



KANSAS
COMMERCE

2025 GENERAL APPLICATION REQUIREMENTS

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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 beneficiaries of Low- and Moderate-Incomes (LMI).

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.**

Communities with an open Annual Competition project that has received a Time Extension or exceeded the original contract end date will be deemed ineligible until the project is successfully closed. However, communities with open Housing, Economic Development, or Commercial Rehabilitation grants in Time Extension may still apply for Blueprint to Build, Community Facilities, Regional Water, Water and Sewer, and Youth Job Training. Capacity will be evaluated case-by-case through the pre-application.

A city or county can apply for funding and partner with other public or private organizations to carry out services or activities the city or county is legally allowed to do. While special-purpose groups like housing authorities, water or sewer districts, regional planning commissions, or local development corporations can’t apply on their own, they can still be part of the project if the city or county includes them. This kind of partnership needs to be made official with either an Interlocal Agreement or a Subrecipient Agreement.

- In determining the eligible applicant for a project, the applicant is the one addressing its own community development needs. This holds true 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 city, 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 2025 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.
- Communities may apply for multiple CDBG categories but can only be awarded up to two projects total, with no more than one from a major category. Major categories include: Community Facilities: Large/Small, Blueprint to Build, Water and Sewer Infrastructure, and Regional Water Implementation. For example, a city can submit applications for a Housing Rehabilitation and a Community Facilities: Large Grants project. However, a city cannot apply for both a Large and Small Community Facilities project.
- An applicant may apply for one (1) Economic Development, Commercial Rehabilitation, or Housing Rehabilitation grant in addition to the grants discussed above, within the same program year.
- In general, an applicant will be deemed ineligible if it has an open CDBG project that received a time extension, or the open CDBG project has exceeded the original contract end date. Please check the specific grant guidelines for additional applicant eligibility requirements.

Any expenses incurred prior to the grant award are ineligible for reimbursement with CDBG funds and cannot be counted as Local Match for the project. This includes grant writing, engineering, architecture, land/building purchase.

CDBG National Objectives

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

1) Low- and Moderate-Income Benefit

All activities proposed in applications must meet the national objective of benefiting Low- and Moderate-Income persons with a minimum of 51% LMI beneficiaries. This can be accomplished either by using HUD census data or by completing an income-based survey. Applicants must receive CDBG approval before starting a survey and follow the approved income-based survey methodology.

a. 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% of the residents are LMI persons. The service area of an activity is determined collaboratively by the grantee and Commerce, with final approval required from Commerce. 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

b. Limited Clientele

Under this category, 51% 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% of the clientele served 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 beneficiaries 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.

c. Housing

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% occupied by LMI households.

d. Jobs

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

- 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% of the jobs:
 - The job is held by an LMI beneficiary; or
 - 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 beneficiary.

2) Prevention or 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. Qualification can be designated on an area basis or spot basis.

a. Slum and 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:
 - Public improvement (must be at least two) 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.

b. 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 and is designed only for activities that alleviate emergency conditions. 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. 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;
- 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 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.

General Grant Process

Most CDBG grant programs operate on a two-year timeline. The first year focuses on completing any necessary design, creating specs and drawings for construction bidding, and environmental review activities, with project implementation typically starting in the second year. The below process is general. Please see specific program guidelines for more information.

1. Planning Phase

- Public hearing #1 (following appropriate timeline)
- Procure professional services such as engineer, architect, or grant administrator
- Finalize Preliminary Engineering or Architecture Report (PER/PAR), if applicable
- Download the applicable grant program documents and forms from the website
- Matching funds secured (must be in hand or have commitment letters, no pledges)
- If buying property, follow the Uniform Relocation Assistance (URA)
- Submit pre-application, if applicable (feedback within ten days)

2. Application Phase

- Submit application (see table for review time frames)
- Receive award letter and condition letter, if approved
- Attend required grantee training
- Sign contract

3. Post Award

- Complete NEPA Environmental Review (**must be paid with local funds**)
- Project cannot begin until the environmental review is complete
- Finalize all design work, including specifications and construction drawings, in preparation for bidding
- Review and follow CDBG guidelines for open and fair competitive bidding for construction contracts
- If applicable, comply with Uniform Relocation Assistance (URA), Davis-Bacon wage rates, Labor Standards, BABA purchasing regulations, and Section 3
- Site monitoring scheduled by CDBG staff after the first construction draw

4. Closeout

- Final site monitoring after final construction draw
- Resolve any deficiencies outlined in monitoring letter
- Public hearing #2
- Receive Certificate of Completion confirming project has been approved for closeout
- City/county submits closeout packet to CDBG (include photos, quotes, etc.)

2025 Program Funding

CDBG Program	Max Award	Total Funding	Reviewed	Match
Community Facilities: Large	\$210,001 - \$1,500,000	\$10,700,000 Total CF	Monthly	20%
Community Facilities: Small	\$ 50,000 - \$210,000	\$10,700,000 Total CF	Monthly	10%
Blueprint to Build	\$2,500,000	\$14,000,000	Monthly	50%
Regional Water Implementation	\$2,000,000	\$2,000,000	Monthly	50%
Water & Sewer Infrastructure	\$800,000	\$1,022,183	Monthly	25%
Youth Job Training	\$100,000	\$500,000	Monthly	10%
Commercial Rehabilitation	\$300,000	\$2,500,000	45 Days	25%
Economic Development	\$750,000	\$1,000,000	60 Days	50%
Housing Rehabilitation/Demolition	\$300,000 - \$500,000	\$1,000,000	45 Days	Varies
Urgent Need for Disasters	\$100,000	\$100,000	ASAP	N/A

ROLES AND RESPONSIBILITIES

CDBG projects tend to be more compliant and successful when administered by a grant administrator. The maximum amount of CDBG funds that can be used for administration is 12.5% of the CDBG grant request or \$35,000, whichever is the less. Commerce maintains a list of grant professionals who are interested in administering CDBG projects in Kansas at kansascommerce.gov/cdbg/find-assistance-in-your-area/. Please note that these individuals are not affiliated with the Kansas Department of Commerce, and no guarantee is implied as to the quality of their services.

ROLE	APPLICATION DEVELOPMENT (PRE-AWARD)	ACTIVE PROJECT (POST-AWARD)
City or County (Applicant)	<ul style="list-style-type: none"> • Ensure eligibility • Determine the National Objective • Determine ownership • Ensure application is complete and accurate • Create a project budget • Procurement compliance for grant writing and administration • Complete any city council resolutions required for the application • Secure matching funds for the project • Follow citizen participation process • Work with owner on building re-use plan and business plan 	<ul style="list-style-type: none"> • Execute contracts and agreements with the state and building owner • Ensure project compliance requirements are being met • Maintain project files for public access • Financial management and requests for payment
Grant Writer / Administrator	<ul style="list-style-type: none"> • Ensure application is complete and contains all necessary documents • Ensure any revisions or alterations to the application be made in a timely manner • Procurement compliance for the pre-selected professional services, other than grant writing and administration • Prepare the Determination of Level of Environmental Review for the application • Secure asbestos inspection 	<ul style="list-style-type: none"> • Ensure project compliance requirements are being met • Preparation of the full environmental review for the project • Request wage determination • Ensure labor standards are met and worker interviews are conducted • Assist with bidding out the project
Engineer or Architect	<ul style="list-style-type: none"> • Ensure application is complete and contains all necessary documents • Ensure any revisions or alterations to the application be made in a timely manner • Procurement compliance for the pre-selected professional services, other than grant writing and administration • Prepare the Determination of Level of Environmental Review for the application • Secure asbestos inspection 	<ul style="list-style-type: none"> • Complete full design of the project within the approved budget • Prepare drawings and work specifications for bidding of the project • Ensure project is on schedule and is achieving milestones • Ensure the project is completed according to the approved scope of work • Assist with the environmental review

Public Hearings and Citizen Participation

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 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.

The local government must hold **two public hearings** to demonstrate that reasonable efforts have been undertaken to ensure involvement of citizens or citizen organizations throughout all stages of the program. These hearings must be held at a time and location convenient to potential or actual beneficiaries, with accommodations for non-English speaking residents and persons with disabilities. A notice about the hearing must be published in a local newspaper with the widest circulation, and it must appear **at least 5 full days before the hearing**—not counting the day it's published or the day of the hearing itself. Public hearings may not be held in any buildings built or rehabilitated with CDBG funds.

Initial Public Hearing

The first public hearing must be held **at least 15 full days before** the CDBG application is submitted, and **no earlier than 120 days**. The purpose of the hearing is to inform citizens about the proposed project, including its location, total cost, activities, and beneficiaries. Community members must be given a chance to suggest other project ideas and share their input, and the local governing body should carefully consider this feedback before submitting the application. **The total project funding and CDBG amount requested must match what appears in the public hearing notice.**

Close Out Public Hearing

The second public hearing is held at the conclusion of the project prior to close out to inform citizens of the project's successful or unsuccessful completion and to obtain input on the grantee's performance. This public hearing cannot be held until a final monitoring letter has been received by the grantee and all deficiencies have been resolved.

SAMPLE PUBLIC HEARING NOTICE

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 Community Development Block Grant (CDBG) 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).

Matching Funds

Local funding is required for all CDBG projects (except Urgent Need), and no project can be funded entirely by grants. Matching funds can originate from private or public sources, but the application must document that these funds are firmly committed (e.g., a letter of commitment from a bank or other funding source).

Applicants are encouraged to leverage a variety of matching funds to strengthen their CDBG proposals. Eligible sources of match include bank loans, industrial revenue bonds, owner equity, contributions from local governments, and grants or loans from economic development entities. Other grant funds may also be used as match; however, this funding must be secured by the time the CDBG contract is signed. To be considered secured, funds must either be deposited in a city or county account under the applicant's control or supported by an official award letter from the granting agency outlining the award amount and terms.

All matching funds must be clearly documented and verifiable. At least 10% of the matching funds must be cash from a local source (i.e., owner funds, city/county cash). For the Youth Job Training program, at least 5% of the matching funds must be cash from a local source. **Any expenses incurred prior to the grant award are ineligible for reimbursement with CDBG funds. Pre-selected grant writing, engineering, and architecture must be paid with local funds, and can only be considered as match for application when locally paid out.**

In-kind contributions are also allowed in various forms, but this funding source cannot make up more than 10% of the local total construction costs, total engineering/architectural costs or administration costs on the local side. If salary for a city or county employee is used, payrolls and timesheets outlining hours worked on CDBG projects must be submitted to project managers for approval.

If a community intends to hold a special election to approve the issuance of bonds for a project or to pass a sales tax (for example) to support a project, the community must: a) provide evidence of this intent in the form of a governing body resolution; and b) commit to holding this election by no later than Tuesday, Nov. 4, 2025. If those conditions are met applications will be reviewed with a presumption of passage of the special ballot question and, if awarded, such awards will be expressly contingent upon passage. Should the ballot question fail, any award will be automatically rescinded.

Pre-Application

Applicants must submit a pre-application to confirm eligibility before applying for the following grant programs: Community Facilities (Large and Small), Blueprint to Build, Youth Job Training, Water and Sewer Infrastructure, and Regional Water Implementation. This process allows us to provide early feedback and address any eligibility concerns before applicants complete the full application, and ensures projects align with program goals and are prepared for funding. The form requires a brief project description, estimated budget, eligibility status, and proof of readiness to proceed requirements.

Commerce will review submissions within ten days and provide further instructions. Only those with an approved pre-application may submit a full application, but approval does not ensure grant funding. If you are new to the CDBG program, please reach out to us to schedule an initial discussion first. The deadline to submit a pre-application is Oct. 14, 2025. <https://forms.office.com/g/YDSrt6VuMN>

Preliminary Engineering/Architectural Report

CDBG projects proposing construction activities must undergo review by a licensed professional engineer or architect before an application can be submitted. The review will consist of a Preliminary Engineering Report (PER) or Preliminary Architectural (PAR) sufficient in scope to analyze the need, determine the most appropriate solution alternatives, provide estimated construction and non-construction costs, and recommend the required level of funds for operation and maintenance of the system, if applicable. An engineer or architect must be hired for any commercial building demolition. Procurement procedures must comply with PL 103-355 and 2 CFR Part 200, which are the CDBG procurement regulations, and also incorporate additional provisions required by the CDBG program. **Note: If a vendor is used to supply a cost estimate, said vendor cannot bid on the work if the applicant receives a grant award.**

The PER or PAR must be uploaded directly to the online application. Incomplete or inadequate information may lead to a request for corrections from the applicant or not passing threshold. At a minimum, the following must be addressed in the report:

1. Name of the applicant or owner of the system.
2. Name, address, and telephone number of the engineering/architectural company.
3. Date of review.
4. Description and documentation of the problem.
5. Cause(s) of the problem, including the age of any existing publicly owned system(s).
6. Discussion of the alternatives – Several alternatives should be considered to determine feasibility and cost-effectiveness, with justification of the alternative selected. The alternatives must be listed.

7. Estimated construction and non-construction costs. Cost per square foot is not an acceptable architectural estimate. Costs must be broken out for the specific structure.
8. If the scope of the report includes more activities than the proposed CDBG project, clearly identify the CDBG portion in narratives and cost estimates.
9. Analysis of operation, maintenance, and replacement budget.
10. Land requirements – Identify sites and easements required. Also specify whether these properties are currently owned, acquired, or leased. Must attach proof to receive credit.
11. Asbestos must be addressed if you do a building renovation or demolition.

Note: Does not apply to Youth Job Training

Environmental Review

All CDBG-funded projects (*except Youth Job Training*) require an environmental review under the National Environment Policy Act of 1969 (NEPA) and HUD's implementing regulations at 24 CFR Part 58. The Environmental Determination of Level of Review form must be submitted with the application. This form will inform Commerce as to what level of environmental review you will undertake for your project if awarded.

Post-award, the city or county must conduct a full NEPA environmental review of the project, even for small projects that don't require construction. This responsibility cannot be delegated and the cost to conduct the review **must be paid with local funds**. The entire project, not just the CDBG-funded portion of the project, is subject to the NEPA review. The project must group together all activities that are related either on a geographical or functional basis or are logical parts of an overall project into a single project for review. The environmental review process includes determinations of applicability to various laws and authorities, consultation with various regulatory agencies, publication of findings, a 7-day or 15-day advertised local comment period, and a 15-day state comment period.

The NEPA review focuses on exploring possibilities and evaluating 1) how the project's design may affect the environment, and 2) whether the surrounding environment is appropriate for the project purpose. Once a CDBG application is submitted, no "choice limiting actions" can occur for any part of the project, whether funded by CDBG or other sources. "Choice limiting actions" refer to any commitments of HUD or non-HUD funds or any activities by the recipient (city or county), project participants (public or private, nonprofit or for-profit), or their contractors that could negatively impact the environment or restrict the range of reasonable alternatives. **After Commerce issues the environmental release of project funds, participants may proceed with project activities.**

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.
3. Only complete standard application forms will be accepted.
4. 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 one of the national objectives discussed herein.
5. The proposed project must meet a national CDBG objective. If the national objective of the project is to benefit LMI persons, the percentage of LMI beneficiaries must be 51% or higher.
6. Provide appropriate matching funds with supporting documentation. All matching funds must be secured at the time of application.
Note: For Urgent Need, provide documentation of funds investigated.
7. A Preliminary Engineering Report (PER) or Preliminary Architectural Report (PAR) must be included, if applicable. The report shall address the items included in the section herein discussing such requirements.
8. Survey process approval is required for all CDBG applicants prior to conducting surveys. Completed income surveys are required at

the time of application. Failure to obtain approval to conduct a survey will result in possible threshold. Surveys must demonstrate a minimum of 51% LMI beneficiaries.

9. The public hearing notice must be published at least five full days before (starting one day after publication date and not counting the date of the hearing) but no more than 20 days prior. The public hearing must occur a minimum of 15 days but not more than 120 days prior to the application due date.
10. All required interlocal agreements must be included, if applicable.
11. Construction Management Contracts are not allowable under Kansas CDBG regulations because of free and open competition for bidders. CDBG projects may not follow a Design Build approach or a Construction Manager at Risk (CMAR) approach. Procurement of professional services and construction contracts must follow the CDBG procurement process as outlined in the CDBG Grantee Handbook, which includes open and free competition. Construction contract(s) must not be procured until after grant award and environmental review approval. This criterion does not apply to Blueprint to Build projects.
12. A target area map must be included, along with an applicant jurisdiction map, if different from the target area.

Additional threshold requirements may apply. See program guidelines for additional requirements.

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.

Rating Criteria

All CDBG projects are evaluated based on a numerical scoring system tied to the established rating criteria. While there is no official minimum score required for consideration, priority is given to applications that score higher. As a general guideline, projects scoring below 75 are typically not competitive and are less likely to be approved. Applicants are encouraged to review the criteria carefully and ensure their proposals are as compelling as possible.

All applications must include a Community Needs Narrative, which should be drafted and then pasted into the online application portal. The narrative should describe the community's overall needs, not just those related to the proposed project. Applicants should explain how these needs were identified and whether they have been formalized in any existing plans or documents. The narrative should tell the story of the community and highlight needs across all sectors. It is limited to one page and must specifically address housing needs. Examples of community needs include education, childcare, fire safety, community and government buildings, transportation, recreation, housing, workforce development, economic development, and homelessness.

The rating points, required narrative, and required attachments to the applications can be found in the specific program guidelines. Following the completion of the ratings, CDBG leadership will conduct a final review to ensure that projects are equitably distributed across the state, with priority given to those demonstrating the capacity to complete on time, presenting minimal CDBG compliance risks, and contributing to geographic dispersion. This approach ensures grant awards represent the diverse regions of Kansas while supporting program goals for effective and timely implementation.

State Compliance Criteria

1. Administration Allowance: To budget an application, applicants may not propose more than \$35,000 or 12.5% of the amount of funds requested for CDBG, 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 employee salaries 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 cost 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 CDBG 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* and include the required federal contract provisions.
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 required to complete an environmental review under the National Environmental Policy Act (NEPA), and must be paid with local funds. 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. Pre-Application: A pre-application form must be submitted for the following grant programs: Community Facilities (Large and Small), Blueprint to Build, Youth Job Training, Water and Sewer Infrastructure, and Regional Water Implementation. Only those with an approved pre-application may submit a full application, but approval does not ensure grant funding.
12. 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.
13. Survey Submission: All requests to conduct a survey should be approved by CDBG staff prior to their commencement. To initiate the survey process, the following documentation must be provided:
 - **A letter from the City or County**: The letter should provide a detailed description of the project, including its location and intended beneficiaries. It must include a map of the project site, an outline the survey methodology used, specify the applicant's population and estimated number of housing units.
 - **Random Sample Surveys**: For communities with a population of 500 or higher, a random sample survey is recommended. If a random sample survey is required, it is necessary to include the estimated number of housing units within the city or county. This is the number that will determine how many random numbers are generated to assist the community with conducting the survey. It is important that this is as accurate as possible. Random Sample Surveys are based upon housing units and not strictly on population.

- Please ensure that all necessary documents are submitted to CDBG staff before proceeding with any surveys.
 - Survey Methodology approval will be issued by CDBG staff in the form of a formal memo. For Random Sample Surveys, an approved random number string will be included with the approval. It is essential that this approval memo be received before your community proceeds with conducting any surveys. Surveys conducted without prior approval will not be recognized as valid for CDBG purposes.
 - Original completed income surveys must be turned in at the time of application to verify LMI qualification of the applicants and are now considered a threshold item.
14. Notification: Commerce 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.
15. CDBG Policy when Applicant Discovers Error after Award Announcement:
- 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.
 - 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.
16. Kansas CDBG Administrative Procedure for Request for Information:
Kansas Open Records Law
- All requests for information from the 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. 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.
 - 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)].
17. 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.
18. Design Build/CMAR: CDBG projects may not follow a Design Build approach or a Construction Manager at Risk (CMAR) approach. Procurement of professional services and construction contracts must follow the CDBG procurement process as outlined in the CDBG Grantee Handbook, which includes open and free competition. Construction contract(s) must not be procured until after grant award and environmental review approval. This criterion does not apply to Blueprint to Build projects.

Post Award Requirements

Real Property Acquisition

If the project involves the purchase of land or buildings, the property transactions must follow the provisions of the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970, as amended. This law is commonly referred to as the Uniform Act. The Uniform Act applies regardless of whether federal grant funds are being utilized for the actual property transaction. **The use of CDBG funds in any part of the project triggers the application of the Uniform Act.**

Davis-Bacon Wage Rates

If CDBG funds are utilized in site preparation, construction or renovation of a building, the construction workers and mechanics must be paid the prevailing (Davis-Bacon) wage rates, as determined by the U.S. Department of Labor. If the application is funded, the grantee will have to consult with Commerce to obtain wage rate determinations as applicable. Commerce must be contacted concerning the applicability of Davis-Bacon wage rates. **Davis-Bacon requirements are triggered when construction work over \$2,000 is financed in whole or in part with CDBG funds.**

Build America, Buy America (BABA) Act

The grantee must comply with the Build America, Buy America (BABA) Act, which requires **all iron, steel, manufactured products, and construction materials used in federally funded infrastructure projects to be produced in the United States.** Funds obligated by HUD must follow BABA requirements unless an approved waiver applies, as outlined in HUD's "Public Interest Phased Implementation Waiver for FY 2022 and 2023" (88 FR 17001).

Section 3

Section 3 of the Housing and Urban Development Act of 1968 requires that recipients of CDBG funding direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community, to the greatest extent feasible. Section 3 applies construction projects funded with \$200,000 or more in CDBG funds.

Application Submission

All CDBG applications must be submitted online through either Salesforce or Submittable. Application links can be found at the bottom of each program page on our website.

- **Salesforce:** Blueprint to Build, Community Facilities (Large and Small), Housing, Regional water, Water/Sewer, and Youth Job Training
- **Submittable:** Commercial Rehab, Economic Development, and Urgent Need

Technical Assistance Available

Communities may request technical assistance from the CDBG program office in Topeka at (785) 296-3481 or by email at 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 pre-application submissions, and provide other assistance as needed.

Application Checklist

The following forms must be signed and submitted through the online application portal. Forms are available in the online CDBG Resource Library at kansascommerce.gov/cdbg/resource-library. See program guidelines for additional requirements.

1. Community Needs Narrative (drafted and pasted into the online application portal)
2. Pre-Selection of Professional Services
3. Project Budget Form
4. Statement of Assurances and Certifications
5. Resolution of Governing Body to File Application
6. Maintenance and Operation Resolution, including dollar figure and source
7. Commitments from other Funding Sources
8. Affidavit of Public Hearing Notice *
9. Environmental Determination of Level of Review
10. Letters of Support
11. Map of Project Area
12. Disclosure Report
13. Anti-Displacement Plan
14. Project Items BABA Status Worksheet
15. Preliminary Engineering/Architectural Report, if applicable

Please also include the below, if applicable:

16. Intergovernmental Agreements (on behalf of or multi-jurisdictional applications), if applicable
17. Submission of completed surveys (must be received prior to application submission by mail or hand delivery; no electronic submission)
18. Copy of Survey Instrument
19. Survey Methodology
20. Copy of Survey Tabulation w/description of variance, if applicable
21. Copy of Survey Process Approval from CDBG

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

More Questions?

CONTACT THE CDBG TEAM



CDBG@ks.gov



kansascommerce.gov/cdbg



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