persons (LMI), 2) aid in the prevention or elimination of slums and blight, 3) meet a need having a particular urgency (urgent need).

Projects must meet the Urgent Need requirement to be eligible.

ELIGIBLE ACTIVITIES

Only activities eligible under Section 105 of the Housing and Community Development Act will be eligible for funding by Commerce.

It is the responsibility of the applicant to justify in its application the appropriateness of each proposed activity.

STATE COMPLIANCE CRITERIA

All compliance criteria apply to the Urgent Need program unless a waiver is obtained in writing from Commerce prior to the need for execution. The following administrative and financial guidelines apply to the Urgent Need program:

1. **Timeliness:** Grantees will have a signed contract with the state within 30 days of notice of award. Project construction will be initiated within 60 days of award. Failure to meet these time frames may result in the withdrawal of the grant award by Commerce. All projects should be designed and scheduled to be completed within 12 months of the project commencement date.
2. **Project Administration Cost:** Project administration is an eligible CDBG cost. Project administration will be calculated at \$10,000 or 10 percent of the grant award, whichever is less.
3. **Professional Services Contract** (e.g., engineering, architecture, and financial consultants): These contracts must be separate from administration contracts. Engineering, architect firms and financial consultants may not administer any CDBG award for which it is performing any other service.
4. **Administrative Assistance:** Some applicants may choose to contract for professional assistance in program planning, application preparation and guidance relating to program execution. Grant funds will not be used to reimburse work done prior to the grant award.

The use of professional services is governed by the provision of 24 CFR 200 and applicable state, federal, and local laws.

The selection of services must be done competitively, and written agreements should be executed between the parties detailing the responsibilities, standards, and fees.

5. **Matching Funds:** Applicants should provide matching funds, when available. **The applicant is responsible for paying for the cost of the Environmental Review and the cost for such should be included on the application Project Budget Form.** All insurance proceeds must be secured in an escrow account prior to the city/county applying for Urgent Need funding.
6. **Negotiated Funding:** The state reserves the right to negotiate with applicants and to deny partial or total funding of any application in a given funding period.

7. **Minimization of Displacement:** The State of Kansas discourages applicants from proposing the displacement of persons unless no feasible alternative exists. Alternatives will be reviewed for feasibility, and technical assistance will be provided to minimize displacement of persons. If permanent displacement must occur, protection under the following authorities, as applicable, will prevail upon displaced persons: The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, or Section 104(d), 104(k), and 105(a)(11) of the Housing and Community Development Act, as amended.
8. **Environmental Impact:** All CDBG projects are subject to federal environmental regulations. Applicants must 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. No choice limiting action may take place prior to the grant application.
9. **Application Accuracy:** In all cases, it is the applicant’s responsibility to proofread and double-check the accuracy of the information submitted in the application.

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.

10. **Kansas Small Cities CDBG Administrative Procedure for Request for Information:** 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.

ADMINISTRATIVE REQUIREMENTS

HUD requires that all 2024 CDBG grants awarded by 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 administration of CDBG for non-entitlement areas of the state.

COMMUNITY RESPONSIBILITY

The grant award agreement between the State of Kansas and the city or county is a legal binding contract that commits the State of Kansas to make a Small Cities Program grant to an eligible applicant. It is the document that requires the grant recipient, in consideration for receiving the grant, to enforce the rules and regulations of the CDBG program.

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.

The local government should consider any comments or views on the proposed application before submission to the state.

The Public Hearing Notice must exactly reflect what is being applied for in the application.

NOTE: The notice must be sufficient in size and clarity to properly gain public attention. A copy of the notice must be included in the application.

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

1. The city/county intends to apply for CDBG funds.
2. The maximum available for the 2024 Urgent Need program year is \$100,000.
3. There will be minimization or involuntary displacement of persons resulting from the program; and assistance to any such displaced persons would be provided.
4. The specific activities proposed, and the location will be presented for discussion, including the estimated costs and funding sources.

SAMPLE PUBLIC HEARING NOTICE

SAMPLE PUBLIC HEARING NOTICE

The City/County of _____ will hold a public hearing on (day), (date), at (time), at the (location), to discuss the City's/County's submission of an Urgent Need application for the Kansas Small Cities Community Development Block Grant (CDBG) program. The maximum Urgent Need grant that may be requested is \$100,000. No involuntary displacement of persons will be proposed. For the Urgent Need application, the City/County proposes to _____. Proposed financing is \$_____ from CDBG funds, and \$_____ from City/County funds.

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 will 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.

TECHNICAL ASSISTANCE

Communities can request technical assistance from their respective field representatives or from the CDBG office at cdbg@ks.gov. Depending on the nature of the inquiry, the field staff may involve central office staff, regional organizations, or other state agencies in assisting. It will not be the role of the CDBG staff to assist communities in preparing their grant applications since they will ultimately be involved in the review and enforcement of these projects. They can answer specific technical questions, critique earlier application submissions, and provide other assistance as needed.

APPLICATION RATING CRITERIA

The determination of "urgent need" must be made in consultation with the agency having jurisdiction over said conditions. Documentation from that agency noting this "urgent need" must be included with the application explaining the condition that creates a serious and immediate threat to the citizens of the area affected and when this condition first occurred.

A description and evidence of the immediate emergency must be addressed. Long-term resolutions should be submitted in the regular funding rounds.

If the applicant is unable to finance the project on its own, documentation certifying this fact must be included with the application.

Other sources of funding **MUST** have been investigated and **MUST** be unavailable. Documentation certifying this fact must be included with the application.

The problem the project addresses could not have existed for more than six months prior to the application. Documentation certifying this fact must be included with the application.

Applications will be reviewed for eligibility and accuracy of documentation by Commerce on a case-by-case basis with grant awards made by the Governor.

APPLICATION CHECKLIST

The following forms must be signed and submitted through the online application portal.

- a) Certification of Urgent Need from Appropriate Agency
- b) Urgent Need Certifications (signed by the Chief Elected Official)
- c) Statement of Assurances and Certifications
- d) Resolution of Governing Body to File Application
- e) Disclosure Report
- f) Anti-Displacement Plan
- g) Affidavit of Public Hearing Notice*
- h) Map of Project Area
- i) Environmental Review - Determination of Level of Review

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

THRESHOLD REQUIREMENTS

Before the application will be reviewed, it must meet the following threshold requirements. Failure to meet any of the following general threshold requirements can result in the disqualification of an application.

1. Only complete standard application forms submitted on or before the deadline will be accepted.
2. The proposed activity for CDBG funding must be an eligible activity under Section 105(a) of Title I of the Housing and Community Development Act of 1974, as amended, and meet the Urgent Need National Objective.
3. The applicant must be eligible.
4. Required Assurances and Certifications are attached to the application. Requires signature of the chief elected official.
5. The CDBG Disclosure Report must be attached to the application.
6. Anti-Displacement Plan must be attached to the application.
7. Citizen participation requirements must have been met. Copy of the public hearing notice and affidavit of publication must accompany the application.
8. Resolution authorizing the mayor or chairman of the board of county commissioners to apply to Commerce, and Resolution of Long-Range Financial Support.

Should any document be missing, incorrect, or otherwise have deficiencies that do not meet threshold requirements, 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. Threshold items such as an inadequate amount of time for a public hearing, a public hearing not having required information, or a public hearing too late would not be correctable, and the application will not be scored.


The extension of time granted is not intended to provide extra time for securing commitments from alternative sources, lifting contingencies, or finalizing the particulars of the application.


More Questions?

CONTACT THE CDBG TEAM

 CDBG@ks.gov

 kansascommerce.gov/cdbg

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