

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

### **Method of Distribution**

As outlined in Title I of the Housing and Community Development Act, the primary goal of the CDBG Program is the development of viable communities, by providing decent housing and suitable living environments and by expanding economic opportunities, principally for persons of low- and moderate-incomes. In addition to the national program goals and objectives outlined by this Act, the State has designed its CDBG program to do the following:

- Address community priorities;
- Ensure fairness in the treatment of all applications;
- Promote the development of affordable housing;
- Assist communities in preserving and developing basic infrastructure and public facilities; and
- Support economic development activities that principally benefit low- and moderate-income persons through job training and job creation.

The State does not intend to impose any geographic restrictions in the method of distribution. State CDBG funds serve communities throughout the state, excluding Georgia's entitlement communities that receive funds directly from HUD. Eligible applicants are units of general-purpose local government, excluding those cities and counties eligible to participate in the urban counties or metropolitan cities "CDBG Entitlement Program" of HUD.

Eligible activities must meet the national objectives for the program: benefit low- and moderate-income persons, prevention or elimination of slums or blight, or address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available. Activities include public facilities (such as streets, water and sewer facilities, parks and community buildings), public services, housing rehabilitation, economic development and job training, and other activities eligible under the Housing and Community Development Act.

At least 70 percent of CDBG funds allocated to local governments will be used for activities that primarily benefit low- and moderate-income persons. The Georgia's CDBG program is comprised of the following:

- (a) The Regular Annual Competition
- (b) The Immediate Threat and Danger Grant Program
- (c) The Employment Incentive Program (EIP)
- (d) The Redevelopment Fund

## **National Objectives Requirements**

Each activity funded under the Community Development Block Grant (CDBG) Program must meet at least one of the three National Objectives and the applicant is responsible for selecting and documenting how each activity addresses a National Objective. The three objectives are:

1. Benefit to low and moderate income persons;
2. Prevention or elimination of slum or blight; and
3. Meeting community development needs having a particular urgency.

## **Proposed Programs**

### **A) Annual Competition**

In the Annual Competition eligible local governments may apply for either a Single-Activity or Multi-Activity Program. A Single-Activity Application must be structured to address problems within one of the following three areas: (a) housing, (b) public facilities, or (c) economic development. A Multi-Activity Application must involve two or more activities that address community development needs in a comprehensive manner within more than one of the areas listed above. Both the Single Activity and Multi-activity grant applications may qualify for Revitalization Area bonus points.

#### Revitalization Area Incentives

The State will continue the Revitalization Area Incentive for the development of comprehensive community revitalization strategies. The incentive rewards innovative local strategies and recognizes that no one strategy or design will work for Georgia's diverse communities. Applicants must show their commitment to targeted areas by developing a local investment program geographically aimed at census block groups of 20 percent or greater poverty and by incorporating a locally driven collaborative approach to community and economic development.

Communities opting to develop and implement these strategies will be given the opportunity to apply every year and receive bonus points for the Annual Competition. This incentive entitles the communities to obtain approval of budget line items for limited planning monies that will be used towards the assessment and remediation of blighted sites or brownfields. Revitalization strategies developed by applicants must demonstrate sustainable coordination with key stakeholders, businesses and community residents in the targeted areas.

### **B) Immediate Threat and Danger (ITAD)**

The Immediate Threat and Danger Program must address an event or situation that has a particular urgency and uniqueness that adversely affects or affects a community and its citizens and where other financial resources are not available to meet such needs. The State certifies that the activity meets the immediate needs of the community because the existing condition pose a threat to the health or welfare of the community and other financial resources are unavailable. More information is available at this website:

<http://www.dca.ga.gov/communities/cdbg/programs/threatdanger.asp>

### **C) Employment Incentive Program (EIP)**

The Employment Incentive Program (EIP) must provide for the creation and/or retention of jobs, or job training, principally for persons who are low- and moderate-income. Typically, this includes loans to private for-profit entities or the provision of infrastructure improvements. More information is available at this DCA website: <http://www.dca.ga.gov/economic/Financing/index.asp>

### **D) The Redevelopment Fund**

The Redevelopment Fund is targeted to projects that will leverage private sector investments in blighted downtown commercial and industrial areas. Projects that the slum and blight national objective, either a spot or area basis, are investment opportunities the State will take into consideration for funding. More information is available at this DCA website:

<http://www.dca.ga.gov/communities/downtowndevelopment/programs/redevfund.asp>

## **Grant Award Schedule**

### **Maximum Grant Amounts**

Annual Competition: Single Activity	\$500,000
Annual Competition: Multi Activity	\$800,000
Immediate Threat and Danger Program	\$ 50,000
Employment Incentive Program	\$500,000
The Redevelopment Fund	\$500,000

Note that the maximum grant amount for the EIP or the ITAD Program may be increased. See specific program descriptions for details.

## **Compliance Criteria**

### **Eligible Activities**

The eligible activities under Georgia's CDBG program are those activities identified in the Housing and Community Development Act of 1974, as amended. However, to be eligible for competition and/or award under the regular round CDBG competition, the State has determined that each activity must be eligible under the Act and not less than 70% of its CDBG cost must benefit low- and moderate-income persons. (This provision does not apply to the Immediate Threat and Danger Grant Program, the CDBG Loan Guarantee Program, the Employment Incentive Program, or the Redevelopment Fund).

### **Restrictions on Eligibility for Competition and Award**

#### Regular Annual Competition Restrictions

- A) Only one single- or multi-activity application per general purpose local government, whether individually or jointly submitted, shall be eligible for competition.
- B) Only one single- or multi-activity award may be received by any general purpose local government.
- C) No recipient of a single- or multi-activity award shall be eligible to apply for or receive another single- or multi-activity award from the next fiscal year's except for recipients applying for activities within a DCA-approved Revitalization Area who may apply annually.

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Local governments that receive designations for annual eligibility under item C above must show substantial progress in implementing and spending prior grants in order to receive subsequent awards. Criteria to be considered in measuring “substantial progress” include, but shall not be limited to, percentage of funds obligated and/or expended from prior grants.

- D) This restriction under item C above does not apply to the Immediate Threat and Danger Program, the Employment Incentive Program, the CDBG Loan Guarantee Program, or the Redevelopment Fund. In addition, communities designated by DCA as a “Water First Community,” or participating in the Communities of Opportunity program may apply annually as described in the Application Manual. Water First communities must propose water improvements as the primary purpose of the grant in order to apply annually.
- E) Recipients of prior CDBG funding must resolve all outstanding audits, monitoring findings and/or other program exceptions that involve a violation of federal, state or local law or regulation prior to award of or submission of any application to the State. In addition, recipients who fail to substantially meet their proposed accomplishments in their current CDBG project or have missed significant deadlines imposed by the State or other applicable agencies may be penalized in the subsequent year’s Annual Competition.
- F) Paragraph C above shall not apply in the case of two or more counties applying together to carry out a project of regional impact. Such applications, however, which are not actually regional in nature (which could have been submitted by only one county), will be rejected.
- G) All CDBG recipients are expected to expend one hundred percent (100%) of all funds within twenty-four (24) months from the date of the grant award. The State reserves the right to recapture all unobligated funds after the expired period and impose restriction on future applications to the State for funding.

## **I. Annual Competition**

### Rating and Ranking System for the Regular Annual Competition

Single- or Multi-Activity applications will be rated separately to assign points for feasibility, impact and strategy. Demographic scores will be calculated separately for cities and counties. For purposes of calculating the demographic score, joint or regional applications that include a county will be included in the county group and those including only cities will be included in the city group.

Applications will be rated and scored against each of the following factors, using any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by DCA for purposes of evaluating, rating, and selecting applicants under this program. The maximum score is 500 points.

<b>Categories</b>	<b>Maximum Points</b>
Demographic Need - absolute number in poverty	40
Demographic Need - percent of poverty persons	40
Demographic Need - per capita income	40
Program Feasibility	110
Program Strategy	110
Project Impact	110
Leverage of Additional Resources	25
Bonus points for Revitalization Area Activities	20
Bonus points for Readiness to Proceed	5
<b>Maximum Total Points</b>	<b>500</b>

A) Demographic Need - absolute number of people in poverty:

Applicants will be compared in terms of the number of persons whose incomes are below the poverty level. Scores will be obtained by dividing each applicant's number of persons in poverty by the greatest number of persons in poverty of any applicant in the group and multiplying by 40.

B) Demographic Need - percent of people in poverty:

Applicants will be compared in terms of the percentage of population below the poverty level. Scores will be obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant in the group and multiplying by 40.

C) Demographic Need - per capita income:

Applicants will be compared in terms of their per capita income. Scores will be obtained by dividing each applicant's per capita income into the lowest per capita income of any applicant in the group and multiplying by 40.

D) Program Feasibility:

Applicants will be compared in terms of project feasibility. The following factors are considered: an analysis of such items as 1) verification and reasonableness of cost; 2) documentation that all project financing sources needed for the project will be available; 3) where applicable, documentation that preliminary engineering, architectural and or site plans have been prepared and support the proposed project; 4) verification that any required property is available for the project; 5) where applicable, review of any proposed subrecipient's credentials to provide evidence of administrative capacity to undertake an approved activity; and 6) compliance with applicable state and federal laws, and 7) reasonable project timetables.

Points for feasibility will be awarded by a review panel, in accordance with the levels below, based on how well each applicant, compared to others, addresses the feasibility factors.

Level One (Unacceptable)	0
Level Two (Poor)	27.5
Level Three (Average)	55.0
Level Four (Good)	82.5
Level Five (Excellent)	110.0

E) Program Impact:

Applicants will be compared in terms of program impact. The following factors will be considered: 1) the number of persons benefiting; 2) the cost per person benefiting; 3) the project's impact on the benefiting population's quality of life, living environment or opportunities for economic advancement; and 4) an analysis of the documented severity of need and the impact of the project on the identified need or problem.

Points for impact will be awarded by a review panel, in accordance with the levels below, based on how well each applicant, compared to others, addresses the impact factors.

Level One (No Impact)	0
Level Two (Poor)	27.5
Level Three (Average)	55.0
Level Four (Good)	82.5
Level Five (Excellent)	110.0

F) Program Strategy:

Applicants will be compared in terms of program strategy. The following factors are considered: 1) an analysis of alternative solutions to address the identified problems, 2) as appropriate, an analysis of the steps taken by the applicant to adopt policies or ordinances to prevent the reoccurrence of the identified problem within their jurisdiction; 3) an analysis of the ongoing financial effort that the applicant has made or will make to address the identified problem and to maintain and operate the proposed project, facility or system; 4) the extent of benefit to persons of low- and moderate income; and 5) multi-activity applications will also be compared in terms of the projects' support of comprehensive community or neighborhood conservation, stabilization, revitalization and the degree of resident's support and involvement.

Points will be awarded, in accordance with the levels below, by a review panel based on how well the applicant, compared to others, addresses the strategy factors.

Level One (Unacceptable)	0
Level Two (Poor)	27.5
Level Three (Average)	55.0
Level Four (Good)	82.5
Level Five (Excellent)	110.0

G) Leverage of Additional Resources:

Leverage includes additional resources committed to and directly related to the project, including cash above the required minimum cash match amount, the purchase of equipment and furnishings with non-CDBG funds, and additional grants and loans from other sources. Only items that would not otherwise have been provided will be counted. A "reasonable" value must be assigned to donated and "in-kind" items. Up to 25 points can be assigned for leverage of additional resources.

The leverage score will be calculated as follows:

- 1) Total dollar value of leverage for each applicant will be calculated and then divided by the total population of the applicant in order to obtain a per capita leverage figure reflective of each applicant's relative effort.
- 2) Applications will be assigned to one of five groups:
  - Multi-activity
  - Housing
  - Economic Development
  - Water and/or Sewer
  - Other Public Facilities
- 3) The applications will then be ranked within these groups, based on per capita leverage amounts, from no leverage (no points) to highest per capita leverage and points assigned based on the percentile ranking. If no applicant within any of the groups listed above has \$0 leverage, a proxy score of \$0 will be inserted to insure that if leverage is provided by the applicant a score greater than \$0 will result.
- 4) Up to 25 points can be assigned for leverage of additional resources. The ranking will be established using the range of applicants' per capita leverage amounts (from 0 to the highest per capita leverage) and calculating a percentile score for each applicant's per capita leverage amount within the range. This percentile score will be multiplied times 25 to establish the points for per capita leverage. For example, if an applicant's per capita leverage amount is \$300 and if \$300 represents a percentile score of 50 percent, the leverage points will be 15 (.50 x 25= 12.5).

H) Bonus points for Revitalization Area Activities:

Points will be awarded for the utilization of existing state redevelopment programs, initiatives and incentives in eligible areas. Following receipt of a designation, a CDBG applicant may be awarded up to 20 points for activities occurring within a DCA-approved Area as follows:

- Revitalization Area Threshold Requirement (5 Bonus Points): In order to be eligible for Revitalization Area designation and bonus points, a local government must establish a local redevelopment area and plan pursuant to O.C.G.A. 36-61-1 et seq. within a Census Block area with a poverty rate of 20% or greater. Additionally, the local government must describe the activities it will undertake to promote economic empowerment through meaningful job creation for the unemployed and low- and moderate-income residents as well as activities to promote the substantial revitalization of the area.
- Local Redevelopment Tools: (5 Bonus Points) Points may be earned through the use of such tools as State Enterprise Zones, Tax Allocation Districts, Community or Business Improvement Districts, or other geographically targeted tax or investment programs within the eligible area. In order to receive these points, the applicant must provide as proof the resolution or ordinance creating the redevelopment tools for which bonus points are sought.
- Investment Partnerships: (maximum of Five Bonus Points): Points may be earned through the incorporation into the local program of certain job creation/retention, revitalization, residential improvement or social service

funding programs geographically targeted to the areas of eligibility. Various programs including public programs chartered by the State of Georgia, GHFA, the U.S. Department of Treasury, the SBA, the USDA, the Federal Home Loan Bank, the TVA, HUD, and DOL. The leveraging of private funds from various philanthropic, non-profit and/or faith-based organizations will also be rewarded. In order to receive these points, the applicant must provide documentation showing a firm, long-term commitment by investment partners or a long-term commitment by the applicant to use investment partners as part of their Revitalization Area strategy. A long-term commitment by the applicant may be demonstrated by past use of investment partners, plans to incorporate investment partners in its current CDBG project, and the necessary local capacity to use investment partners on an ongoing basis.

- Collaboration: (maximum of Five Bonus Points): Points may be earned through the demonstration that initiatives will be created and/or undertaken within the eligible area by private for-profit and not-for-profit community stakeholders. Such stakeholders may include local lending institutions, community or neighborhood-housing organizations, community-based development organizations, community development corporations, community development entities, and other similar organizations. In order to receive these points, the applicant must show that the collaborative stakeholder organizations have a firm commitment to the community, have taken responsibility for carrying out one or more aspects of a Revitalization Area strategy, have sound financial and administrative practices, and the ability to carry out the functions for which they are taking responsibility. Such evidence will include letters of commitment, agreements, programmatic material, articles of incorporation and registration from the Secretary of State, audited financial statements or financial reviews, budgets, IRS determination letter for 501(c) 3 statuses, or other evidence of capacity and commitment. Nonprofits that receive \$25,000 or more in direct or pass-through federal funding during a single fiscal year are usually required to have an audit.

*Note: If approved by HUD and the State, applicants may pursue benefits under HUD's comprehensive revitalization approach [24 CFR Part 570.483(e) (5)] that confers certain benefits including the possibility that some additional activities will carry the presumption of low- and moderate-income benefit.*

- Revitalization Area Designation: Revitalization Areas will generally be designated or reauthorized prior to the regular-round application deadline through a separate designation process as outlined in the Revitalization Area Strategy Manual, on RAS Forms 1 and 2, and at [www.dca.ga.gov](http://www.dca.ga.gov). Communities may also request designation within an annual round application. However, communities seeking designation are strongly encouraged to meet with DCA as soon as possible to discuss their request for designation. Applicants who fail to obtain designation (and bonus points) will have their applications ranked and rated as either a regular single- activity or multi-activity competition as appropriate.

- 1) Area Strategy Plan and Map – A community that wishes to take advantage of the Revitalization incentives of the CDBG program must first submit a properly adopted Redevelopment Plan for the proposed area that meets the requirements of the Georgia Urban Redevelopment Act pursuant to O.C.G.A. 36-61-1 et seq. Such plan should include a map of the proposed revitalization area indicating that the area is composed of one of more census block groups with a 20 percent or greater poverty rate.
- 2) Map Requirements: Applications shall contain three copies of a map of the revitalization area. Such map shall be prepared in accordance with the minimum map standards and specifications as outlined in the CDBG Application Manual.

Strategy Plan Requirements:

- 1) Citizen Participation –Along with the area map and description submitted, the locality must provide evidence that a local citizens’ participation process was used that not only meets the requirements of 24 CFR 91.115 and 24 CFR 570.486(a), but also demonstrates that local residents fully support the proposed strategy. Such evidence may include, but is not limited to, minutes and advertisements of public meetings, advisory committee lists and minutes, letters of support from participating organizations and signed petitions from area residents.
- 2) An Opportunity Zone designated pursuant to O.C.G.A. 48-7-40.1 (c.) (4) will generally be assumed to meet the Local Redevelopment Tools Criterion at Section H (2).
- 3) Local Revitalization Area designation is valid for three years at which time the sponsoring entity must reapply for designation with DCA. If the community desires to alter the boundaries of an approved Revitalization Area in the interim, an amended map and any additional pertinent information must be submitted to DCA for approval.
- 4) Applications for designation must include an assessment of the economic conditions of the proposed area to include:
  - Taxable value of property for the most recent tax year available
  - Unemployment rate
  - Percentage of low- to moderate-income residents
  - Number of business/occupational licenses issued
  - Number and value of building permits issued
  - Any other information deemed important to document economic conditions
- 5) Each year, designated Revitalization Area managers must submit a performance report to DCA that includes the activities and projects undertaken in the area and information on the economic conditions of the revitalization strategy area that includes:
  - Taxable value of property for the most recent tax year available
  - Unemployment rate
  - Percentage of low- to moderate-income residents
  - Number of business/occupational licenses issued
  - Number and value of building permits issued

- Total number of jobs created
- Number of low- to moderate-income jobs created

6) There is no limit to the number of revitalization areas a community may designate, although parcels within a single designated area must be contiguous.

#### G. Bonus Points for Readiness to Proceed

A maximum of five bonus points may be earned through the demonstration of a project's readiness to proceed. Points may be earned through the documentation in the application that: 1) all engineering and architectural plans are finalized and have been approved by appropriate local, state or federal authorities; 2) plans and specifications are finalized and have been approved by appropriate local, state or federal authorities; 3) all environmental reviews (including the CDBG NEPA review) and environmental permitting have been completed; 4) procurement documents/processes are ready to proceed; and 5) all real-estate (including easements and right of ways) needed for the project has been acquired in accordance with applicable requirements and is available for the project. Other equivalent documentation may be provided for housing applications that demonstrate readiness to proceed upon project award.

#### Final Ranking and Grant Selection

The points received by each applicant on the rating factors will be totaled and the total scores ranked accordingly. Grant awards will be based on this final ranking to the extent funds are available. In case of ties, the applicant with the highest percentage of funds benefiting low- and moderate-income persons will be given priority.

#### Matching Requirements for the Regular Annual Competition

All awards under the regular annual competition (except for single-activity housing grants) have the following minimum match requirements.

- 0% for amounts up to \$300,000 in CDBG funds
- 5% of amounts from \$300,001 to \$500,000, and
- 10% of amounts over \$500,000.

The match amount must be cash (not "in-kind") and can be from any public or non-public source. Within certain limitations, applicants may count the costs of preparing their CDBG Annual Competition application towards their required cash match.

## **II. Employment Incentive Program**

The Employment Incentive Program (EIP) is intended to facilitate and enhance job creation and/or retention, principally for low and moderate income persons, by providing a flexible and expedient funding cycle that is responsive to expanding economic opportunities at the local level.

Any activities identified in Section 105 of the Housing and Community Development Act of 1974, as amended, are eligible. For purposes of the Employment Incentive Program, activities are eligible only to the extent that the funded activity creates tangible employment principally for low- and moderate-income persons. In addition, proposed activities must be based on firm written commitments from eligible subrecipients. The proposed activity may not be speculative in nature. NOTE: For purposes of the EIP program, the term "subrecipient" should generally be interpreted as "business." However, in some cases where EIP funds are to be passed through a local development authority,

the development authority itself would also be a “sub-recipient” subject to the same rules and regulations as the benefiting business.

Examples of eligible activities, which may be funded, include, but are not limited to, the following:

- 1) Activities carried out by units of general local government or public or private nonprofit subrecipients including: a.) acquisition of real property; b) acquisition, construction, reconstruction, rehabilitation, or installation of (except for buildings for the general conduct of government) public facilities, site improvements, and utilities, and c) commercial or industrial buildings, structures and other real property improvements.
- 2) Provision of direct assistance to private for-profit entities, when the assistance is appropriate to carry out an economic development project. However, unless such assistance has been approved by DCA for use in or in conjunction with a DCA-approved “secondary market” program that would fund CDBG-eligible activities with private rather than public funds, such assistance may not be in the form of outright grants, guarantees, or technical assistance. In addition, financial assistance to private for-profit entities must be made contingent upon firm commitments of financial participation from other private sources such as banks or the private for-profit entities themselves. Such assistance must also create or retain permanent jobs principally for low- and moderate-income persons.
- 3) Provision of assistance to local development entities and other local nonprofit corporations to fund facilities that assist low- and moderate-income persons to acquire employment, the employment skills, and/or basic educational training to become more effective participants in the local economy. Eligibility for such activities will be limited to “new” activities that have not previously been undertaken by the unit of general local government or local development entity.

For each activity funded under the Employment Incentive Program, at least 51% of all jobs to be created or retained because of the EIP project must be documented to be either “available to” or “taken by” or retained by persons defined as low- and moderate-income by DCA. Prior to project close-out, at least 51% of all jobs created must be documented to have been “taken by” persons defined as low and moderate income.

For an activity or project that retains jobs, the unit of local government and proposed subrecipient must document that jobs would actually be lost without the EIP assistance and that at least 51% of the total existing jobs are currently held by low- and moderate-income persons.

For employment skill enhancement and/or basic educational training activities/ services, at least 51% of the recipients of such services must be documented to have been low- and moderate-income persons at the time such services were provided. Grant amounts under this program will generally not exceed \$500,000 per award. The maximum grant amount may be increased if warranted by extraordinary public benefit to be achieved by a particular project.

Administrative and closing costs paid with EIP funds shall be limited to 6% of the grant award amount. The administrative cost limitation is applicable whether costs are paid directly to the recipient or financed as a portion of an EIP subrecipient loan. In cases of loan foreclosure, DCA may, on a case by case basis, allow additional administrative and legal expenses to be paid out of loan and/ or foreclosure proceeds.

#### Funds Set-aside for the EIP Program

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Eight million (\$8,000,000) dollars from the FFY2011 allocation to the State for the CDBG Program will be set-aside for this program.

Funds remaining in the set-aside at the end of the fiscal year may be returned to an “active status” and may be used to fund EIP applications under a subsequent fiscal year or transferred to any of the other funding categories or for State Administration, subject to the limitations of the Housing and Community Development Act. In addition, the Commissioner of DCA may adjust the EIP program set-aside periodically during the 2011 Program Year based on demand for the set-aside.

#### EIP Application Procedures

The application procedure for the Employment Incentive Program includes an initial project assessment and application phase. Local governments may submit applications for consideration at any time regardless of whether an initial project assessment has been approved. The purpose of the initial project assessment is to determine eligibility of a proposed project and the possible competitiveness under the funding criteria outlined below. While an initial assessment is not required, DCA strongly encourages potential applicants to contact DCA to arrange an initial project assessment meeting prior to submitting an application.

Applications may be submitted individually by one unit of general purpose local government, or jointly, by two (2) or more units of general purpose local government. Joint submissions must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The Agreement should designate the unit of local government that will serve as lead applicant. Applications for the EIP program must be submitted in conformance with the format and applicable instructions specified by DCA.

The locality submitting the EIP application must hold a public hearing in accordance with the requirements of Georgia’s CDBG Program Regulations.

#### Rating and Review Procedures for the EIP Program

Upon its receipt, an application shall be rated against the rating and selection factors specified below, using any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as might be required or requested by DCA for purposes of evaluating, rating, and selecting applicants under this program. Applications that contain insufficient information or documentation to be evaluated and rated may be returned to the locality for further information.

The staff may conduct site visits and hold discussions with applicants and proposed sub-recipients for the purposes of confirming and evaluating information contained in the pre-application or application. Staff may also consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in pre-applications and applications.

The scores obtained for the various selection factors will be totaled and applicants with scores of at least 300 points that meet all appropriate funding criteria, that conform to the objectives of Title I of the Community Development Act of 1974, as amended, and that can be carried out in compliance with all applicable federal, state or local law, regulations or requirements will be funded until funds are exhausted. In cases where fundable applications exceed available funds, the applicant with the highest number of jobs benefiting low and moderate-income persons will be given priority. EIP applications will be rated and scored against each of the following factors:

#### **Review Factor Maximum Points Available**

Demographic Need

120 points

Program Feasibility	110 points
Program Impact	110 points
Program Strategy	110 points
<u>Bonus (for Return of RLF Assets)</u>	<u>25 points</u>
Total Available Points	475 points

A. Demographic Need (120 points)

- Absolute Number of People in Poverty (40 points)

All eligible local governments will be compared in terms of the absolute number of people whose incomes are below the poverty level. Individual scores will be obtained by dividing each government's absolute number of persons in poverty by the greatest number of persons in poverty of any eligible local government and multiplying by 40.

- Percent of People in Poverty (40 points)

All eligible local governments will be compared in terms of the percentage of people whose incomes are below the poverty level. Individual scores will be obtained by dividing each government's percentage of persons in poverty by the highest percentage of persons in poverty of any eligible local government and multiplying by 40.

- Per Capita Income (40 points)

All eligible local governments will be compared in terms of their per capita income. Individual scores will be obtained by dividing each government's per capita income into the lowest per capita income of any eligible local government and multiplying by 40. Demographic scores will be based on the latest available data, consistent as of the same point in time for each factor. Scores will be based on county data.

B. Program Feasibility (110 points)

The following factors will be considered:

- Organizational status of the business
- The past credit history of the business
- The business' historical sales and financial performance
- Viability of the business model
- Management capacity
- The reasonableness of the business' financial and market projections and assumptions
- An assessment of the business management and development team's ability to carry out the project as proposed
- The proposed project's compliance with the federal appropriateness requirements including underwriting and public benefit (For direct loans this requires the complete disclosure of sub-recipients' financial situation)
- Verification of project costs
- Verification of project financing sources
- Adequacy and reasonableness of the job commitment
- Completeness of any needed engineering plans and specifications
- Documentation that the project can be carried out in accordance with federal, state, and local laws, regulations, and permitting requirements

- Verification of control of any required property

Points for feasibility will be awarded by a staff review panel, in accordance with the levels below, based on how well the applicant addresses the feasibility factors.

Level One: Poor	0
Level Two: Below Average	27.5
Level Three: Average	55
Level Four: Good	82.5
Level Five: Excellent	110

C. Program Impact (110 points)

The following factors will be considered:

- Number of jobs created and/or retained
- EIP cost per job
- Availability of jobs to low- and moderate-income persons
- Quality of jobs and employee benefits
- Project's impact on local unemployment rates

A staff review panel will award points for impact, in accordance with the levels below, based on how well the applicant addresses the impact factors.

• Level One: Poor	0
• Level Two: Below Average	27.5
• Level Three: Average	55
• Level Four: Good	82.5
• Level Five: Excellent	110

D. Program Strategy (110 points)

The following factors will be considered:

- The ratio of private funds to EIP funds (To receive maximum points, a minimum ratio of at least 1 to 1 is generally required)
- Documentation that the public benefits to be achieved are reasonable and, to the extent practicable, EIP funds will not substitute for other available funds;
- Adequacy of financing strategy (adequacy of equity injection, collateral, and loan terms)
- Relationship between the subrecipient's infrastructure needs and the size and capacity of any infrastructure to be provided
- Validity of subrecipient's commitment to fulfill hiring and investment commitments (including whether the subrecipient has agreed to provide a letter of credit or other surety to "bond" its performance)
- Local government's financial condition, as applicable
- Project's conformance to local planning and development strategy and compliance with the Georgia Planning Act
- Project's conformance to federal, state, and local laws and regulations
- Relationship to overall objectives of the EIP and CDBG Program, including the extent of benefit to persons of low- and moderate-income

A staff review panel will award points, in accordance with the levels below, based on how well the applicant addresses the strategy factors.

• Level One: Poor	0
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- Level Two: Below Average 27.5
- Level Three: Average 55
- Level Four: Good 82.5
- Level Five: Excellent 110

E. Bonus for Return of RLF Assets (25 points)

Localities which have a local Revolving Loan fund (RLF) or loan receivable capitalized with EIP or CDBG proceeds may, at their discretion, return the RLF assets to the State in exchange for greater consideration and access to future EIP financing for eligible projects. The consideration will consist of an extra 25 points for use in any one EIP funding decision. In order to receive the points, a locality must return all RLF assets to the state to remove itself from the administrative requirements of the RLF program. This will generally require that a locality "sell" its loan receivables and return all cash on hand to DCA. For projects that would otherwise not score sufficient points to be funded, bonus points may be awarded at the discretion of the EIP application review panel.

Any assets returned to the state will be added to the state's existing CDBG allocation or used to capitalize a statewide revolving loan fund and used to fund additional economic development projects.

Special Provisions for EIP Capitalized Local Revolving Loan Funds

DCA may permit localities which have or will receive revenue (principal, interest or other payments) from EIP or other CDBG loans or leases to retain that revenue. This can be approved so long as it is used for the same activity that generated the revenue and also used in accordance with the requirements of this regulation and any other applicable federal, state, or local law, regulation, contract, guidance manual or memoranda.

For localities that will retain program revenue, DCA will require that such revenue be deposited into a separate revolving loan fund (RLF) account that bears the local government's name and used only to carry out specific Title I eligible activities. The RLF must be created by a local resolution and implemented by local policies and procedures approved by DCA.

Localities allowed to retain program revenue must ensure that the RLF is adequately managed. DCA will categorize the RLF as being adequately managed so long as the following responsibilities are being met:

- a) Maintenance of an accounting and financial management system that complies with generally accepted accounting principals and DCA's guidelines for RLF financial management systems
- b) Compliance with DCA's reporting requirements for local RLFs
- c) Operation of the local RLF in accordance with DCA approved policies, procedures, and federal, state, and local law, regulation, contracts, guidance manuals and memoranda
- d) Maintenance of a loan review and selection committee with the capacity to review and analyze loan requests and determine whether such requests represent prudent investments as defined by generally accepted underwriting criteria
- e) Maintenance of a loan packaging and structuring capacity that meets appropriate underwriting standards for security and documentation

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- f) Maintenance of a loan servicing and monitoring capacity which ensures that loan payments are collected, that loan covenants are enforced, and that loan security is maintained
- g) Maintenance of a loan portfolio which represents investments in businesses engaged in sound business purposes that have demonstrated tangible employment of low and moderate income persons as defined by DCA
- h) Attendance at DCA-sponsored training workshops that will be held periodically for purposes of training local RLF administrators

To assist with the financing of a local RLF program's administrative cost, DCA will allow (on an annual basis) the greater of 6% or \$2,500 of interest earned by the RLF to be used for administration and audit costs. In certain foreclosure and/or hardship situations, DCA may allow additional amounts to be expended for administrative, audit, or legal costs.

Localities allowed to retain program revenue must also ensure that the RLF is utilized in a timely and efficient manner. DCA will categorize a RLF as being adequately utilized so long as the following criteria are met:

- A) The RLF is used to continue the same activity which generated the program revenue; and
- B) The RLF's cash balance shall not exceed \$125,000 or 30% of total RLF assets, whichever is greater.

Should a locality be unable to utilize the RLF in accordance with items a) and b) above, the locality may request DCA to waive the provisions. DCA may grant waivers when it is determined that sufficient future activity is probable or the locality is taking steps to ensure future activity.

### **C) The Redevelopment Fund**

The Redevelopment Fund provides flexible financial assistance to local governments to assist them in implementing challenging economic and community development projects that cannot be undertaken with existing public sector grant and loan programs. The Redevelopment Fund will reward locally initiated public/private partnerships by providing financing to leverage private sector investments in commercial, downtown and industrial redevelopment and revitalization projects that need Redevelopment Fund investment to proceed.

While all projects funded under the Redevelopment Fund that create or retain jobs must make 51% of the jobs available to low- and moderate-income persons, the Redevelopment Fund will allow projects to be approved using an "eliminating slums or blight" national objective. The "slum or blight" emphasis will allow smaller scale projects (in downtowns, blighted industrial areas, etc.) to be competitive for Redevelopment Fund financing.

The Redevelopment Fund may support and extend DCA's existing CDBG programs in order to allow redevelopment projects with "challenging economics" to be made competitive for DCA, private and other public funding investments.

### Applicable Law and Regulation

Title I of the Housing and Community Development Act of 1974, as amended; the federal implementing regulations applicable to the State Community Development Block Grant Program (24 CFR Part 570); and DCA's Program Regulations and guidelines for the Georgia State Community Development Block Grant (CDBG) Program and the Redevelopment Fund, as amended.

### Eligible Activities

Eligible activities under the Redevelopment Fund are those identified in Title I of the Housing and Community Development Act of 1974, as amended; and all eligible activities under DCA's EIP, CDBG, and CDBG Loan Guarantee (Section 108) program. Activities are eligible to the extent that the funded activity meets the slum or blight national objective. When justified by benefits or need, the Commissioner of DCA may approve projects on a case by case basis based on any CDBG program national objective. Proposed activities must be based on firm written commitments from local governments and eligible subrecipients. NOTE: For the Redevelopment Fund, the term "sub-recipient" may generally be interpreted as a business or corporation. However, in cases where Redevelopment Funds are to be loaned to or passed through a local development authority, the development authority itself would also be a "sub-recipient" subject to the same rules and regulations as a benefiting business or corporation.

### Funding

A total of \$1,500,000 or three percent (3%) (whichever is greater) from each federal fiscal year's allocation to DCA for the CDBG Program will be set-aside for this program.

Funds remaining in the set-aside at the end of the fiscal year may be returned to an "active status" and may be used to fund Redevelopment Fund applications under a subsequent fiscal year or transferred to any of the other funding categories or for state administration, subject to the limitations of the Housing and Community Development Act. In addition, the Commissioner of DCA may adjust the EIP program set-aside periodically during the 2011 Program Year based on demand for the set-aside.

Certain Redevelopment Fund activities may generate program income that may be returned to the Department in accordance with the provisions contained in 24 CFR Part 570.489(e) and (f). Any Redevelopment Fund program income returned to the Department will be held in a separate state revolving loan fund account that will be established to support Redevelopment Fund activities. The state revolving loan fund's administrative and eligibility requirements are identical in all respects to those for the Redevelopment Fund set-aside; however, any program income in the revolving fund will be disbursed before and prior to any funds from the Redevelopment set-aside.

### Grant Amount

The grant amount is up to \$500,000. In cases of projects with exceptional public benefits or need, the Commissioner of DCA may raise the allowable grant amount.

### Application Procedures

The application procedure for the Redevelopment Fund Program includes an initial project assessment and application phase. Local governments may submit applications for consideration at any time regardless of whether an initial project assessment has been approved. The purpose of the initial project assessment is to determine eligibility of a proposed project and the possible competitiveness under the funding criteria outlined below. While an initial assessment is not required, DCA strongly encourages potential

applicants to contact DCA to arrange an initial project assessment meeting prior to submitting an application.

Applications may be submitted individually by one unit of general purpose local government, or jointly, by two (2) or more units of general purpose local government. Joint applications must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The Agreement should designate the unit of local government that will serve as lead applicant. DCA strongly encourages potential applicants to contact DCA to arrange an initial project assessment meeting prior to submitting an application.

The purpose of the initial project assessment process is to evaluate a proposed project to determine if the proposal meets the funding threshold outlined below.

Applications for the Redevelopment Fund must be submitted in conformance with the format and applicable instructions specified by DCA.

#### Rating and Review Procedure

Applications will be rated and points awarded based on the following point system. In order to be funded, an application must achieve a minimum score of 425:

<u>Factor</u>	<u>Maximum Points</u>
1. Demographic Need	120
2. Project Feasibility	210
3. Project Strategy and Innovation	240
<u>4. Leverage of Additional Resources</u>	<u>30</u>
<b>Total Maximum Points</b>	<b>600</b>

#### A) Factor 1: Demographic Need

Demographic Need points will be calculated by DCA based on three factors. Submission of data with respect to “Demographic Need” is not required. The number and percentage of persons in poverty will be based on the most recent Census data that is consistent as of the same point of time for all applicants. Per capita income will be based on the most recent available data that is consistent as of the same point of time for all applicants.

For purposes of comparing data, applicants shall be divided into two groups: Cities and Counties. Joint applicants comprised of all cities shall be assigned to the city group and joint applicants including one or more counties shall be assigned to the county group.

- Absolute number of people in poverty: Applicants will be compared in terms of the number of persons whose incomes are below the poverty level. Scores will be obtained by dividing each applicant’s number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 40.
- Percent of people in poverty: Applicants will be compared in terms of the percentage of population below the poverty level. Scores will be obtained by dividing each applicant’s percentage of persons in poverty by the highest percentage of persons in poverty of any applicant and multiplying by 40.
- Per capita income: Applicants will be compared in terms of their per capita income. Scores will be obtained by dividing each applicant’s per capita income into the lowest per capita income of any applicant and multiplying by 40.

B) Factor 2: Feasibility

Feasibility points will be based on an analysis of how each application addresses the following factors: eligibility of proposed activity; reasonableness of cost; compliance with applicable state and federal laws; project timetables; confirmation of all required resources; completeness of proposed plans and specifications; reasonableness of any sub-recipient's proposed business plan(s) and financial projections; reasonableness of any site clean-up proposal and plan; and conformance with applicable underwriting and review requirements contained in 24 CFR Part 570.

Points for feasibility will be awarded by a DCA staff review panel as follows:

Level One (Poor)	-0-
Level Two (Fair)	52.5
Level Three (Good)	105.0
Level Four (Very Good)	157.5
Level Five (Excellent)	210.0

C) Factor 3: Strategy

Strategy points will be based on the following factors: an analysis of the severity of need; documentation that a project's public benefits will exceed project costs; documentation that the proposed strategy meets the eligibility criteria and a national objective of the CDBG Program; documentation that the project complies with all local ordinances, state law and state regulations. Points will be awarded by a DCA staff review panel as follows:

Level One (Poor)	-0-
Level Two (Fair)	60.0
Level Three (Good)	120.0
Level Four (Very Good)	180.0
Level Five (Excellent)	240.0

D) Factor 4: Leverage

Leverage points will be awarded based on a firm commitment of additional resources directly related to the project, including capital costs and new funds for operation of any proposed program(s). The "leverage ratio" of other private or public funds will be the criterion considered. A minimum leverage ratio of 1 to 1 must be documented in order to receive points under this criterion. A "reasonable" value must be assigned to donated and "in-kind" items. The leverage score will be calculated based on the total value of leverage for each applicant. Applications with no leverage will receive no points. Points will be awarded by a DCA staff review panel as follows:

Level One (Poor)	-0-
Level Two (Fair)	7.5
Level Three (Good)	15.0
Level Four (Very Good)	22.5
Level Five (Excellent)	30.0

### **C) The Immediate Threat and Danger Program**

The Immediate Threat and Danger Program is intended to respond to events or situations which have a particular urgency and uniqueness which adversely affect or impact the health or welfare of the community and its citizens and where other financial resources are not available to meet such need. To be considered, the event or situation must have a sense of urgency and be of recent origin or have recently become urgent. Recent origin is defined as a condition that has developed or become critical generally within 18 months of application. Ample description of the cause of the threat and probable ramifications must be provided. Grant amounts under this program generally cannot exceed \$50,000.

Generally, a grant awarded under this program cannot be more than 50% of the project cost. The applicant (local government) must provide at least 10% of the project cost. These requirements may be waived in extraordinary circumstances. In case of a "major disaster," the Commissioner will determine the extent of DCA involvement. The Commissioner may waive the maximum grant amount and other requirements in case of a "major disaster."

#### Application and Review Procedures

Applications can be submitted at any time and funds will be awarded to eligible applicants who meet the threshold described above, as long as funds remain in the set-aside amount. Applications must include a certification that other financial resources are not available to meet the identified needs; the situation poses a serious and immediate threat, and identifies the other sources of project funding.

Upon receipt of a request for assistance, DCA staff will review the application for completeness and degree of urgency. Staff may visit the locality to inspect the problem cited by the applicant and may consult with other appropriate state, federal or local agencies to determine the extent of the threat prior to funding decisions. After staff recommendations, the Commissioner, using the same criteria and based on staff recommendations, will approve or deny the request and transmit the decision to the local government.

### **Program Income Policy**

Locally generated program income is generally retained at the local level and must be utilized to continue the same activity from which they were derived, in accordance with the Housing and Community Development Act, as amended and HUD regulations.

The section above describing the Special Provisions for the Employment Incentive Program discusses situations in which local RLF assets created by the EIP Program may be returned to the state. Any assets so returned will be added to the state's existing CDBG allocation for the regular competition, used for CDBG Loan Guarantee Program, used for the Redevelopment Fund, or used to capitalize a statewide RLF used to fund additional economic and community development projects.

## Reallocated & Recapture Funds

HUD reallocated funds are those funds that HUD has recaptured from direct HUD-funded grantees and reallocated to the State. State recaptured funds are funds the State receives back from a State CDBG Recipient because of a CDBG deobligation or termination.

Any such funds received by the State will be distributed by the State in the same manner as regular CDBG funds. At the discretion of the Commissioner, they may be used to fund additional regular competition projects, for any of the set-aside programs, for the CDBG Loan Guarantee Program, or for State Administration, subject to the limitations set of the Housing and Community Development Act, as amended and this Plan.

## Reallocation of Remaining Funds

In the event 2011 Program Year Funds set-aside for the Annual Competition, the Redevelopment Fund, the Employment Incentive Program (EIP), or the Immediate Threat and Danger Program are not awarded by the end of the fiscal year, they may be utilized for funding additional regular competition grants, Redevelopment Fund, EIP grants, the Immediate Threat and Danger grants, or for State Administration, subject to the limitations of the Housing and Community Development Act, as amended.

### <sup>1</sup>CDBG PROPOSED FUNDING ALLOCATION FFY2011/SFY2010

Estimated HUD Allocation		\$36,631,109
<b>PROGRAMS</b>	State Administration	\$832,622.18
	Immediate Threat & Danger Program	\$500,000
	The Redevelopment Fund	\$1,500,000
	Employment Incentive Program	\$8,000,000
	Technical Assistance	\$366,311
	Annual Competition	\$25,432,176

The amounts in the above Table are based on HUD estimates of funds available for Program Year 2011 found at the following web link:

<http://www.hud.gov/offices/cpd/about/budget/budget11/index.cfm>

If the actual funded amount is different, adjustments will be made to the amounts set-aside for administration, technical assistance and the Annual Competition.

## Loan Guarantee Program (Section 108)

The CDBG Loan Guarantee Program (Section 108 Program) is an economic and community development financing tool authorized under Section 108 of Title I of the Housing and Community Development Act of 1974, as amended. The program provides a method of assisting non-entitlement local governments with certain unique and large-scale economic development projects that cannot proceed without the loan guarantee. In order to be eligible a project must meet all applicable CDBG requirements and result in significant employment opportunities and/or benefits for low- and moderate-income persons. Projects that are eligible for financing under existing federal, state, regional or local programs will generally not be considered for guarantee assistance unless the programs would fail to fully meet a project's need.

Unlike the traditional CDBG or EIP Program, the Section 108 Program does not operate through assistance from the Department of Community Affairs (DCA). Rather, funds are raised through DCA's "Pledge of Grants" to the U.S. Department of Housing and Urban Development (HUD) in order to obtain a federal guarantee of notes issued by the local

<sup>1</sup> The State will match the administrative costs in excess of \$100,000 on a dollar for dollar basis.

government. The federally guaranteed notes are sold into private markets through public offerings conducted by HUD. By approving the project, a State pledges its future CDBG funds as the ultimate repayment source should a Section 108 loan default. The State's participation in the Section 108 program does not involve a pledge of Georgia's full faith and credit nor does it commit any funding to the local government. HUD makes the ultimate approval or denial of the federal guarantee.

Since CDBG funds are an essential and critical resource for Georgia's non-entitlement local governments, DCA will use conservative rating, selection and underwriting criteria in evaluating requests for the State's concurrence and Pledge of Grants. Only those projects that DCA determines can generate sufficient revenue from project resources to debt service all obligations will be competitive under the State's Section 108 rating and selection system.

#### Maximum Loan Guarantee Amount

The maximum Loan Guarantee amount is \$5,000,000. In the interest of limiting exposure and promoting a diversified portfolio, DCA reserves the right to limit the amounts "pledged" to any one unit of local government or business interest.

#### Total Funds Available

DCA may set-aside a multi-year, cumulative total of up to twenty percent (20%) of its current and future CDBG allocations plus any CDBG program income for Pledge of Grants that will be used as security for notes and other obligations issued by units of non-entitlement local government pursuant to Section 108 of the Housing and Community Development Act of 1974, as amended.

For projects that would provide extraordinary public benefit, job creation, and private investment, the DCA Board of Directors may approve allocation and loan amounts that exceed the twenty percent (20%) set-aside and/or maximum loan guarantee amounts. However, in no event may the amounts pledged exceed the limits contained in CFR Part 570.705(a) or up to five (5) times the amount of its last CDBG grant less the amounts of any unpaid balances previously guaranteed.

These Pledge of Grants do not immediately reduce the State's non-entitlement CDBG allocations, but rather create an obligation on the part of the State to use its CDBG funds to make payments on behalf of local governments that default on their loan payments to note holders. For any notes backed by the State's Pledges, DCA will require appropriate covenants that transfer an appropriate share of the risk to the local government and sub-recipient business.

#### Soft Costs and Fees

Local governments interested in obtaining Section 108 financing must cover their own application preparation and administration costs in order to be competitive. Certain underwriting and issuance costs required by HUD in order to participate in the program are allowable and will not affect an application's competitiveness; however, all "soft costs" not necessary to cover HUD-required underwriting and issuance costs are not eligible for inclusion under Section 108 financing and must be paid from non-Section 108 sources. Limited technical assistance will be available from DCA on the preparation of a pre-application and application.

### Eligible Activities

Eligible activities under the Section 108 program are those identified in 24 CFR Part 570.703 which include (but are not limited to):

- Acquisition of improved or unimproved real property in fee or by long-term lease, including acquisition for economic development purposes
- Rehabilitation of real property owned or acquired by the public entity or its designated public agency
- Payment of interest on obligations guaranteed under the 108 Program
- Clearance, demolition and removal, including movement of structures to other sites, of buildings and improvements on real property acquired or rehabilitated pursuant to program rules
- Site preparation, including construction, reconstruction, or installation of public and other site improvements, utilities, or facilities (other than buildings), which is related to the redevelopment or use of the real property acquired or rehabilitated pursuant to activities a and b of this section, or for an economic development purpose
- Payment of issuance, underwriting, servicing, trust administration and other costs associated with private sector financing of debt obligations under the 108 program
- The acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions. Such activities may be carried out by the recipient or public or private nonprofit sub-recipients
- The provision of assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project, excluding those described as ineligible in CFR Part 570.207(a). In selecting businesses to assist under this authority, the recipient shall minimize, to the extent practicable, displacement of existing businesses and jobs in neighborhoods
- A debt service reserve to be used in accordance with requirements specified in the contract entered into pursuant to CFR Part 570.705(b)(1)
- Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities (except for buildings for the general conduct of government), public streets, sidewalks, and other site improvements and public utilities

For each activity funded under the 108 Program, at least seventy percent (70%) of all proposed beneficiaries and/or jobs to be created or retained as a result of the 108 project must be documented to be created for and able to be "taken by" or retained by persons defined as low- and moderate-income by DCA. Before project closeout, at least 70% of all jobs created must be documented to have been "taken by" persons defined as low- and moderate-income.

For projects that would provide extraordinary public benefit, job creation, and private investment, the Department may approve a slightly reduced low- and moderate-income benefit threshold. However, in no event may a specific project's low- and moderate-income benefit level fall below fifty-one (51%) or a level that the Department determines could cause the State to fall below the mandated program-wide low- and moderate-income benefit levels contained at CFR Part 570.484

Application Procedures

Local governments interested in applying to HUD for a loan guarantee must first apply to DCA in order to obtain the State’s concurrence and Pledge of Grants.

The application procedure for the Section 108 Program includes a pre-application and final application phase. Final applications may only be submitted following a written invitation from DCA. The purpose of the pre-application will be to underwrite, evaluate and score a proposed project to determine if the proposed project meets the requirements for the State’s concurrence and Pledge of Grants. The purpose of the final application will be for DCA to approve the final form of the local government’s application to HUD and negotiate any local certifications, credit enhancements and other understandings required as a condition of the State’s Pledge of Grants approval.

Local governments may submit pre-applications for consideration at any time. Pre-applications and Applications may be submitted individually by one unit of general purpose local government, or jointly, by two (2) or more units of general purpose local government. Joint submissions must contain a copy of the Cooperating Agreement entered into by the cooperating units of government. The Agreement should designate the unit of local government that will serve as lead applicant. Pre-applications and applications for the 108 Program must be submitted in conformance with the format and applicable instructions specified by DCA Section 108 pre-application and application manuals.

Rating and Selection Process

Upon receipt of a pre-application under this program, staff will review the pre-application for completeness and for evaluation against the various rating and selection factors. For purposes of this program, the rating and selection factors shall be those specified in this section and any additional and/or supplemental information, data, analyses, documentation, commitments, assurances, etc. as may be required or requested by DCA for purposes of evaluating, rating, and selecting applicants under this program. Applications that contain insufficient information or documentation to be evaluated may be returned to the locality without further review.

The staff may conduct site visits and hold discussions with applicants and proposed sub-recipients for the purposes of confirming and evaluating information contained in the pre-application or application. The staff may consult with other appropriate government and private entities in the course of reviewing and evaluating information contained in pre-applications and applications. The scores obtained for the various selection factors will be totaled and only those applicants with scores of at least 325 points will be considered for a Pledge of Grants.

Selection System for Section 108 Applications

Section 108 Applications will be rated and scored against each of the following factors:

<u>Review Factors</u>	<u>Maximum Points Available</u>
Demographic Need	90 points
Program Feasibility	120 points
Program Impact	120 points
Program Strategy	120 points
<u>Bonus (for Credit Enhancement)</u>	<u>25 points</u>
Total Available Points	475 points

A) Demographic Need (90 points)

- Absolute Number of People in Poverty (30 points)

All eligible local governments will be compared in terms of the absolute number of people whose incomes are below the poverty level. Individual scores will be obtained by dividing each government's absolute number of persons in poverty by the greatest number of persons in poverty of any eligible local government and multiplying by 30.

- Percent of People in Poverty (30 points)

All eligible local governments will be compared in terms of the percentage of people whose incomes are below the poverty level. Individual scores will be obtained by dividing each government's percentage of persons in poverty by the highest percentage of persons in poverty of any eligible local government and multiplying by 30.

- Per Capita Income (30 points)

All eligible local governments will be compared in terms of their per capita income. Individual scores will be obtained by dividing each government's per capita income into the lowest per capita income of any eligible local government and multiplying by 30.

Demographic scores will be based on the latest available data, consistent as of the same point in time for each factor. Scores will be based on county data.

B) Program Feasibility (120 points)

The following factors will be considered:

- Local government's financial condition
- Local social-economic conditions and need
- Organizational status of development agency or sub-recipient business
  - 1) Reputable history for business and all related entities
  - 2) Credit History
  - 3) Litigation
  - 4) Government Findings/Sanctions
- Is the proposed business or development concept/product/service proven or does the proposal represent an untried business model
- Does the proposed Section 108 investment/purpose contain the basis for its repayment
- Is the development agency's or sub-recipient business' historical performance and standing secure in the following areas: capital management, debt capacity, management character & experience, collateral value, economic and market conditions
- Is the development agency's or sub-recipient business' proposed development or business plan reasonable and does it use reasonable assumptions in the following areas: capital investment; debt service capacity, management ability, collateral value, industry analysis, response to future economic and market conditions

- For real-estate projects, does the proposed development team have a successful record of accomplishment, Developer / Contractor / Architect / Leasing Agent / Property Manager / Syndicator / Construction Manager / Interim and Permanent Lenders
- Does the proposed project comply with the CDBG regulations and guidelines for “appropriateness”, underwriting, and public benefit
- Are all project costs verified through either original source documents, architectural and engineering reports, or an MAI or other certified appraisal acceptable to DCA
- Is the balance of all financing sources verified and committed
- Is all required real-estate available, have clear title, and under proper option
- Is the development agency’s or sub-recipient’s investment and job commitment letter in the proper format
- Are all needed architectural plans, engineering reports, plans, and specifications completed and approved by appropriate authorities
- Can the project be carried out in accordance with all applicable federal, state, and local law, regulation and permitting requirements

Feasibility points will be awarded by a DCA staff review panel, in accordance with the levels below, based on how well the applicant addresses the impact factors:

• Level One	(poor)	00.0
• Level Two	(below average)	30.0
• Level Three	(average)	60.0
• Level Four	(good)	90.0
• Level Five	(excellent)	120.0

C) Program Impact (120 points)

The following factors will be considered:

- Number of jobs created and/or retained
- Section 108 cost per job
- Availability of jobs to low/mod income persons
- Quality of jobs and employee benefits (health, retirement, leave, etc.)
- Project's impact on local unemployment rates
- What is the project’s impact on blighting conditions that threaten public health and safety or impede economic development

Points for impact will be awarded by a staff review panel, in accordance with the levels below, based on how well the applicant addresses the impact factors:

Level One	(poor)	00.0
Level Two	(below average)	30.0
Level Three	(average)	60.0
Level Four	(good)	90.0
Level Five	(excellent)	120.0

D) Program Strategy (120 points)

The following factors will be considered:

- Documentation that the proposed project is not eligible under existing federal, state, regional or local economic development financing programs or else the programs would fail to fully meet the project's need.
- Documentation that the proposed project represents a unique, large-scale project that will further the objectives of Title I of the Housing and Community Development Act.
- Documentation that the local government will assign certain responsibilities under 108 to the State to insure efficient credit monitoring, sub-recipient loan servicing and 108 loan payments.
- The ratio of private equity and investment to Section 108 funds.
- Documentation that the sub-recipient business or development agency will generate sufficient revenue and that sufficient credit enhancements are in place to reasonably insure that the Section 108 loan can be amortized without any risk to future CDBG allocations
- Documentation that the public benefits to be achieved is reasonable and to the extent, practicable Section 108 funds will not substitute for other available funds
- Adequacy of financing strategy – repayment ability, rate, term (maximum consideration for terms less than 10 years), type (maximum consideration for permanent financing the applicants can provide will be most competitive), and collateral and security
- Validity of sub-recipient's commitment to fulfill hiring and investment commitments
- Project's conformance to: i) local and regional plans; ii) service delivery strategy and iii) the Georgia Planning Act
- Project's conformance to federal, state, and local laws and regulations
- Relationship to overall objectives of the Section 108 and CDBG Program, including the extent of benefit to persons of low and moderate income

Strategy points will be awarded by a staff review panel, in accordance with the levels below, based on how well the applicant addresses the strategy factors:

Level One	(poor)	00.0
Level Two	(below average)	30.0
Level Three	(average)	60.0
Level Four	(good)	90.0
Level Five	(excellent)	120.0

D) Bonus for Pledge of Assets and/or Credit Enhancement (25 points)

Localities, which have a local Revolving Loan fund (RLF) capitalized with EIP or CDBG proceeds, federal Economic Development Initiative (EDI) or Brownfield (BEDI) grants or other assets, may, at their discretion, pledge those assets as a "loan loss reserve" or other security or credit enhancement in order to boost the competitiveness of their 108 application. Likewise, borrowers may also receive bonus points for agreeing to provide other credit enhancements such as stand-by letters of credit, guarantees or other recourse instruments. The consideration will

consist of a maximum of an extra 25 points for use in the State's Section 108 "Pledge of Grants" decision.

#### Invitation to Submit a Final Application

The points received by a pre-applicant on the rating factors will be totaled. In order to receive an invitation to submit a final application, a pre-application must receive at least 325 points. In cases where fundable pre-applications exceed available funds, the pre-applicant with the highest number of jobs benefiting low- and moderate-income persons will be given priority.

#### Final Application Funding Determination

Final applications are invited only for those projects that meet the pre-application threshold requirements. The locality submitting the Section 108 final application must hold public hearing(s) in accordance with the requirements of HUD and Georgia's CDBG program.

Final applications for the Section 108 Program must be submitted in conformance with CFR Part 570.704 and the format and applicable instructions specified by DCA and HUD. The final application review will ensure that all appropriate funding criteria have been considered, and the overall benefits to be achieved warrant the State's concurrence, acceptance of the responsibilities outlined in CFR Part 570.710 and "Pledge of Grants."

Upon approval by DCA, the Final Application will be placed in its final form by the applicant local government and submitted to HUD for their review with assistance from DCA. It should be noted that DCA reserves the right to ask local governments to submit their applications without the State's Pledge of Grants in cases where the final security requirements or other issues are unknown. In such cases, the State's Pledge of Grants would be forthcoming to HUD upon the successful negotiation of a security arrangement and repayment schedule acceptable to the State.

#### CDBG Loan Guarantee Performance Thresholds

Recipients of prior CDBG funding with outstanding audit, monitoring findings and/or other program exceptions, which involve a violation of federal, state or local law or regulation and/or have failed to substantially meet their proposed accomplishments in their current CDBG or EIP projects are ineligible for 108 consideration. Local governments and businesses that default on a loan payment under the 108 program shall be sanctioned and immediately become ineligible to compete for or receive any DCA grant or loan until the State is "made whole" in regards to its CDBG loss. In addition, applicants must comply with their reporting under the Georgia Planning Act, the Service Delivery Strategy Law (H.B. 489), the Georgia Solid Waste Management Act, the Local Governments Audit Act and the DCA Local Government Finance Report requirements.

#### Float Funded Activities

The State does not propose to provide CDBG Float-funded activities during SFY2011 using an allocation of FFY2010 funds. However, if the State proposes such a activity, the appropriate program will be implemented in accordance with applicable HUD regulations found at 24 CFR 92.209-92.211. A Substantial Amendment to the SFY2011 Action Plan will also be issued to insure adequate opportunity for public comment.

## **Monitoring**

To insure that each recipient of CDBG funds operates in compliance with applicable federal laws and regulations, DCA conducts frequent on-site monitoring of every grant award. DCA follows a monitoring strategy that closely reviews government activities and provides extensive technical assistance to prevent compliance problems. All required compliance requirements are described in the CDBG Recipient's Manual.

Pre-funding site visits are made to each potential grant recipient. Once grants are awarded, DCA conducted an initial "start-up" visit to assess the capacity and needs of each recipient. In addition, all recipients are required to attend a workshop for extensive training and provided a program manual to utilize for implementing their projects. Recipients must constantly monitor performance to ensure that time schedules are being met, projected milestones are being accomplished, and other performance goals are being achieved in accordance with the approved application.

Each grant recipient is monitored several times each year by trained DCA staff. A monitoring report is completed for the following compliance areas:

- Environmental
- Eligibility
- Fair Housing
- Civil Rights and Equal Opportunity
- Financial and Audit
- Federal Labor Standards
- Acquisition and Relocation, Section 104(d)
- Interim and Final Audit
- Final Benefit Count
- Housing Rehabilitation Standards and Policies
- Lead Based Paint Hazard Reduction Regulations
- Citizen Participation

In the event that DCA staff identifies compliance problems, the Chief Elected Official is notified and a deadline is set for a response and possible corrective actions. DCA maintains a monitoring status system to insure timely resolution of findings. Prior to formal close-out of each grant, a final check is made to be sure all monitoring has been completed and any finding is resolved satisfactorily.